



**Administrative Abuses and Socio-Economic
Development in the Nigerian Local Government:
The Quest for Institutional Accountability**

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Abstract

Nigeria is a federal state, and governmental power is shared between the central government and its component regions. The local government in Nigeria is the third tier of government, with the state government being the second. The local government was particularly created to bring the government closer to the grassroots and to enhance even development. Since Nigeria's return to democracy in 1999, there has been a decline in the delivery of social services at the local government level due to administrative abuses. This has affected development goals at the grassroots. This paper examines forms of administrative abuses in Nigeria and their effects on local government. The authors employed both descriptive and content analytical methods. This approach drew on official records, policy pronouncements, and a considerable volume of related literature. The paper concludes and suggests the need for an institutional watchdog to ensure transparency and accountability in Nigeria's local government system continues to be a significant hindrance to good governance.

Keywords: *Administrative abuses, socio-economic development, local government, accountability*



Introduction

The term local government has been defined in various ways by public administrators and scholars Okoli (1983), said, "it is a process of devolution of power to the local authority to provide services of local nature". Alao (1986) viewed it as a government of grassroots which is designed to serve as an instrument of rural transformation. In his contributions, Golding (1981) viewed it as "a political authority set up by a nation or state as subordinate authority to disperse or decentralize political power". Similarly, Ugwu (2000) defined "local government as a political subdivision in the federal system which is constituted by law and has substantial control of local affairs including the powers to impose or to exact labour for prescribed purposes". This idea of local government by Awa (1981) has been reinforced by the Federal Republic of Nigerian Guidelines for local government in Nigeria which elaborately defined local government as government at local level exercised through representative councils established by law to exercise specific powers within defined areas.

Ugwu (2000) reiterated that the 1976 local government reform conceived local government as government at the local level exercised through representative councils established by law to exercise specific powers within defined areas". He added that, these powers should give the councils substantial control over local affairs as well as the staff and institutional and financial powers to initiate and direct the provision of services and to determine and implement projects to complement the activities of the state and federal governments in their area (Ugwu, 2000). It also ensures through the devolution of functions to these councils and active participation of the people and their traditional institutions that local initiative and response to local needs and conditions are maximized.

The creation of the local government is justified by the Efficiency theory. This theory upholds the existence of local government as an efficient agent of the government for providing local services. This explains why Eboh and Diejomaoh (2010) adds that "local governments worldwide are considered strategic institutions for the provision, among others, basic socio-economic needs. This could be understood from the perspective that the size and spread of a nation particularly those that are large and heterogeneous in the composition may not be able to rely on the central and regional government to effectively meet up with local needs". The local government may effectively and efficiently respond to local needs.

In Nigeria, the local government reforms aimed both to accelerate development and to enable the local population to participate and hold those in power accountable for their governance roles. However, despite the widespread endorsement of local government as an effective system to mobilize people and bring about desired development, the local governments in Nigeria are underdeveloped. One of the major problems of local government performance in Nigeria is administrative abuse. This paper, therefore, examines forms of administrative abuses, their effects on local government and strategies for improved performance through accountability.

The local Government in Nigeria faces a series of challenges. Corruption has remained a ban on local government administration. Experts observed that "local governments in Nigeria are

organized in such a way that corruption is accommodated within the system” (Bolaito and Ibrahim, 2014). The inability of local governments to provide services to the people at the grassroots has been linked to high levels of corruption among local government officials (Agba, Akwara, and Idu, 2013). They “categorically identified the areas where corruption thrives in local government including Inflation of prices of bought items, over-estimation of cost of projects, the ghost worker syndrome; award of contracts, and subsequent abandonment and outright payment of huge sums of money to political godfathers, etc. Corrupt practices heightened by administrative abuses unleash negative effects on Nigerian society, its people and the economy at large” (Abbas, 2010; Abutudu, 2011 and Abari, 2016). This is revealed by poor service delivery and infrastructural development at the grassroots. This paper is designed to address this concern.

This paper was guided by the following objectives:

1. Explain the legal status of the local government as the third tier of government in Nigeria
2. Assess forms and impact of administrative abuses on local development in Nigeria
3. Identify strategies to promote accountability in the local government in Nigeria

Methodology

This is desk research that employs both descriptive and content analytical methods. The descriptive method is used to obtain secondary literature; past research findings, official records, policy pronouncements and a considerable volume of related literature to explain the variables of the study. The data obtained are thematically presented and discussed. The findings from the literature give rise to conclusions and recommendations.

The legal status of the local government as the third tier of government in Nigeria

Nigeria's federalism has generated considerable debate and controversy. Adeyemi (2012) stated “that part of this controversy revolves around the three-tier structure of the federation: the federal government at the center; the Federal Capital Territory and 36 state governments; and 774 local governments”. He noted further that “the multi-tiered federal structure has varying interpretations of the constitutional status of local government as the third tier of the federation (Adeyemi, 2012).

Abari (2016) argued that although the 1976 reform of local government attempted to clarify this, it did not provide the legal framework to underpin any fundamental restructuring. Similarly, the 1979 constitution and the current 1999 constitution failed to provide the necessary constitutional backing to operationalize the change. This creates the opportunity for manipulation by both the federal and state governments. Section 7(1) of the 1999 constitution provides that:

*“The system of local government by democratically elected local government councils is under this constitution guaranteed; and accordingly, the government of every state shall, subject to section 8 of this constitution, ensure their existence **under a law** which provides for*

the establishment, structure, composition, finance, and functions of such councils (authors emphasis).

He explained that the constitution assumes that the law relating to local government creation would be made by the state houses of assembly. Thus the legal framework does not see local governments as the third tier of government but merely recognizes local government as an appendage of state government where the latter enjoys absolute discretion over the former (Abari, 2016).

In a related development, Bana (2016) disclosed that the 1999 constitution takes almost the same position on local government as the 1979 constitution, with some modifications. In its fourth schedule, Section 7(2), the 1999 constitution sets out the functions of local government in Nigeria. In theory, therefore, local government is a unit of government with defined powers and authority, and relative autonomy. The functional areas for local government included in the constitution are the provision and maintenance of health services; agricultural and national resource development; provision and maintenance of primary, adult and vocational education as well as other functions as may be conferred on it by the state house of assembly. Section 7(1) also guarantees democratically elected governments in Nigeria. On the strength of these provisions, the 1999 constitution acknowledged the powers of local government councils as articulated in the 1976 local government reform to the effect that:

These powers should give the council substantial authority over local affairs as well as the staff and institutional and financial powers to initiate and direct the provision of services and to determine and implement projects to complement the activities of the state and federal government (Ibeto and Chinyeaka, 2012).

Section 162 (5, 6, 7, 8) also provides for the funding of local councils through the Federation Account. Paragraph 6 specifically provides that *each state shall maintain a special account to be called the State Joint Local Government Account* into which should be paid all allocations made to local government councils from the Federation Account and the government of the state. This is, of course, a reversal of the reform introduced by the federal government in 1988 (Abutudu 2011). The 1999 constitution, as noted by Khalil and Adelabu (2011) in Section 4 also provides that:

"The government of a state shall ensure that every person who is entitled to vote or be voted for at an election to the House of Assembly shall have the right to vote or be voted for at an election to a local government council.

The 1999 constitution further empowers the Revenue Mobilisation Allocation and Fiscal Commission (RMAFC) to allocate revenue to the three tiers of government. The constitutional basis for this allocation of revenue is set out in Section 160, sub-section (2) to (8). Thus:

"Any amount standing to the credit of the Federation Account shall be distributed among the federal, state, and local government councils in each state, on such terms and in such manner as may be prescribed by the National Assembly of Nigeria. In addition, the 1999 constitution

states that *the government of every state shall, subject to Section 8 of the constitution, ensure their existence under a law which provides for the establishment, structure, composition, finance and functions of the council* (Constitution of the Federal Republic of Nigeria 1999).

These provisions, among others, constitute the legal framework for local government administration in Nigeria. The implication of these provisions defines the ultimate goal of bringing government closer to the people and enhancing grassroots development. This has been strengthened through institutional reforms.

Forms and impact of administrative abuses on local development in Nigeria

The local has an administrative dimension. It has its local bureaucracy like other higher levels of government that coordinates the activities and the operation of the day-to-day running of the system. On the whole, it may be said that "local government is an organized social entity based on the feeling of oneness. In political terms it is concerned with the governance of a specific local area, constituting a political sub-division of a nation, state, or other major political units" (Ola & Tonwe, 2021). In the performance of its functions, it acts as the agent of the state. In other words, local government is an integral part of the political mechanism for governance in a country. As a body corporate and juristic person, it represents a legal concept. The geography, demography, and economic factors of a local area, offer important dimensions in the conceptual articulation of local government (Ola & Tonwe, 2021).

Mamu (2022:2) explained that this is why Nigeria has undergone quite a several reforms in the local government system since 1976 and credible recommendations have been proffered by the various technical committees of experts constituted to review the system which would have made any further reforms in our local government administration unnecessary. Following these reforms, local governments would have been in a good position to provide essential services at the grassroots and promote sustainable development.

Administrative transactions with the public tend to grow exponentially as the role of the State increases to cover more functions, populations explode, economies grow and diversify, and new technologies are introduced. Visible indicators of the growth of administrative transactions are reflected in the rapid expansion of public organizations, the size of the civil service, the number of laws, rules, and regulations, and higher levels of administrative discretion. Opportunities for administrative abuse also tend to increase with more and more transactions being carried out by an ever-increasing number of administrative units. Administrative actions involve "investigation, and enforcement; entitlement and regulation are hampered by corrupt practices (Mamu, 2022).

Gboyega quoted in Olasupo (2009) explains that 'corrupt practices in the local government involve the giving and taking of a bribe, or illegal acquisition of wealth using the resources, of a public office, including the exercise of discretion. In this regard, they added that, it is those who have a business to do with the government who are compelled somehow to provide an inducement to public officials to make them do what they had to do or grant undeserved favour Olasupo (2009). It is therefore defined as officials taking advantage of their offices to acquire wealth or other personal benefits.

Furthermore, McMullan (1969) disclosed that corruption exist in many ways: A public official is corrupt if he accepts money for doing something that he is under a duty to do anyway, that he is under a duty not to do or exercise a legitimate discretion for improper reasons". Otite (1986) in his explanation sees "corruption as a perversion of integrity or the state of the affair through bribery, favour or moral depravity. It involves the injection of an additional but improper transaction aimed at changing the normal course of events and altering judgments and positions of trust". It consists of doers and receivers' use of informal, extra-legal or illegal acts to facilitate matters.

Nwabueze (2002) in his contribution adopted a sociological approach to the definition of corruption. He conceptualized corruption in the following way: "A form of social deviance in some cases, of criminal deviance, the result of failure or lack of will to respect the norms of social interactions. It is an extra-legal or normative approach to gaining access. It is a form of mal-adaptation involving the acceptance of society's cultural goals and the rejection of the socially approved means of attaining the goals. This means that corrupt practices affects society's socialization function; a sign of some defects in the development of citizens personality systems. It indicates the existence of weakness in agencies of social control which should punish rather than reward the perpetrator of corruption. Corruption, according to him takes several forms. On one hand, "if a public officer embezzles public funds kept in his trust that is corruption. In the same view, if the officer does unauthorized spending or exceeds approved limits for dubious ends, this is corruption. If he, in deviance from the rules, allocates government land to himself, his wife, his child and friends or otherwise appropriates his position to his or another person's unfair advantage, it is also considered as corruption. If he over values a contract so that he could earn a kickback, this is corruption" (Nwabueze, Ibid).

According to a report published by *Division for Public Economics and Public Administration* (2009), administrative abuses in government occur due to several reasons. Some of these are discussed below.

1. Failure to observe the law. Administrative abuse in its simplest form may occur because public officials fail to observe pertinent laws, rules and regulations, policy guidelines, and established practices. While some forms of abuse of power in this regard may be blamed on ignorance or inefficiencies, many represent willful, perverse, arbitrary, or biased actions. Frequently the motivation is illegal to gain. "Often there is collusion between an official and the interested party, making it difficult to discern all infractions of the law. Judging by a large number of special agencies and arrangements established by Governments to control corruption, it is clear that the potential for maladministration and violations of the law is indeed great" (Anam, 2014).

2. Selective enforcement of laws. Abuse may also occur because of selective enforcement of the laws. Selective enforcement may be linked to the privileged position of individuals or groups or the vagueness of community standards. Both conditions are prevalent in many developing countries. The vagueness of community standards and ambivalent attitudes are

particularly visible where attempts are made to replace ethnic customs and customary laws with statutory laws and practices based on universal legal norms.

3. Unclear laws and policies. Unclear laws and policies are another sources of administrative abuse. Irregularities occur when policies whether stated as laws, executive orders, or supervisory instructions are vague or contradict earlier guidelines. In most cases, the laws and orders are more likely to deal with substantive issues than with procedural dimensions.

4. Concentrated power. The concentration of governmental powers in the Executive Chairman of the local government often leads to administrative abuses. Separating these powers can also be difficult because of political interests. For local governments to function effectively there must be devolution of powers.

5. Administrative discretion. The wider dimensions of administrative abuse concern delegated legislation and administrative discretion. This is because legislative bodies cannot see all possible contingencies and they cannot promulgate detailed rules or ask the executive to do so. In a few instances, there may be some procedural safeguards but even these are likely to be limited by the time administrative actions occur in individual cases.

6. Human rights issues: Adherence to individual fundamental rights can increase administrative responsiveness to society, allow for the redress of individual grievances and generally promote a government's legitimacy of authority. However, the experience in Nigeria has shown that the influence of individual or human rights on the conduct of public administration is often limited.

The quest for institutional accountability

Accountability refers to the rendering of stewardship and demonstration of responsibility by public officials. Anam (2004) disclosed that Transparency refers to the open manner in which those assigned official responsibilities comply strictly with the rules and procedures for conducting their affairs. This means that they do not conduct their affairs in secret, nor do they hide information from the members of the public. Their activities are, therefore, open, and are subject to scrutiny and criticism". This means the ability of elected or appointed officials to demonstrate to the citizens (electorates) that they are performing their responsibilities to the people according to the law. "It also means the ability of ordinary citizens to hold public officials responsible for their mistakes or bad deeds. When accountability is enforced, no public officer would like to perform their official duties in an injurious way to the members of the community. They would also not engage in doing anything that does not fall under their official responsibility. This would probity or refer to responsibility, integrity, honesty and uprightness, which are virtues expected of all elected or appointed public officials. Probity constitutes the moral obligation of the public official (Diakwa, 2005).

The above definitions suggest that transparency, accountability and probity are like triplets, as all of them are elements of good governance, which is an essential ingredient for the smooth functioning of democracy. No government can serve effectively the interest of its citizenry without being open with the people. Nor is it possible for the government to serve the interests of the people without rendering proper account of its stewardship to them. This means that a

continuous channel of communication must be open between public officials and the electorate. Furthermore, in the absence of morality on the part of both the electorates and their elected representatives, corruption will come into play, thereby making governance ineffective in serving the interests of the people.

Asobie (1991) maintained that “accountability by local government administrators requires the treatment of public office as a public trust. It is the exhibition of a high sense of responsibility in the discharge of duties and the exercise of the rights inherent in a public office”. It entails the capacity and readiness, on the part of a public servant, to give account, if necessary, publicly, of his stewardship. Administrative accountability leads to good governance and better socio-economic development of the local government.

Some of the indicators of accountability and better socio-economic development of the local government are,

1. Provision of social services such as adequate water, health care, qualitative education, housing, electricity,
2. Adhering to financial memoranda for local government
3. Adhering to budgetary provisions
4. Respect for rule of law
5. Openness and judicious public spending
6. being responsive to people's needs
7. Reduction of poverty level such as employment opportunities, soft loans,

It is therefore important that institutional checks be established and monitored by the local government. This is aimed to complement the existing measures, non-state community-based organizations, non-governmental organizations, civil societies, political parties, and other NGOs should be strengthened to enforce public accountability and transparency in the conduct of local government affairs in Nigeria.

Conclusion

The local government is political authority, purposely created by the state government under the law by which local communities within a definite area are organized to manage their affairs within the limit of the law under which the authority is created. One of the fundamental objectives of creating the local government system is for political participation and grassroots development. The latter is faced with several challenges because of the problem of administrative abuses. To achieve socio-economic development, the paper advocates for institutional accountability among local governments in Nigeria. Local government autonomy should be supported by fiscal responsibility and discipline.

Recommendations

The paper recommends as follows,

1. *Setting up structures for public accountability*

Within the local government administrative system, there must be internal and external audit mechanisms that ensure that local government administrators are accountable, especially fiscal accountability.

2. Granting local government financial autonomy:

Money is important for institutional viability. For the local government to function effectively there is need for the local government to have financial capacity. This will help in the implementation of projects at the grassroots.

3. Training and capacity building for local government administrators:

Achieving institutional accountability in the local government will be sustained with effective training and capacity-building programmes organized for local government administrators in the country. Local Government Service Commission should be strengthened and accorded constitutional recognition. Given the commissions laudable objectives, such strengthening would support the human resource and staffing development of local governments in Nigeria.

4. Public enlightenment programme for rural dwellers:

The National Orientation Agency and other NGOs should train and educate rural dwellers to enable them to outgrow their apathy and docility to what is happening in their local government to demand accountability from their leaders.

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