LOCAL GOVERNMENT AS A THIRD TIER OF GOVERNANCE:
ISSUES FROM A NIGERIAN VIEWPOINT

OLONG, Matthew Adefi
Department of Commercial and Industrial Law,
Faculty of Law, Kogi State University, Anyigba, Nigeria.

ABSTRACT

The 1976 local government reform in Nigeria was designed to strengthen the local government, stimulate democratic self-government, encourage initiative and leadership potential at the grass root, ensure the availability of amenities and endow local governments with the human, financial and material resources that would institutionalized a culture of participatory democracy, cooperative federalism and even development. The article examined the constitutional recognition of local government system in Nigeria with the promulgation of the 1979 Constitution of the Federal Republic of Nigeria. Hitherto local government structure emerged initially as community or emirate based. The local government reforms projected the status of the local government system. Under the 1979 Constitution, the local government for the first time was created or established as a third tier of governance, thereby ordinarily taking it away from the status of a ministerial or Para-ministerial position. Resort to statutes, books, case laws, articles in learned journals, conference papers, published legal materials and relevant internet materials have been utilized. The article equally examined whether strict constitutional interpretation in the context of the federal system of government, and the democratic context does not place the local government in the same position as states are to the federal government. The 1999 Constitution has reiterated this position, thereby conferring on the several local governments the status of a third tier of government. However, the provisions of the Constitution as it relates to the local government, and the practical realities on ground, raises questions that bothered on the real status of the local government. These are the vexed issues that the article addressed whilst proffering suggestions that would enhance local government administration by arguing that a tier of government of government should not create another tier.

Keywords: Politics, Local Government, Fiscal Autonomy, Constitution.