UNDERSTANDING THE DYNAMICS OF LEGISLATIVE POWERS IN NIGERIAN LOCAL GOVERNMENT SYSTEM: IMPLICATIONS FOR RURAL DEVELOPMENT

Nwoba, Martin O. E. (Ph.D)  
Department of Public Administration, Ebonyi State University, Abakaliki

OJO, JAMES  
Department of General Studies, Delta State Polytechnic, Azoro

Tiben Benz Nwali  
Department of Public Administration, Ebonyi State University, Abakaliki

Abstract

The roles and powers of the local government legislative organ have been eroded over the years especially in this present democratic dispensation. This is probably because of the nefarious influence of the executives on the legislative organs of the local government or due to other factors such as illiteracy, poverty and corruption among others. Local government legislature has been constitutionally empowered to make legislation capable of enhancing the overall development of the rural communities. It is on this premise that the paper focuses on exploring the ways of enhancing the functions and powers of local government legislature for rural development in Nigeria. It began by conceptual explication of the concepts of legislature, local government and rural development. The methodology adopted for this study is that of descriptive survey design and also anchored on Participative Model of Leadership Style as the theoretical basis for the analysis of the functions and powers of the local government legislature from where it was found that the major elements of representative democracy at the grassroots has been jettisoned by self-centred, self-concerned, poor and illiterate councilors who would only come to office when statutory allocation arrives and go back to their various dens after sharing. Against this backdrop, the paper therefore recommends among other things that: the ministry of local government, chieftaincy matters and rural development should set up disciplinary committee which should from time to time review the activities of local government councilors thereby making them to face their duties squarely. Also, the constitution of the Federal Republic of Nigeria should be reviewed to ensure that those who do not have good academic background at least National Certificate in Education (NCE) Higher National Diploma (HND) or Bachelor of Science/Arts Degrees (B. Sc/BA) etc should be elected as councilors in order to reduce the rate of illiteracy in the local government legislative arm.
INTRODUCTION

There are three organs of government in virtually all modern political systems of the world. However, countries under military regime are excluded from this kind of arrangement. These three organs of government include; the executive, the legislative and the judiciary; all primarily performing the rule-making, rule application and rule adjudication functions. The functions performed by each organ of government in Nigeria cut across all tiers of government: the federal, states and local government councils. In all human organizations such as the local government councils, there is every need for the existence of rules that will guide and condition the behaviour of individuals within the council areas. Thus, the legislature as an important organ of government is that body charged with the primary responsibility of making laws for any society or the local government.

Generally, the development of legislature took a gradual dimension in England and other European city republics from about thirteenth century. In Nigeria, the legislature came on board in the wake of the Clifford Constitution of 1922. Consequently, on the adoption of presidential system of government, the legislature exercised real powers except from the period of military rule (Agena and Oketa, 2002).

The legislature is a law-making assembly of elected members. By implication, it is pertinent to note that all the local government legislators must be elected members representing different wards in the local government areas. In view of this fact, the local government legislators are elected body charged with the primary responsibility of formulating the laws that govern the council areas. Although, local government legislatures in Nigeria has the primary responsibility of rule-making; they nevertheless perform other functions (Ezeani 2006). The dynamics of these functions in which the local government legislatures in Nigeria perform is the crux of this paper.

TYPES OF LEGISLATURE

Agena and Oketa (2002) agreed with many political and administrative scholars that there exist basically two types of legislature which include the unicameral and the bicameral legislature. But, Ezeani (2006) observes that the degree to which the legislature is free to act as law initiators varies widely among political systems. He quoted Fried (1966) who distinguishes six (6) different types of legislatures. According to Fried, there exist;

i. **Dictatorial legislatures** such as the French Convention of 1792-1795 which are omnipotent (powerful) body that directly ruled the country.

ii. **Oligarchic legislatures** - this has to do with the dictatorial rule of the powerful elites such as the legislature that existed in the apartheid South Africa and South Rhodesia.

iii. **Strong legislatures** which are generally found in parliamentary system with coalition governments such as in modern Italy which is dominated by party leadership.

iv. **Independent legislatures** as found in the United States of America and directly responsible to the electorates and exercises law-making powers on their own without external influence.

v. **Weak legislatures** as found in Britain's parliament and French Republic which are dominated by strong party leaders who occupy all executive posts and influenced rule making.
vi. **Captive legislatures** which exist in totalitarian government like Supreme Soviet of the USSR, have no real power of their own and serve primarily to legitimize the decisions of the party leadership.

Despite the above reasoning by Fried (1966), there has been general acceptance of the existence of two basic types of legislatures as earlier noted in this paper.

**THE UNICAMERAL LEGISLATURE**

This is a situation where there is only one chamber of the legislature and members are directly elected by the electorates. Most countries like New Zealand, Denmark, Spain, Bulgaria, Israel and Greece practice unicameral legislature. In Nigeria for example, apart from the federal government, other tiers of the government such as the states and local governments practice unicameral legislature. This means that the local government is made of only one chamber of the legislature and whose members are directly elected by the electorates. This type of legislature is capable of addressing the needs of the local people because it maintains simple structure which gives room for speedy legislation and definitely allocates responsibility. Again, because of the homogenous nature of our local government system as noted by Nwali and Okpata (2012), unicameral legislature is good because it presents the best system for small homogenous areas. Above all, it can be said that this kind of legislature is good for the local government because of the low income capacity of the local government which may not be able to carry the burden of paying the salaries of a second chamber.

**THE BICAMERAL LEGISLATURE**

This is such kind of legislature that provides for legislature of two chambers ie the upper and the lower chambers. This practice which is found among most modern government is practiced in countries like United States of America, Canada, Britain and Nigeria. In bicameralism, it is important to note that the upper house has some powers and prestige, so as to enable it perform effective role in the business of law-making. Usually, members of the upper House belong to older age group and are said to be more experienced in the management of public affairs than the lower house.

**LOCAL GOVERNMENT: A CONCEPTUAL FRAMEWORK**

The historical development of Local Government System in Nigeria as noted by Okoli (2000) has followed very closely the precolonial, colonial and neocolonial political developments in Nigeria. Thus, the fortunes of Local Government in Nigeria were tied willy nilly to the prostrings of the pre-colonial, colonial and post-colonial success or failure in Nigeria. In this perspective also, Okpata (2004) notes that the origin of Local Government in the development of Nigerian politics therefore dates back to the colonial era, a system which evolved to actualize the colonial policy of indirect rule; whereby the native system was created to accommodate the local chiefs as instruments for the manipulation of the people. He added that the march to Local Government system in Nigeria started from the period of Nigerian colonial contact with the British; in which case, the principal functions of the colonial officers were to administer justice through the courts and to exploit and expropriate the minerals from Nigeria hinterlands to the British metropolis.
Meanwhile, prior to the advent of the white-men, there existed in the political entity called Nigeria relatively autonomous villages, towns and ethnic groups with minimum contacts usually limited to trade, social transactions and little political relationships with others (Okoli, 2000). However, the concept of Local Government has been variously defined by scholars and practitioners alike. In the words of Olisa et al (1990:93), local government is defined as:

*A unit of government below the central, regional or state government established by law to exercise political authority through a representative council within a defined area.*

Onwe (2004) posited that Local Government is the smallest government body created to take care of all local interests that require government attention. This later definition has been criticized because of its inability to capture the whole essence of Local Government. First, all local interests of the people are not completely left in the hands of the Local Government as issues pertaining to some aspect of the people's health and security are completely handled by the state and federal government. Secondly, the definition failed to articulate the means and ways of achieving its objective of giving attention to local people.

The United Nations Office of Public Administration (1976:1) defines Local Government as:

...a political sub-division of a nation or (in a federal system) state, which is constituted by law and has substantial control of local affairs, including the powers to impose taxes or to exert labour for prescribed purpose. The governing body of such an entity is elected otherwise locally selected.

The above definition despite its wide appeal or acceptance has some flaws. First, the powers of Local Government to "exert labour" creates an impression of its tendency to resort to forced labour which is unacceptable in modern times. Again, the assertion in the definition that the government can be "locally selected" is faulty. It implies that all the caretaker committee management and sole administratorship system instituted by the various military regimes can pass as Local Government, whereas in actual sense, such appointment or appointed bodies are mere brands of local administration.

In view of the foregoing, Ezeani (2006) believes that a more comprehensive definition of Local Government and one that captures the essential features of Local Government is contained in the Guidelines for Local Government Reform in Nigeria which had it that Local Government is government at the local level exercised through representative council established by law to exercise specific powers within defined areas. These powers should give the councils substantive 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, so as to complement the activities of the state and federal governments in their areas and to ensure, through active participation of the people and their traditional institutions, that local initiatives and responses to local needs are maximized.
This definition implies that there are certain distinguishing features of Local Government, which seven features among others are hereby identified:

**Localness:** This implies that Local Government is the lowest tier of government; it is government at the grass-root or local level, which is subordinate but not subservient to the state and federal government.

**Legal existence:** The existence of Local Government is enshrined in the constitution of the Federal Republic of Nigeria. This protects it from arbitrary actions of higher authority. As a legal entity, it can sue or be sued and has a perpetual succession; meaning that the life of a Local Government does not expire with the end of each administration.

**Autonomy:** Although, Local Governments are subject to state or federal government control in certain areas, they enjoy a reasonable degree of independence in administrative and financial affairs such as the hiring, control and discipline of their own staff subject to a certain upper limit; the preparation of annual estimates or budgets and the execution of certain projects.

**Geographical Composition:** Local Government exists within a defined territory and exercises its authority over a given population. In other words, as a given or corporate entity, Local Government is created to serve citizens resident in a known location.

It exercises specific powers and performs certain functions as enshrined in the constitution and is composed of elected representatives of the local people.

Local Government is usually divided into departments, divisions or units, which facilitate the accomplishment of its goals, objectives and functions.

Haven understood the meaning and features of the Local Government; it should be borne in mind that Local Government just like other tiers of government are composed of the law makers, the law executors and the law adjudicators especially in this modern democracy. The beauty of democracy in any given society is that all these organs are put in place. While the functions of each organ are indispensable, due attention is to be focused in this paper on the legislature, its role and powers in ensuring the administration and existence of Local Government in Nigeria.

**RURAL DEVELOPMENT**

Any meaningful discussion on the Local Government legislature and its implications on rural development must begin with a clear explanation of the concept of Rural Development. Thus, Okoli (1995) is worried about the fact that there appears to be no consensus on the meaning and goals of Rural Development. He went further to assert that there are as many definitions as there are writers on the subject. Nevertheless, Lele (1975) believes that Rural Development means improving the living standards of the mass low income population residing in the rural areas and making the process of their development self-sustaining. Following this
definition, the important and significant feats with substantial implications for measuring and evaluating rural development as Okoli (1995) would write include:

- Improving the living standards of mass of low-income population, which involves the mobilization and allocation of resources so as to reach a desirable balance over time between welfare and productive services available to the rural population.

- Mass participation which requires that resources be allocated to low-income areas and classes and that productive and social services actually reach them.

- Making the process self-sustaining and this also has to do with the development of appropriate skills and implementing capacity.

Arising from the above reasoning, it is pertinent to note that the existence of Local Government in Nigeria is to serve the purposes hereunder stated:

- To fill the gap in remote areas which the national government is unable to fill due to its farness to those remote areas.

- To implement the ideals, objectives, programmes and aspirations of the national government at the local level.

- To bring the ideology, needs objectives and aspirations, constitution, crucial determinant of the structure and functions of the national government to the local population.

- To bring government to the grassroots level, thereby encouraging sense of belonging among local populace.

- To facilitate effective and efficient Local Government administration.

- To foster even and rapid socio-economic development of the communities.

- To encourage greater public participation in government activities.

- To provide utility services and amenities to the local people.

- To help the central government in the maintenance of law and order.

**FUNCTIONS AND POWERS OF LOCAL GOVERNMENT LEGISLATURE**

To ensure rural development of the Local Government in Nigeria the Local Government legislature must perform the following functions among others;

**The Law Making Function:** The primary function of the Local Government legislature is that of law making. Law making is not an easy task for it involves a complex process that varies little
from local government to local government. The local government legislators normally debate and pass bills into byelaws after following the laid down procedures for such enactment. The bills to be passed into byelaws can be government or private bills and in performing this function, they can repeal, alter or add to the provisions of an already existing byelaw.

**Constitutional Amendment Function:** The Local Government legislature in most democratic regime has the power not only to propose amendment of the councils’ byelaws, but to also amend existing byelaws.

**Financial Control Function:** Although, proposals for raising and spending money in the Local Government council come from the executive chairman, yet, Local Government money cannot be raised or spent without the approval of the Local Government legislators. Stemming from the point above, the taxes to finance the subjects as well as the appropriations requested by the executive chairman for the various departments and agencies of the Local Government must be properly scrutinized and voted for by the legislators. This power to withhold revenue or reduce appropriations has been referred as the ‘watch dog’ function of the legislature.

**Judicial Functions:** The legislature in the Local Government can perform judicial function. In this case, the legislators have power to impeach the executive chairman by passing votes of no confidence by two-third majority. These judicial actions go beyond impeaching the executive chairman to removal of any member of the executive arm or expelling their own members.

**Investigation Function:** One of the most controversial function performed by the legislature is its right to hold investigation. This is done in the course of performance of its oversight functions. The Local Government legislators may create committees for the purpose of digging information desired by it especially in respect to the performance of public enterprises or the award and execution of contracts by the Local Government chairman.

**Representative Function:** The representative function of the Local Government legislature involves giving expression to public opinion, educating and informing the populace at large. In performing these representative functions, the legislators provide some form of link between the Local Government and the subjects. This is a kind of link through which demands are channeled from below and information is provided from above. As a representative of the people, members of the legislature are closer to the people than any other organ of government.

**Interest Articulation and Aggregation Function:** The legislature is a forum in which demands and diverse interests of various groups in the society are identified, exposed and articulated. Once the interests and demands are articulated, the legislative organ can play an important role in reconciling them and achieving compromise. In the Local Government for instance, different groups usually champion their interests through the elected councilors who take them to the executive chairmen for proper handling. This is known as interest aggregation role of the legislature.
**Education and Information Function:** The legislature provides a forum for educating and informing the people about the activities of the government. This normally occurs during legislative debates, committee's visits by the legislators and during election campaign periods when legislators tour their constituencies/wards to canvass for votes.

**ELEMENTS OF REPRESENTATIVE DEMOCRACY**

Democracy is the most widely admired type of political system but also perhaps the most difficult to maintain, (Okoli, 200). We should be reminded that the original thinking of the Greeks about democracy was direct democracy where every adult citizen was directly represented by himself in all meetings of the Greek city states. However, as a result of the complex objective conditions of contemporary societies, the idea of direct democracy was abandoned for representative democracy where the elected representatives now take decisions and implement same on behalf of the people against the backdrop of the mandate given them by the electorates.

Democratic governance entails popular participation, absolute respect for the rule of law, a general guarantee of fundamental freedoms which lubricate popular participation; periodic, competitive, free and fair elections with the vote of every citizen counting equally; respect for majority rule as well as the readiness of minority to acquiesce in the decision of the majority; accountability; guarantee of separation of powers in practice, transparency and responsiveness in governance and opportunity for change of government or any leadership found wanting, (Nwali and Okpata, 2012).

**THE LEGISLATURE AND RURAL DEVELOPMENT**

The legislature especially at the Local Government system in Nigeria and elsewhere serves as a vehicle for rural development. Rural or community development in this sense is seen as a process by which the efforts of the people themselves are united with those of governmental authorities to improve the economic, social and cultural conditions of communities, to integrate these communities into the life of the nation and to enable them to contribute fully to national development, (Okpata 2004).

The role of the legislatures in community development are too numerous. However, we have to explore this role and share insights in this effort. Through legislation, the legislatures have contributed in passing into law bills that positively affect the lives of the community dwellers. Some of the areas laws passed by the legislatures that have led to rural development are;

- Construction of bridges, culverts, and mini bridges,
- Construction, grading, lateriting, compacting and or tarring of roads within the communities.
- Building, repair and equipping of schools, health centres and market stalls/offices.
- Rural Electrification
- Rural water scheme, drilling of boreholes and construction of overhead tanks.
- Through constituency projects, the legislatures have also made an impressionable impact in community development. These include skill acquisition, taking care of vulnerable ones, sinking of boreholes, award of scholarships and bursary, and lots more.
- The legislatures have also through the passage of Budgets- "fiscal power" the power both to raise revenue through taxation and to spend money through appropriations is invariably, a fundamental or a most crucial legislative power, which serves as the fulcrum for the fulfillment of people's aspirations and for the redemption of political promises to the community dwellers. Apart from helping to choose leaders, legislatures have proved to be useful breeding grounds for national political leaders. They constitute training grounds that provide potential leaders in their communities with the opportunities to prove their worth, learn about the issues and dynamics of politics, and make the necessary contacts that are likely to be crucial for their elevation to national leadership positions.
- The legislature keeps the executive arms of government under a serious surveillance through their oversight function. This is done with a view to holding the executive arm accountable. Through this means, corruption and mismanagement of public funds meant for community development are checkmated.
- The legislature serves as arena for discussion of issues, airing of grievances and redress. It provides an opportunity to appraise the executive, question and it if need be. Consequently, the cloak of secrecy that normally surrounds the activities of the executive is removed, thereby enabling the populace to have a glimpse into the vital and dynamics of governance as well as the forces shaping them.
- The community dwellers gain better knowledge of government activities and the opportunity to make inputs through the legislatures.

CONCLUSION

The Local Government legislature is a very important organ for rural development and administration. Its contribution to developmental activities of the communities within their jurisdictions in Nigeria is so enormous that the Local Government cannot be meaningful without the existence of the legislature. The eagle eyes of the Local Government legislatures on the activities of the chairmen have made most Local Government chairmen to wake up to the enormous challenges ahead of them. However, it is pathetic to note that some Local Government councilors have not been able to live up to their expectations thereby resorting to conflict in their various council areas. Prominent in the sources of Local Government disputes and crisis is the deviation of the constitutional roles of the legislative arm of the Local Government.

Many Local Government Legislative arms have turned the council into court session where inquiries against the functions of the Chairmen have been vindictively discovered and exposed, thus, leaving their primary role of law making for the effective administration of the Local Government. For many, it is a game to witch-hunt and oppose the Chairmen because both of them, perhaps contested for the same chairmanship position. Given such posture, the
The legislative arm resorts to summons, inviting the Chairmen and other principal officers to appear before them for purported investigation of certain allegations.

RECOMMENDATIONS

Following the ineffectiveness of the Local Government legislature and the need for rapid development of the rural communities in Nigeria, the paper makes the following recommendations among others:

The ministry of Local Government, Chieftaincy Matters and Rural Development should set up disciplinary committee which should from time to time review the activities of Local Government councilors thereby making them to face their duties squarely.

Local government legislatures should know that they the watchdog of the society, especially watching the activities of the executive and how budgets are implemented; therefore the legislative organ of the Local Government should wake up for this call and not to engage on other activities that cannot aid development of the rural communities.

Local Government legislature should focus more on their constitutional role of law making other than becoming source of conflict at the local government level. Many Local Government Legislative arms have turned the council into court session where inquiries against the functions of the Chairmen have been vindictively discovered and exposed, thus, leaving their primary role of law making for the effective administration of the local

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