

LOCAL GOVERNMENT AND STRUCTURAL REORGANIZATION
IN LAGOS STATE, NIGERIA, 1969 - 1979

BEING A THESIS IN THE DEPARMENT OF POLITICAL
SCIENCE SUBMITTED IN PARTIAL FULFILMENT OF
THE REQUIREMENTS FOR THE DEGREE OF DOCTOR
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D E D I C A T I O N

TO

ADEGOKE, MORADEUN, ADEGBOYEGA, ADEOLUWA;

THEIR MOTHER, ADETORO; MY FATHER,

ELDER AKINSOJI OMOFADE AND MY MOTHER,

MRS. BEATRICE OLABINTAN OMOFADE; AND THE

LAGOS STATE PUBLIC SERVICE

IN APPRECIATION.

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SCHOOL OF POSTGRADUATE STUDIES
UNIVERSITY OF LAGOS

CERTIFICATION

THIS IS TO CERTIFY THAT THE THESIS -

LOCAL GOVERNMENT AND STRUCTURAL

RE-ORGANISATION IN LAGOS STATE,

NIGERIA, 1969 - 1979.

SUBMITTED TO THE SCHOOL OF POSTGRADUATE STUDIES
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DOCTOR OF PHILOSOPHY

IS A RECORD OF ORIGINAL RESEARCH CARRIED OUT BY .

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Jeremy Bentham deserves recognition for being referred to by Dilys M. Hill¹ as the father of the Utilitarian School who invented the term, 'the local government'. My interest in local government studies originated in 1965 when I took up employment with the then impressive Lagos City Council and the interest has occupied my attention consistently for the best part of two decades. Following the Report² that there was shortage of senior staff with suitable experience in Local Government in Lagos State Civil Service, I became concerned to contribute to local government manpower development in the State through pursuing related local government studies.

My first deployment in the Lagos State Civil Service to the Ministry of Local Government and Chieftaincy Affairs in 1971 as an Administrative Officer, Grade V, my principalship of the Lagos State Local Government Staff Training School, Ikeja (1977-78), an affiliate of the University of Ife, Ile-Ife; and an approved study leave with pay to pursue, in this University, the M. Sc. Degree Course in Political Science during the 1979/80 academic session

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1. Democratic Theory and Local Government, (London, George Allen and Unwin Ltd., 1974), p. 26. Utilitarianism is a political and moral theory that the best rule of life is to aim at 'the greatest happiness of the greatest number'.
 2. See Lagos State Government, White Paper on the Report of the Tribunal of Inquiry Into The Re-organisation of Local Government Councils In The Lagos State (Ministry of Local Government and Chieftaincy Affairs, Ikeja, 1971) para. 27 1-27.3.

revitalized my interest in local government affairs and in academics. I thank Dr. Olufemi Lewis, who as Head of the Lagos State Civil Service, convincingly supported and approved the said study leave. I continue to appreciate his belief in the development of intellectualism in the Lagos State Public Service and his concern for my academic and social welfare.

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I humbly bear responsibility for whatever limitations that may be contained or discernible in this doctoral dissertation. Finally, I praise God Almighty for giving me the life, health and strength to accomplish this noble work. In the words of the Psalmist "..... tears may flow in the night, but joy comes in the morning".

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ABSTRACT

The potentials of local government as basis for development, as a structural/institutional apparatus for political and administrative decentralisation and social services delivery, and as a bedrock for a solid political system through making governance relevant at grassroots level are now becoming widely acceptable among policy makers and researchers in Nigeria. Similarly, the arguments for a shift of emphasis from law and order oriented local government to one coping with social service delivery, popular political participation, resource mobilization, rural development and urban renewal are arguments that strengthen the need for local government.

The framework for analysis of the problem of local government structural re-organisation in Lagos State has been based on four significant variables. These are the geo-political unit of analysis (Lagos State); the time variable (military rule between 1966 and 1979; the conceptual approaches (decentralization and democracy); and the theoretical approaches (organization theory, human relations theory, and systems theory approaches focusing on structure, bureaucratic principles, objectives and functions, finance, human resources - councillors, employees and traditional leaders, and federal-state-local relations).

The relevance of the use of "Structure" in local government particularly in this study is that though the concept of organisation structure is somewhat abstract and illusive, it is real and affects everyone in the organisation.

The thesis has exposed more meaningfully the use of 'structure' in local government as well as the following intervening but inter-related variables - establishment of local government council structure; finance; functions; local councillors; local government employees; traditional rulers; and intergovernmental relations. Together with party politics these are general local government principles and are of relevance for modern local government practice.

Theories of local government and structural organisation are used to capture the restructuring of local government in Lagos State between 1969 and 1979. Conceptually, an examination of factors such as decentralisation, democracy, locality principle, viability and autonomy, population, efficiency and effectiveness, and environmental and leadership factors provide a foundation for our theoretical formulation and data analysis. In particular the issues of the environment and functions have been shown to be important determinants of structures.

Therefore, this study looks into the dynamics of local government restructuring in Lagos State focussing on the development of local government system and the

general trends of local government restructuring as regards policy making and implementation. It also touches on salient issues such as the political environment of Nigerian local government and administration and the Creation of States. The study, dominated by military rule, spans a two-phase period (1969 - 1971 and 1976 - 79).

Due to some forces or as fact of life, most modern organisations like local governments undergo relatively frequent changes in structure. This, therefore, is a contributory idea to the subject theme of this thesis - local government structural re-organisation. For instance, such factors such as corruption and low calibre of Councillors and local government personnel; irrational division of responsibility between the various local authorities; highly politicised local government and the financial poverty of the local councils had combined to compel the need for structural re-organisation of the local government councils in Lagos State in the periods stated above.

The empirical findings confirm the validity of the propositions advanced in the study. The thesis observes that proper local government restructuring should be a mixed grill which takes due cognizance of the dictates of political expediency and administrative necessity, and

that research on policy issues¹ should be conducted on scientific, reliable and realistic parameters. The end result of such enterprise should be such that the local governments in the State have the capacity and capability to perform more effectively and efficiently the major tripartite functions of enhancing popular political participation, resources mobilization (human, financial and material), and effective and efficient service delivery. Suggestions for improvement of local government structure have been made in the light of apparent local government administration in Lagos State under military rule and immediate post-military rule.

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1. See the Special Issue on Social Research and Policy in Nigerian Administration During the Military Era in The Quarterly Journal of Administration, University of Ife, Ile-Ife, Nigeria, Vol. XV No.3, April 1981, esp. pp. 193-210 by Dele Olowu, "Social Research and Social Policy: The Reform of Nigerian Local Government System". See also Goode and Hatt, Method in Social Research (McGraw-Hill Kogakusha, Limited 1952).

P A R T O N E

F O U N D A T I O N S

CHAPTER I

I N T R O D U C T I O N

The Problem

The problem of local government structural re-organization is a major concern within contemporary Nigeria. Consequently, the present study attempts to focus on developments which occurred within one of its present component states, that is Lagos State. This is accomplished by assessing the theories and concepts of local government and structural re-organization in the light of empirical data on Lagos State.

Structural re-organization is a major issue in the general study of local government and in particular in the historical view about the proper role of government at the local level. Thus, without adequate structure successful local government administration may not be accomplished. It is also essential that a local government should have the capacity to re-organise structurally as and when appropriate.

The wide-spread abuse, corruption and inefficiency and the politicization of the local government councils in the late sixties are probably due to structural weakness. This contributed to their ineffectiveness and inefficiency. To a great extent they were insensitive to development objectives and were pre-occupied with

low-level maintenance of law and order. The questions which therefore arise are these: Can structural re-organization be a panacea to these ills? What are the criteria for determining structural re-organization? To what extent can the re-structuring of local government really improve the internal workings of the system? What policy objectives, or aims, ought to guide such re-organization? Which group of people and institutions will be involved or affected by the local government structural re-organization? These and other questions constitute the focus of the problem which this study attempts to examine.

The problem as well as importance of structures in organizations such as local governments has been recognized by different people and institutions and at different times. For example Oyeleye Oyediran and Alex Gboyega submit:

"When the military seized political power in 1966 one of the most daunting political problems which confronted the new administration was how to reorganize the institution of local government so as to provide a clearly defined scope of authority, responsibility and functions while at the same time maintaining an effective central presence in the localities in order to be able to determine and control the pace and quality of development largely initiated or generated at the local level. At that time there was no local government worthy of the name anywhere in Southern Nigeria.

In the Northern Region on the other hand, local government (the system of native authorities) was very strong indeed and the emirs and traditional rulers who wielded its instruments were in name and deed the 'government' in their localities.

In practical terms, in Southern Nigeria the need was to revitalise and consolidate the local government system; for a variety of reasons local government had become the object of contempt, perhaps pity as well, but never support. In the Northern Region the need was to modernise the system by emphasising popular participation and control and thereby diffusing the power of the emirs and traditional rulers (potentates, some will say) who tightly controlled the native authorities.

Thus, in the south, apart from the early days of military administration when local councils had to be dissolved because the erstwhile civilian governments had packed them with their political minions, attempts at reform of the local government system had positive consequences for the institution and its practitioners. In contrast, in the north, the picture presented was one of a subtle yet decisive and, undoubtedly, imperative struggle to alter power relations at the local level as far as it affected local government"¹

The Commission that investigated the causes of the civil disorder that broke out in late 1969 in several parts of the Western State, informs as follows:-

Government should undertake as a matter of urgency a review of the existing local government council structure with a view to finding out which councils are viable

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1. Oyeleye Oyediran and E. Alex Gboyega, Local Government and Administration, in Oyeleye Oyediran (ed), Nigerian Government and Politics Under Military Rule 1966-79. (Macmillan Publishers 1984, pp. 169 - 170.

and which are not, and therefore
decide on measures for ensuring that only
councils (that are) viable and capable of
fulfilling their statutory obligations
remain².

Western State was then the immediate neighbour
of Lagos State, the two having been created in 1967.
It was therefore likely that the wind of change would
diffuse to Lagos State.

The Ogunnaike Tribunal of Inquiry, in its
opening Address, recollects:

"It is a fact that Lagos State comprises an
area, which before the creation of States in
1967, was governed by two Governments, the
Federal and West Regional. Whatever powers
and functions the various Councils now included
in Lagos State previously exercised or performed
under their former governments may no longer
conform with that degree of uniformity
necessary for a smooth, rational, efficient local
government system under one Government. Briefly,
our duty is to inquire into the local government
structure and functions in the Lagos State with
a view to making requisite recommendations for
the re-organization of the existing local govern-
ment councils to ensure that all the Councils
are viable and that they are provided with the
necessary personnel to make them function to the
satisfaction of the people in their areas of
authority. As His Excellency, the Military
Governor rightly pointed out at our swearing-in
ceremony, local councils are the back-bone of
any Government and it is therefore absolutely
necessary to ensure that the people being
governed are happy before they can make loyal

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2. Quoted by Oyediran and Gboyega, *ibid*, p. 182.
See Western State of Nigeria, Report of the
Commission of Inquiry into the Civil Distur-
bances which occurred in certain parts of the
Western State of Nigeria in the month of
December, 1968. (Ibadan: Government Printer,
1969), p. 113. The Sole Commissioner was
Mr. Justice Olu Ayoola, a judge of the High
Court in the State.

contributions to the smooth running of their local government councils"³.

If all was well, the government would not have spent its time and money setting up the Tribunal of Inquiry. The fact that it was set up was an indication that there was recognition of a deeprooted problem - problem of structure - which was likely to inhibit the efficiency and productivity of the local government system. Therefore the task before the Tribunal was to suggest a structure appropriate to the development of an efficient and indigenous local government.

Finally, the Murtala Muhammed Administration which succeeded the Gowon Administration in July, 1975 included "a systematic and deliberate re-organization of the local government set up" in its five-stage programme of political action which was announced on 1st October, 1975. The re-organization became effective in September, 1976 with the promulgation of the various local government edicts by the various Administrations in the State.

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3. J.S.O. Ogunnaike and Femi Ayantuga, Report of the Tribunal of Inquiry into the Re-organization of Local Government Councils in Lagos State, 1970, especially p. 3. This is the Majority Report and is popularly called the Ogunnaike Report. The Minority Report on the same subject is by Messrs Ishola Oluwa and S.I. Talabi. See also Lagos State Government, White Paper on the Re-organization of Local Government in the Lagos State (Ikeja, Government Printer, 1970).

Scope of the Study

In 1967, the Federal Republic of Nigeria was restructured from four regions to twelve states. Lagos was one of the newly created states. Before 1967, much of what was known as Lagos was restricted to Lagos Island. In short the new Lagos State came into existence in 1967.

Between 1969 and 1979 two separate structural re-organization exercises of local government councils were carried out in Lagos State. The first structural re-organization was between 1969 and 1971 while the second was in 1976. The earlier re-organization was at the initiative of the State Government. This study focuses attention on the five administrative divisions which constitute Lagos State. These are Lagos, Ikeja, Badagry, Epe and Ikorodu.

Though Lagos State was created on May 27, 1967, its administration actually took off effectively from April 1, 1968 with the five administrative divisions which took-off with effect from 31st May, 1968 by virtue of the Administrative Divisions Edict of the same year.

In 1960, the territory of existing Lagos State included the whole former Federal Territory of Lagos and the whole former Colony Province. The colony province was one of the six (6) provinces in the then

Western Region. The Federal Territory was consistent with the territory of the Lagos City Council (comprising of 42 wards). The colony province consisted of three (3) divisions namely Badagry, Epe and Ikeja. Each division comprised several districts or local Councils⁴. Badagry Division had Awori, and Egun-Awori and Ajeromi district councils. Epe Division had Epe, Eredo, Ikosi (with Agbowa and Imota towns), Ibeju, Ejirin and Lekki district councils. Ikeja Division had Ikeja, Mushin, Agege District Councils, Ikorodu, Igboibo/Baiyeku, Ijede and Eti-Osa Local Councils.

By 1967, Lagos Division corresponded with the former Federal Territory (and coincided also with Lagos City Council). Later, it was expanded by the area of Eti-Osa Local Council which till that time (1971) belonged to the Ikorodu Division. Badagry and Epe Divisions remained without changes. The former Ikeja Division was split up into two. The new Ikeja Division consisted of the former Ikeja, Agege and Mushin District Councils. The Second - Ikorodu Division - consisted of the former Ikorodu Local Council, Igboibo/Baiyeku Local Council, Ijede Local Council and

4. See Master Plan for Metropolitan Lagos Implementation United Nations Project - NIR/82/001. Lagos State Local Government Areas (Outline of Planning Characteristics). Prepared by United Nations Centre for Human Settlements (Habitat) and Urban and Regional Planning Division, Lagos State Ministry of Economic Planning and Land Matters, page 8.

till 1971 also of Eti-Osa Local Council.

In 1971, Lagos State was structured into seven councils namely: Awori/Ajeromi District Council and Egun Awori District Council in the Badagry Division; Lagos Town Council in the Lagos Division; Ikeja District Council and Mushin Town Council in the Ikeja Division; Ikorodu District Council in the Ikorodu Division; and Epe District Council in Epe Division⁵.

In 1976, an 8-Council structure which lasted till 1980 was established for the State. The local governments were Lagos Island, Lagos Mainland, Mushin West, Mushin East, Epe, Badagry, Ikorodu and Ikeja local government⁶.

Purpose/Significance of the Study

The potentials of local government as basis for development is now becoming widely acceptable among policy makers in Nigeria. The materials on which this research is based will help to clarify many current issues on local government in Nigeria and generate more interest among policy makers and researchers.

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5. The Local Government Council (Areas of Authority) Law in Laws of Lagos State, Cap 76.
 6. See Local Government Edict No. 16 of 1976 (Lagos State Official Gazette No. 49, Volume 9).

In particular, it contributes to knowledge in the area of "structure" which always poses a problem in the administration and management of local government councils. Obscure data has been refreshingly produced and exposed to enhance the understanding of government at the local level in an environment of underdevelopment.

Essentially, this research has two primary objectives. The first is to illuminate the areas of local government structural organization in Lagos State between 1969 and 1979 in order to see why such re-organization took place, the factors which influenced it and the processes and procedures adopted. The second objective is derived from the first. An analysis of the State's local government structural organization between 1969 and 1979 would lead to the recognition of the obstacles, problems as well as assets attendant to the re-organization. Lessons which may be helpful in future exercises will be accentuated.

In order to achieve the primary objectives stated herein, this study provides salient facts and figures about structural re-organization of local government councils in Lagos State as they may be discussed contemporaneously. The method of analysis lifts the main theme - structure - that has been discussed well above mere pedagogy to the level of dialectics. By examining an aspect of central-local government relationship, and indicating how the present structural arrangement can be

modified in the light of identified shortcomings, the study constitutes a useful reference guide in finding solutions to the problems associated with local government structures, especially now, that the return to civilian government in the Third Republic is imminent. The study is therefore a useful literature on local government structural re-organization. Besides, this work has great potentials in improving our understanding of the dynamics of local government re-structuring in Lagos State in particular and Nigeria in general.

The significance of this study is that it directs attention to one of the approaches through which local governments can become more effective, efficient and functional. The inter-disciplinary approach used in the explanation of the various factors, issues and elements which interplay in the process of structural re-organization provides for the relatively in-depth analysis that has been offered in the study.

The study provides a clear conception of issues in local government restructuring and diligent application of knowledge in their resolution. It also provides a deeper understanding of the complex problems of policy and strategy in local government and administration.

Finally, although time, resources, facilities and circumstances do not permit exhaustive discussion of the issue of party politics in the local government system during the review period as well as meticulous evaluation of the operations/performance of the individual local government councils against the legal and other statutory requirements, it is hoped that the gap will become areas for future research interests by scholars.

Sources of Data/Methodological Approach

The methodological approach adopted in this study is that of content analysis. It involves the use of the resources of libraries as well as the analysis of issues in the extensive and extant published data such as the Ogunnaike and Oluwa Reports by the 1969 Tribunal of Inquiry⁷, the consequential Government White Paper on the Reports (1970), the Guidelines for Local Government Reform (August 1976) and the Lagos State Government Edict

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7. The approach of using external consultants or change agent is known as Organisation Development (OD). For further information see R. Beckard, Organisation Development: Strategies and Models (Reading, Mass Addison-Wesley 1969) pp. 9-13; W.G. Bennis, Organisation Development: Its Nature, Origins and Prospect (Reading, Mass, Wesley 1969 esp. pp. 2 and 13.

No. 16 of 1976. These are the primary data. The secondary data which would be used with great care include newspaper publications, rejoinders and more importantly relevant Conference Papers.

The stated methodological approach becomes significant because of the assumptions that there may be lack of co-operation from the potential informants, that not all research requires field investigation particularly in order to be significant, and that secrecy may hinder the data required for the problem-solving or decision-making exercise. Sound research studies can still be developed from the materials available in library collections⁸. The information contained in the government published materials can serve as the raw data for analysis of the specific problem of local government structural re-organization.

8. W. J. Goode and R. K. Hatt, Methods in Social Research (McGraw-Hill Kogakusha Ltd., 1952) pp. 103-4.

However, the methodological approach is supplemented by informal interviews with top functionaries of the Lagos state government and other well meaning individuals. Oral evidence was obtained through asking the questions; what aspects/issues do you consider as being crucial to local government reform? Which local government councils in the State did not pull their weight and why? How adequate was the strategy adopted by the Military in effecting and implementing the local government structural re-organization effort? What number of local government councils would you suggest for each administrative division of the State and why? What are the people's general reactions to the restructuring of the local government? What structural design would you now recommend for local government system in Nigeria? How would you rank the following crucial issues in order of desired importance known to you?

- (i) Traditional Leaders (i.e. Obas & Chiefs)
- (ii) Revenue Generation (i.e. internally generated and other external sources)
- (iii) Financing/Funding of Local Governments
- (iv) Local Government Staff and Personnel Management
- (v) Inter-governmental Relations
- (vi) Structure
- (vii) Functions and Obligations
- (viii) Elections

- (ix) Basic Internal Organization
- (x) Portfolio and Non-Portfolio Councillors.

Assumptions and Hypotheses

The study of the structural re-organisation of the local government systems in Lagos State between 1969 and 1979 focuses specifically on a two-phase exercise; the first between 1969 and 1971 and the second in 1976. For each exercise the significant factors that are examined include the objectives, factors and conditions responsible for the exercise; the method and or instrument adopted in effecting it; the depth, spread and outcome of the exercise; organizational apparatus of the local government councils in terms of, say, executive and financial capacity, population, bureaucratic structure and loyalty to ethnic sentiments. It must, however, be remarked that the absence of partisan political parties during the period and the posture of the Military enhanced the local government structural re-organization in the State during the review period.

Based on extant literature and empirical studies the following hypotheses are used to guide the study:

- (i) Structural re-organisation tends to reduce, if not totally eliminate, the factors responsible for ineffectiveness and inefficiency of a local government⁹.
- (ii) The greater the absence of an efficient local government, the more the problem of resource mobilization, political participation, social services delivery and democracy.
- (iii) Structural re-organization of a local government system along historical, political, sociological, cultural and economic criteria has a tendency to make it more efficient and effective than those done otherwise.
- (iv) The greater the degree of receptivity and adaptability by the populace to structural re-organization the higher the level of effectiveness and efficiency of a local government.

9. For instance, multiplicity of a local government system is likely to produce some local governments which would have abundant resources and few problems while some would have many problems and limited resources. Large local governments are likely to be more inaccessible to the Community and may not be able to control large bureaucracies or be amenable to citizen influence.

Structure of the Thesis

The thesis is structured in three parts of seven chapters. In Part One (chapters one to three) I lay the general foundations through introducing the subject theme - local government structural re-organization - as well as discussing the theoretical and conceptual framework which is appropriate for explaining the subject theme. In Part Two (chapters four to six) I attempt to situate some of the issues addressed in the theoretical and conceptual framework in the context of empirical materials taken from the Lagos State Case Study. It is hoped that the findings would throw more light on the situation in other states of the Country generally.

The theoretical approach is not sterile because it is informed by empirical research. Similarly, the empirical case study becomes useful because of the key theoretical questions it addresses. In fact, I subscribe to the position that no worthwhile research/study can be conducted without a hypothesis or theory. Therefore, the theoretical and empirical work complement each other and are thus closely inter-related and inter-dependent.

Chapter 1 has not only defined the problem of local government structural re-organization with particular reference to Lagos State, it has also stated the purpose and significance of the study, the methodology adopted in carrying out the study and the assumptions/hypotheses underlying the study.

In Chapters 2 and 3, the contributions of representative scholars on local government and structural organization respectively are offered. The spread of the key issues - local government and structural re-organization at a comprehensive level - has made the literature review tasking and space consuming. The chapters also involve a discussion that establishes a sort of linkage between local government and structural re-organization. In Chapter 3, apart from laying emphasis on the organization theory approach as the basic theoretical framework, specific attention is also given to some components of local government structural re-organization namely, efficiency and effectiveness principles, environmental and leadership factors.

Chapter 4 reviews the 19 - local government structure and the political environment in the geographical areas that later became Lagos State. It provides the background to local government structural re-organization. The next two chapters discuss the sequence of local government structural re-organization in Lagos State while interpreting and analysing the relevant thematic issues. In adopting this focus on sequential order¹⁰ or periodicity it is realized that some of the issues addressed are more or less important in each of the two periods of the local government structural re-organization.

10. This approach has been used by:

- (a) L. Adele Jinadu, Fanon: In search of the African Revolution (Fourth Dimension Publishers, 1980). He devotes separate parts to political sociology of colonial society and the political sociology of post-colonial Africa;
- (b) Remi Anifowoshe, Violence and Politics in Nigeria: The Tiv & Yoruba Experience. (Nok Publishers International 1982). He treats the experiences of Tiv & Yoruba separately and also accounts separately for the violence in Tiv Division (1960 & 1964) - Chapter 4, and Parliamentary elections in Western Nigeria - October 11, 1965 - Chapter 7; and
- (c) Benjamin Amonoo, Ghana 1957 - 1966; Politics of Institutional Dualism (George Allen & Urwin, 1981). He devoted Chapter 2 to Political and Bureaucratic Institutions in the Central Administrative Machinery, 1957 - 60 and Chapter 3 to the period 1960 - 1966.

Chapter 5 critically examines the philosophy, processes and procedure for the first-ever structural re-organization of the local government councils between 1969 and 1971. The Reports of the Ogunnaike Tribunal of Inquiry, 1970 and the subsequent Government White Paper brought about the 7 - council structure in Lagos State¹¹.

Chapter 6 deals with the second phase of the local government structural re-organization examined in this study. It discusses in the following sequential order the Report of the Task Force on Local Government (December, 1973, 317 pp), the main Report of the Public Service Review Commission, September, 1974, especially its Appendix 3; the consequential Government White Paper, December 1974 (71 pp); the Guidelines for Local Government Reform, 1976; and the enabling Lagos State Local Government Edict No. 16 of 1976.

11. Op cit.

Through these instruments Lagos State eventually emerged with an 8-Council Structure¹².

Part Three, Chapter 7 gives a summary of general trends and observations growing out of the entire study and provides guidelines for future local government structural re-organization in Nigeria in general and Lagos State in particular.

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12. In particular, the Public Service Review Commission under the Chairmanship of Chief J. O. Udoji was appointed by the Federal Military Government on the 25th Sept. 1972. On the 25th Sept. 1974 (that is after exactly 2 years) it submitted its Report. Government Views on the Report of the Public Service Review Commission was published in December 1974 (71 pages). Following the spate of industrial actions and agitations that followed the publication of the Report of the Udoji Commission (Sept. 1974) a Public Service Review Panel under the Chairmanship of Mr. Akintola Williams was appointed and requested to receive and examine petitions and complaints against the gradings and salary scales, which were approved in the White Paper on the Udoji Report and to submit suitable recommendations to the Government not later than the end of Feb. 1975. The Review Panel, however, submitted its Report on the 30th June 1975 and Government published its views on the Report in Sept. 1975 (31 pages). With regard to the 1976 Reform, See Federal Republic of Nigeria, Guidelines for Local Government Reform, (Government Printer, Kaduna, August 1976) and Local Government Edict No. 16 1976 published in the Lagos State of Nigeria Official Gazette No. 49, Volume 9, November, 1976.

CHAPTER 2

CONCEPTUAL APPROACHES

The first task is to choose a suitable meaning for the concept of local government for the purpose of the present study. The need for this choice arises because a number of definitions of the term have been given. The concept of local government has been presented according to the disciplinary affiliation of the different users in various countries. Apart from the various disciplinary affiliations, theoretical inclination and conceptual strategies of the authors have also influenced the connotations given to the concept. In order to have a good survey of authorities in this field attempt has been made to classify the authorities by grouping them together according to the themes they present. Consequently, they have been grouped along the following thematic issues:

- Structures
- Functions
- Decentralization
- Democracy, and
- Typologies of local government.

Structures:

Conscious of locality, autonomy and viability principles, Awa¹ sees local governments as Sociologically subordinate political bodies and argues that it is only reasonable to recognise this in structuring them. The locality principle refers principally to territorial delimitation in terms of distance and space; autonomy to the amount of power granted to local government by the State or central government; and the viability question refers to the ability of the local government units to provide the needed services for the people.

It therefore stands to reason that the structure of a local government must not be too small as to be economically unviable nor too large that it becomes practically unmanageable; that there is a sense of belonging among the people living in the area, for example in terms of ethnicity, language, religion or race; that the local government is reasonably large to take decisions of much greater significance; and that it has adequate funds and personnel to provide the needed services and remove to a reasonable

1. E. O. Awa, "The Theory of Local Government" Quarterly Journal of Administration, Faculty of Administration, University of Ife, Ile-Ife, Vol. XV, Nos. 1 and 2, October/January, 1981) especially the Abstract and page 3.

degree financial dependence on the central government. The autonomy issue can be discerned through policy formulation, budgetting and development plan preparation.

However, Alex Gboyega is of the view that autonomy has to do with the financial structure of local government councils and their decisional capability, and argues that the increasingly declining financial resources of the local government councils has seriously affected their capacity to execute their programmes while at the same time the government has not applied the fiscal sanctions at its disposal to ensure financial prudence in local government operation².

As for the decisional capability, the attitudes and perceptions of local leaders, the attitude and support of the individual and the community towards the local government and the interacting influence of the state or central political system³ must be

2. Alex Gboyega, Local Government and Political Integration in the Western State of Nigeria 1952 - 1972. Ph.D Thesis (313 pp), University of Ibadan, October, 1975, pp. 2 - 3.

3. See, for example, Henry L. Bretton, Power and Stability in Nigeria (New York, Frederick A. Praeger 1962) pp. 29-33. He observes that it is possible for the weakness of the state institution to lead local government to narrow and untoward parochialism.

recognised. And as for the financial structure it is interesting to recognise the extent that the local government is self-supporting, the extent that the state government complied with the constitutional and administrative provisions in terms of financial allocations from year to year, the extent to which local governments in the state have improved on their internally-generated revenue, the extent that the revenue - sharing formula has favoured or disfavoured the local governments and the extent that development plans, programmes and projects have been integrated with local government administrative and financial institutions. The end result may add to the hypothesis that the higher the level of locally generated resources, the greater the decisional capability and the higher the degree of autonomy⁴.

W. Hardy Wickwar⁵ identifies six basic principles of local government. These principles are (i) the recognition of the group as the basis of local

4. Alex Gboyega, op cit, p. 60.

5. W. H. Wickwar, The Political Theory of Local Government (South Carolina; University of South Carolina, Fren, 1970).

government; (ii) the development of local government 'out of traditional community life based on historic local units'; (iii) the acceptance of the fact that these units, more than those created by legal instruments, have all the elements which will win the loyalty of the people; (iv) the alteration of these historic units in line with changing demands; (v) the granting of adequate autonomy to local government and (vi) the granting of encouragement of maximum political participation on the part of the citizens.

Marshall⁶ sees a local authority as having three essential characteristics. These are operation in a restricted geographical area within a nation or state; local election or selection; and the enjoyment of a measure of autonomy including the power of taxation. On the other hand, Steer⁷ identifies four characteristics which serve to distinguish a local authority from the other organs of government. The characteristics are responsibility to a local electorate; a right to local taxation; a legal status and freedom.

6. A. H. Marshall, Local Government in Modern World, (The Stamp Memorial Lecture 1965). University of London, the Athlone Press, 1959) page 1.

7. William S. Steer, 'Local Government', in H. Victor Wiseman (ed), Political Science, (Routhledge and Kegan Paul Limited, 1976) pages 78-102. He has the English Local Government in mind.

For Adamolekun⁸, a Local Government Unit must have a legal personality, it must have specified powers to perform a range of functions, and finally it must enjoy substantial autonomy especially in financial and staff matters subject to limited control from the central government. Adamolekun⁹ also informs that local government institutions are usually established to achieve three broad objectives. These are (i) to involve local citizens in the management of local affairs (political participation), (ii) to ensure that the basic needs of local citizens are met as speedily and as efficiently as possible (efficient service delivery), and (iii) to provide a framework within which local resources, both human and material, are effectively mobilized (resource mobilization). Political participation refers to electoral participation of individual citizens and

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8. Ladipo Adamolekun, Public Administration: A Nigerian and Comparative Perspective, (Ogunbiyi Printing Works) pages 56-64. Year of Publication of the 'mimeograph' though not stated, was likely to be 1979. See also the textbook version - Public Administration: A Nigerian and Comparative Perspective (Longman, 1983).
 9. Dele Olowu also used the approach in presenting his paper - A General Overview of Local Government - at the Seminar for Chairmen and members of Local Government Management Committees in Ondo State, Nigeria (8th Feb., 1986). Highlights of the paper was that political participation, efficient services delivery, resource mobilization are the very essence of a local government.

the accessibility of the local council to the citizens granting their political behaviour. Efficient service delivery refers to the extent to which goods and services are delivered to local citizens in the right quantity and quality and at the right time. Resource mobilization is a situation in which local governments arouse the local citizenry to the management as elected or appointed officials or on a voluntary basis within community development committees that are engaged in 'self-help' projects. In several Western industrialized countries where emphasis is on financial resource mobilization, 'financial viability' constitutes a vital criterion for the existence or non-existence of local governments whereas in the People's Republic of China or several other socialist states the emphasis is on the mobilization of the people and the financial aspect is hardly emphasized, at least in a direct manner.

The official declaration in Nigeria is also that the principal aims of local government are to make appropriate services and development activities responsive to local wishes and initiatives by devolving or delegating to local representative bodies; to facilitate the exercise of democratic self-government close to the local levels of society and to encourage initiative and leadership potential;

to mobilise human and material resources through the involvement of members of the public in their local development; and to provide a two-way channel of communication between local communities and government (both State and Federal)¹⁰.

The issue of population is germane to local government hence Oladosu¹¹ advises that a local government should possess, to a reasonable degree, a combination of common historical, geographical, sociological, cultural and economic characteristics and should be reasonably large both in size and population. The population should be large enough to be viable and to mobilize support. The exact weight that should be attached to each of these factors will be greatly influenced by the sort of functions that the local government is expected to perform. For this reason he holds that the efficient provision of essential services to the population is the hall-mark of a local government¹².

10. See Federal Republic of Nigeria, Guidelines for Local Government Reform (Kaduna, Government Printer, 1976) page 1, paragraph 1. The aims are with particular reference to Nigeria.

11. S. Ade Oladosu, Kaduna Essays in Local Government, (Dosu Publications, 1961), especially page 160.

12. *ibid*, page 159.

With particular reference to Nigeria, Obafemi Awolowo¹³ sees local government as "the foundation on which the massive and magnificent super-structure of state, regional or central, is erected". He also sees it as the foundation on which the state and federal governments rest and the agency through which the state government and occasionally the federal government touch the lives of the people most intimately¹⁴.

Awa¹⁵ sees the main objectives of local government as a device used for ministering to the needs of the people who live in localities, as the eradication of poverty, ignorance, disease, squalor and so on, as well as procuring for the people opportunities for self-reliance and reasonable independence

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13. See Western Nigeria House of Assembly Debates, First Session, (Government Printer) 1952, pages 96 - 97. Chief Obafemi Awolowo was in 1952 the then Minister for Local Government in the then Western Region of Nigeria.
 14. O. Awolowo 'Christmas Message' - The Council, The Journal of the Western Nigeria Local Authority, 1967, page 8.
 15. E. O. Awa "The Theory of Local Government" Quarterly Journal of Administration, Faculty of Administration, University of Ife, Ile-Ife, Vol. XV, Nos. 1 and 2, October/January, 1981, pp. 14-15.

of the higher levels of government and as the transformation of agriculture, the establishment of light industries and infrastructures - water, electricity, hospitals, schools, recreation centres, etc. and the employment of administrative structures and financial measures which can lead to the realisation of these goals.

To meet the objectives, Awa talks of two basic models. These are the single-tier type and the multiple-tier system. In the single-tier system, Communities in the rural areas such as district or country which are centralized in nature (i.e. having homogeneous cultural groups extending over fairly large land space where the people recognize themselves as members of the same community) can be used as units of local government. A single tier device can be established for such areas as they possess the potentialities for taking on successfully major local government functions such as the ownership and operation of light industries and infrastructures. Small and medium urban centres can also be constituted into single tiers if they are large enough to meet the requirements of areas and the implied population.

The other model is the Multiple-tier System. In rural areas of the non-centralized type and in large cities like Lagos, the viability question suggests that there must be a core unit around which we can easily find a convergence of the various factors which foster development and effective administration. It suggests the need to set up a tier higher than the core unit for the handling of services which are too expensive for the core units to manage themselves but which they are prepared to finance in collaboration with other core units. Awa, however, remarks that a three-tier system should be avoided as much as possible, for, in this kind of system, the lowest unit is often given inconsequential functions and the highest tier may be made too large and practically unmanageable.

According to Kast and Rosenzweig, structure may be defined as:

"the established pattern of relationships among the components or parts of the organization.

However, the structure of a social system is not visible in the same way as biological or mechanical system. It cannot be seen but is inferred

from the actual operations and behaviour of the organisation"¹⁶

16. Fremont E. Kast and James Rosenzweig, Organisation and Management: A System Approach (second ed; McGraw-Hill Kogakusha Ltd. 1979) pp. 206 - 243 especially p. 207.

In relation to local government, Samuel Humes and Eileen Martin Harloof rightly and relevantly, too, describes the structure of local government as:

"the framework within which local public policy is determined and implemented. In organizing any government account must be taken of such contrasting, but not mutually exclusive, emphases as individual liberty and corporate authority, local political initiative and central government direction, citizen participation and professional management, and popular responsiveness and effective administration. Structures are the syntheses, albeit usually temporizing ones, of these apparently opposing values. The structure of an organization not only determines the relationship between the organs but also the balance between these apparently opposing values, and thus provides its inherent character and strength"¹⁷.

They also validly argue that the way a government is organized has an important effect upon how the decisions are made, co-ordinated and carried out.

17. The Structure of Local Government (International Union of Local Authorities, the Hague, August 1969 2nd ed) esp. p.34. This is a revised work on the 1961 edition The Structure of Local Government Throughout the World. It is a descriptive and comparative study of the units, organs, and processes of local government in 43 countries. In the second edition, they ably give a comparative summary of 81 countries especially in Part Two of the 674 page book. This book has been found invaluable in the discussions on the structure of local government which is the centre-piece of this thesis. Pages 281-283 contain the write-up on Nigeria. See also Campbell, M; Brierly, T; Blitz, L. "The Structure of Local Government In West Africa" (Martins Nijhoff for IULA, The Hague, 1965).

Local Government is complex organisation. Hence, one should also think of organization structure. What, therefore, is organization structure? Organization structure is made up of the formal structural elements (for example, set of laws, organization charts, boundary) and informal structural elements (for example actual operations, performance and behaviour). In the particular circumstances of local government it is one that is not an end in itself but an indispensable means to the end results. Therefore the structure can increase or decrease the effectiveness of those who work within it and can make the securing and retaining of able men more or less likely¹⁸. It can also be inclined towards designing democratic, rational, sensitive, responsible and

responsive autonomous, effective, efficient virile, productive, and infra-sovereign local representative government. In practice, what is desirable is a combination of the aspects of the formal (static) and informal (kinetic) structures¹⁹. Various organs make up the overall structure and each organ can be understood in terms of its role in the said overall structure, its authority and power, its interaction/relationship with the other organs of the local government and its share in the management of public services.

18. *ibid*, p. 35.

19. This relates to the description Vs analysis debate.

Finally, the structure of local government can equally be explained in terms of authority and power variables²⁰. Authority is a more formal static term, referring to a legal ability to make decisions. Power, on the other hand, is a more informal kinetic term, referring to the actual ability to influence the decision - making process. The triangle of power, in relation to local government, involves and concerns the electors, councillors and the paid staff (administrators/ professionals etc) and it is between these three categories that necessary balance must be made for the corporate existence and survival of the local government. If the structure is well designed, the solutions/ answers to the following three primary but universal questions²¹ would be relatively easy:

- what part can and should local government play in the total governing of a country?
- How can local government best be used as an instrument for citizen participation?
- What structures provide for the most efficient and effective mobilization of local resources as regards manpower, ideas and finances towards the goal of furthering economic and social development?

20. This, like the description Vs analysis argument referred to by Humes and Martin (ibid, p.35) is the authority Vs Power debate.

21. See Samuel Humes and Eileen Martin, ibid, Preface, p. 21.

The approach designed by Humes and Martin is adopted in this study because of its adequacy and relevance. Experience has shown that there is often a gap between the structure of local government in theory and as it functions in practice. This is because local variables come into play. Lagos State has its own peculiarities, i.e. social, physical, cultural and historical characteristics. Accordingly, and as expected local government structural re-organization in Lagos State like elsewhere in Nigeria has been informed by the following pertinent factors or problems:

- Shortage of leadership and funds
- Political instability manifested in military rule in the country and suspension of representative government at local and central levels.
- Competition with central government agencies for human and material resources and execution of functions,
- Lack of expert and experienced manpower to provide the executive and technical expertise needed to direct the local services, attract the attention of the local citizens or the respect of the central government officials, and
- The politics of local government and central - local relations.

However, the chances for survival of whatever local government structural re-organization depends largely on the people (the electorate) and logic of constitutionalism and presidentialism in the country. The keynote is that 'structure' is everybody's business - initiators, implementors, the local communities. The factors that have been defined above significantly affect the operation of the structure of local government in Nigeria in general and Lagos State in particular.

Functions

Emil Sady²² declares that local government in developing areas (such as Nigeria) should be concerned with decongesting government leaders from onerous details and unnecessary involvement in local issues; with increasing people's understanding and

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22. Emil Sady, "Improvement of Local Government and Administration for Development Purposes." (Journal of Local Administration Overseas Vol. 1, No. 31, 1962) page 137. See also Robert F. Ola, Local Administration in Nigeria (Kegan Paul International, 1984) pages 14-17. Ola exposes the Development School of thought in relation to the functional responsibilities of local governments, and suggests that a great deal of the emphasis of local governments in most developing areas ought to continue to be put on agriculture. The fact is that the economy of most developing areas depends on agriculture.

economic development; with making programmes to foster social and economic betterment at the local level more realistic and lasting; with training people in the art of self-government; and with strengthening national unity. However, these functional requisites of local government are not exclusive to developing areas nor is the list of functions provided by Sady comprehensive. There could be more functions for local government whether in developing or developed areas.

J. K. Nsarkoh²³ also sees local government as a system which characterises all primitive societies and in some cases provides services but unlike the commercial companies, local authorities do not provide services with the ultimate aim of making profit.

Harry A. Green²⁴ also takes a functional approach describing local government as an essential instrument of national and state government for the performance of certain basic services; an instrument which unites people in a defined area for common purposes; an instrument established to solve local problems and satisfy needs that cannot be achieved by individuals; and an instrument of representation and of administration.

23. See J.K. Nsarkoh, Local Government in Government (Ghana University Press, Accra, 1964) pages 12-13.

24. Harry A. Green, The Nigerian Journal of Public Affairs, 6No. 1, 1976 (Institute of Administration) pages 7-24 in the article "The Theory of Local Government and Management Effectiveness".

W. J. M. Mackenzie²⁵ sees local government as a traditional institution which also serves as a means of political education. Similarly, Dilys M. Hill²⁶ posits that local government distributes the burden of decision-making. It also diversifies and enriches the channels of opinion, complaint, redress and demands.

Decentralization

The notion of keeping government closer to the people is a standard litany of decentralization and is a means towards achieving reform, progress and development. A decentralized government has some freedom to act without referring to the centre for approval, but its status is not comparable with that of a sovereign state. The authority of a decentralized government may be dissolved. This is to say that decentralization denotes the transference of authority - legislative, judicial or administrative - from a higher level of government to a lower and has the advantages of less burden on national/state legislatures on matters of purely local nature and in the promotion of citizen interest in government by means of wider popular participation.

25. W.J.M. Mackenzie, Theories of Local Government 'L.S.E. Greater London Papers, No. 2, 1961, pages 14 and 18.

26. Dilys M. Hill, Democratic Theory and Local Government, (George Allen and Unwin Limited 1974), page 225.

Local government is a form of decentralization of government work. It is also an aspect of developmental process. In fact, Green²⁷ argues that the effectiveness of a local government can be judged through the local development it generates, social amenities it provides and the happiness and general well being which it has provided satisfactorily for the communities for which it has been established to serve. Similarly, L. J. Sharpe²⁸ informs that the strongest justification for local government is its claim as efficient provider of services. The question then that may be asked is on the degree to which the functions are performed effectively and efficiently

Wraith²⁹ equates delegation by an individual administrator with decentralization in administration. Without delegation or decentralization, there could be frustration and inefficiency. Decentralization is an umbrella term and refers to the transfer of authority, on a geographic basis, whether by decon-

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27. Harry A. Green, The Nigerian Journal of Public Affairs 6, No. 1, 1976 (Institute of Administration) pages 7-24, op cit.
 28. L. J. Sharpe, "Theories and Values of Local Government", Political Studies, Vol. 18, No. 2 June, 1976, page 168.
 29. Ronald Wraith, Local Government in West Africa (George Allen and Unwin, 1964). See also his revised work Local Administration in West Africa, (George Allen and Unwin Limited, 1972).

centration or devolution. Deconcentration involves delegation of authority to field units of the same department. Devolution, on the other hand, refers to a transfer of authority to local government units or special statutory bodies such as school boards, water board, refuse board³⁰.

As for Quincy Wright³¹ the degree of centralization of a government depends on where legal authority is concentrated adding that it is common to associate centralization with autocracy and decentralization with democracy³². Decentralization, according to him, is the condition or the process leading to the condition whereby the state or other political system distributes governmental authority among many organs with defined geographical or functional competence according to relatively permanent constitutional or legislative provision.

30. Ronald Wraith, 1972, *ibid*, p. 13.

31. Quincy Wright, 'Centralization' Encyclopedia Americana, Volume 6. (The American Corporation 1963) page 212. See also Quincy Wright, 'Decentralization' Encyclopedia Americana, Volume 8, page 559.

32. The issue of democracy is taken up in the next section of this chapter.

Hicks and Gullett,³³ however, favour a judicious mixture of centralization and decentralization in the accomplishment of local government objectives. The assumption is that no local government is completely centralized or completely decentralized.

Ladipo Adamolekun,³⁴ like Hicks and Gullett agree that every administrative organisation exhibits both centralized and decentralized features by particularly seeking to establish a balance between both features in the light of its own peculiar circumstances. According to him, centralization can lead to situations in which uniform treatment is supplied to communities whose circumstances are widely different and thereby constitute obstacles to experimentation and adjustment to local conditions.

Centralization exists where legal authority has not been decentralized to subordinate units and also where the powers within an administrative hierarchy are concentrated at the apex. It is in this later sense that the term 'concentration' is used as a synonym of centralization.

33. Herbert G. Hicks and C. Ray Gullett, The Management of Organisation (McGraw-Hill, Kogakusha Limited) 1976, pages 330-331.

34. Ladipo Adamolekun, Public Administration: A Nigerian and Comparative Perspective (Ogunbiyi Printing Works) pp. 45-46.

Philip Mawhood³⁵ sees decentralization as giving more direct access for the people to the government and the government to the people.

Local representatives are given formal power to decide on a range of public matters. Their political base is the locality and not the nation. Their area of authority is limited, but within that area their right to make decisions is entrenched by the law and can only be altered by new legislation. They have resources which, subject to the stated limits, are spent and invested at their own discretion³⁶. In practice, decentralization is associated with devolution of powers, democratic decentralization, local government, municipal administration.³⁷

Greech Jones mentions three perquisites of a decentralized government. First, a local government must be local since the system of government must be close to the people and their problems. Secondly, it must be efficient because it must be capable of managing the local services in a way which will help raise the standard of living. Thirdly, it must be democratic because it must not only find a place for the growing class of educated men, but at the same time, it must also command the respect and support of the mass

35. Philip Mawhood, "Decentralization: The Concept and the Practice", in Philip Mawhood (ed). Local Government in the Third World: The Experience of Tropical Africa (John Wiley and Sons Limited 1983) page 1.

36. *ibid*, page 2.

37. *ibid*, pages 3-4.

of the people³⁸. Local government authorities, as decentralized governments, function as a half-way house between educated and economically powerful elites who are mainly urban-based and the masses who are mostly rural-based and in huge majority³⁹. The influence over decision making in a decentralized government is local.

Democracy

Too much centralization obstructs democracy and since decentralization sets limits on the central and regional (State) governments it (decentralization) is incompatible with autocracy or totalitarian rule. Therefore, democracy⁴⁰ is compatible with decentralization and local government structural re-organisation and is as well a

38. Colonial Office Despatch from the Secretary of State for the Colonies to the Governors of the African Territories, February, 1947. Quoted in Samuel Humes, 'The Role of Local Government in Economic Development in Africa' Journal of Administration Overseas, 12, 1 January, 1973, 23. See also Philip Mawhood. (ed), op cit, page 27. In the text above, Greech Jones emphasizes that the three key words are - local, efficient and democratic.

39. See Philip Mawhood, (ed) op cit, p.5.

40. Democracy is used as an idea in this sense to mean free government where free election, party system, possibility for responsible opposition are allowed to operate.

condition of the latter. Decentralization and autonomy theoretically should make for mass involvement at the local level in political matters⁴¹.

Democracy is "a form of government in which the supreme power is vested in the people collectively"⁴². Thus, democracy implies the supremacy, so to say, of the people. Liberty, equality and welfare are also the basic values of modern democratic society. Liberty is realized in the protection of the citizen from arbitrary rule and over-concentration of power in one individual or group of persons; equality in the granting of the right to vote and to participate in as many public bodies as possible; and welfare in the provision of services for the social and economic advancement of the community.

Local Governments may therefore be described, explained and compared as more democratic or less democratic using these indicators - liberty, equality and welfare.

41. Adele-Jinadu, A Note on the Theory of Federalism, Paper presented at the International Conference on Federalism held in Lagos, Nigeria (May 10-14, 1976) under the auspices of the Nigerian Institute of International Affairs, p. 15.

42. The Webster Dictionary (New Edition).

The most obvious problem brought about in the application of this democratic ideal is the failure of government based on representation to adequately reflect all shades of public interests. If public desires were adequately reflected by representative government, there would have been no need for existing various interest groups "operating outside the legislature and across the lines of the major parties"⁴³. With this belief emerged the idea that actual democracy could be achieved only under a situation where those opinions glossed over or rejected as minority views are properly processed. Mill⁴⁴ saw this problem as one of the great difficulties of democratic government. He therefore suggested a converging point for those opinions and interests outside the spectrum of majority views. It is this short-coming in the manner in which representative democracy is practiced that led to the concept of pluralist democracy. What then is pluralist democracy?

43. Lane W. Lancaster; Masters of Political Thought, Vol. 3 (London: Harry 1973), page 149.

44. John Stuart Mill, Representative Government, pages 291-292.

The concept of pluralist democracy is based on the principle that representative democracy cannot and has not been able to reflect the interests of all. On account of this, it becomes necessary and, even more, democratically expedient for "groups to organise so as to press their interests or view points."⁴⁵ This group represents those who cannot within political parties make their muffled voice heard. This group also represents those social forces and interests within a polity which are not normally counted on the political scheme of the ruling elite⁴⁶.

Thus, pluralist democratic theory "accepts that it is reasonable for organised groups to exercise what influence they can upon legislative and executive decisions subject to qualifications about the use of constitutional methods and 'rules of the game', and perhaps to implicit assumptions about the need for compromise and fairplay"⁴⁷. This means that members of various groups make legitimate moves to influence

45. Peter Self, Administrative Theories and Politics (London: George Allen and Urwin 1979), page 281.

46. Gerraint Parry, Political Elites (London: George Allen and Urwin, 1971) p. 143.

47. Self (1979), op cit

the political leadership "in order to secure the acceptance of its policies"⁴⁸. In doing this, intermediary groups such as churches, consumer groups, business associations serve as a conveyor between the political leadership and citizens. These intermediate groups sometimes have a system of leadership that has a local orientation. They constitute the frame work in which the individual can develop his interest in and contribute towards matters which concern him, from civic affairs to the education of his children⁴⁹. In this way each group uses its internal mechanism to settle those rifts, interests, pressures which it terms unnecessary for the attention of the political leadership⁵⁰. This sort of activities are common within unions, business associations and interestingly enough even behind the walls of traditional rulers.

Pluralist democratic concept therefore regards the presence of elites in a political system not as "an imperfection in a democracy" but rather as "the

48. Parry (1971), op cit p. 145

49. ibid p. 147.

50. W. Kornhauser, The Politics of Mass Society (London: Rontledge, 1960).

guarantor of the system" whenever it is found. Owing to the fact that several social forces, interests and opinions can not possibly be adequately represented in a political system pluralist democracy becomes legitimate.

Liberal democratic theories see local governments as the management of local affairs by local authorities within a given area and they dismiss with naivety the criticism that local government is an unnecessary wasteful venture. They thus argue that, in a modern state, local government deals with only part of all the local activities of public administration. However, the democracy concept is not unique to local government or local administration. It refers to the state as a whole and local government's vital contribution is that it is a political institution by which people share in government and resolve their differences⁵¹. This view is supported by George Langrod⁵² in agreeing that democracy is concerned with the nation-state as a whole

51. William Thornhill, The Growth and Reform of English Local Government (Weidenfeld and Nicolson, London, pages 29-30).

52. George Langrod, "Local Government and Democracy" in Public Administration, Vol. 31, 1953, pages 26-31.

and with majority rule, equality and uniformity. Citizens are more likely to learn about democracy from national politics and national issues rather than from local government.

Keith Panter-Brick's reaction⁵³ to the foregoing is that local government and democracy are not necessarily and inevitably opposed even if the trend in modern society is towards greater centralization and central control. Local government is still essential to allow the individual to voice his needs. He argues that participation is vital to democracy since it is in the community that people appreciate and tolerate each other's view and learn the art of practical politics. It is doubtful if a country can claim to be democratic if a substantial part of government for example, local affairs, is not run in democratic form.

In the words of Nsarkoh, local government is democracy on the doorstep. This is because whatever opinion the man-in-the street may have of his local council, he is in constant contact with a system of practical democracy affecting his daily life in a score of ways. Every contact with the services which

53. Keith Panter-Bricks, "Local Government and Democracy: A Rejoinder", in Public Administration, 31, 1953, pages 344 to 347 and Public Administration, 32, 1954 pages 438-440.

his council provides unconsciously strengthens within him the sense of democratic government whether it be in local or national spheres. Herein lies the real justification of the local government system⁵⁴. But local government cannot find an adequate justification in whether it is conformable to democracy or not.

In sum, there is no precise definition of democracy and there is need to reformulate the theory as far as local government is concerned. Democracy should be seen in terms of what men actually do rather than what they ought to do.

54 See J. K. Nsarkoh, Local Government in Ghana (Ghana University Press, Accra, 1964), pages 12-13.

Typologies of Local Governments

Finally, a broad classification of local government further throws light on the definition of the term.

Duane Lockard⁵⁵, in giving a typology of local government, identifies five types of local government structures. These are (i) the Federal de-centralised e.g. Australia, Canada, Germany, Switzerland; (ii) Unitary-decentralized e.g. Great Britain and Scandinavia countries; (iii) Napoleonic prefect e.g. France; (iv) Communist e.g. Soviet-Union, China, and (v) Post-Colonial systems e.g. Nigeria, Ghana and other post-independent African countries. However, each category can only pass for an ideal type as there are imperfections in each category. The form that each category takes depends largely on the environment and the historical, political and sociological circumstances, among others.

There is no watertight compartments between the categories given by Lockard and those given by Alderfer⁵⁶. The latter's four-fold categorisation accommodates the

55. See Duane Lockard, 'Local Government' in David L. Sills (ed), International Encyclopedia of the Social Sciences, vol. 9, (The Macmillan Company and the Free Press, 1968) pages 452-458.

56. See Harold Alderfer, Local Government in Developing Countries. (McGraw-Hill Inc. N.Y. 1964) pages 1-16.

French, the Anglo-Saxon, the Communist and the Traditional. Alderfer's Anglo-Saxon category includes the federal decentralized systems but excludes the Soviet Union and any other communist country. By the 'Traditional', Alderfer means non-western local governments. Thus, although Lockard and Alderfer have provided classificatory dimension to the definitions of local government structures, the very broadness of the categories makes the classification unsatisfactory.

Humes and Martin⁵⁷, in their own, classify local government structure by use of two variables. The first is the scope of functions performed by local authorities. The second is the manner of composition. Accordingly, four (4) types are identified:-

- (i) general - purpose representative local government;
- (ii) general - purpose non-representative local government;

57. S. Humes and E. M. Martin (eds), The Structure of Local Government Throughout the World. (The Hague, Martins Nijhoff 1961. 449 pp.) pp. 3-6.

(iii) special - purpose representative local
government

(iv) special - purpose non-representative
local government.

Although this classification scheme is neat and unambiguous, it does not postulate any orientation as regards growth and development.

As Alex Gboyega⁵⁸ observes in the particular case of the Western State of Nigeria local government began by being general purpose and representative. It became non-representative during the military administration. And with the gradual erosion of functions (to central government departments and agencies) which it has progressively suffered it may well become special purpose as well.

Alex Gboyega who argues that the structure of local government affects the decisional process informs that "for a local government to be institutionalized the structural framework must be relevant or apposite to the social environment. The structure of local government is to local government what the

58. Alex Gboyega, (Oct. 1975), *Infra*, pp. 53-54.

civil service is to central government. Like the structure of the civil service, whether it is facilitating to government or renders government more inert is a function both of its appositeness to situation, and the way in which its operators perceive their role, act and interact with the higher level of government, as well as the local government - community relationship"⁵⁹.

59. Gboyega, E. A., Local Government and Political Integration in the Western State, 1952-1972.
(Ph.D. Thesis, University of Ibadan, Oct. 1975)
p. 55.

Local Government Operational Definition

To my mind, the conclusion emerging from the foregoing definitions, view points and typologies is that local government has emerged as an important, multi-purpose institution, disposing of a considerable share of the national resources. Although it is overshadowed in many ways by the central government, it has manifest advantages including its unevitable status as a locally elected body which has the opportunity of bringing the local community together.

It is also that local governments are the infra-sovereign geographical units contained within a sovereign nation or quasi-sovereign province-state. They include intermediate units such as provinces, basic units such as municipalities and in some countries, sub-municipal units. From a local government view point, both the state and national governments are "central governments"; the province - states are quasi - sovereign and are not, therefore, considered to be local governments⁶⁰. Finally, a local government has a defined area, a population, bureaucratic structure, power to act/perform, by-laws for operations and forms an integral part of the total governmental system of every country.

60. Samuel Humes and Eileen Martin, The Structure of Local Government. A comparative survey of 81 countries (1969, International Union of Local Authorities, The Hague) p. 27.

The future of local government therefore depends on its ability to cooperate and interact with other agencies, public and private, in providing services and satisfying the wishes and aspirations of the local community over which it has sphere of influence; and in its ability not only to cope with functional pressures but also to respond to growing challenges and sustain effective leadership. Inability to do these may constitute possibilities for local government restructuring.

CHAPTER 3

THEORETICAL FRAMEWORK

Various theoretical approaches¹ to the study of local government structural re-organisation exist. From our survey of the theoretical literature on this subject, organisation theory has been found useful, relevant and adequate to understand local government structural reorganisation. Attempt is therefore made in this chapter to explain the level of generality, the conceptual range, the underlying hypotheses and assumptions, the weaknesses and utility of the chosen theoretical level. The organization theory approach,

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1. Some of these approaches are decision-making theory, group theory, elite theory, systems theory, structural-functional theory, policy management theory. The approaches are actually complimentary. For example, decision-making theory can illuminate on the resource-allocation function of the political system while group theory can specify demand and support inputs as well as reactions to outputs. Also, elites are components of group. As for the policy management approach, this is, in many respects, an aspect of systems theory approach. Policy is seen in terms of inputs or demands brought to bear on a government, while management is the conversion of the inputs into programmes to produce the output of the administrative or bureaucratic system. The people who bear the effect of the programme constitute the environment. For further discussion on policy management approach see J. B. McLinnery and L. C. Howard, Public Administration: Balancing Power and Accountability (Moore Publishing Coy. Inc. Oack Part' Illinois, 1979 esp. Chapter 4.

according to Ladipo Adamolekun², subsumes the following three approaches:

- (i) Classical organization Theory
(scientific management) Approach;
- (ii) Human Relations Theory Approach;
- (iii) Systems Theory Approach.

In the following pages in this chapter a brief critical examination of the approaches is undertaken. And in chapters 5 and 6 attempt is made to apply the theoretical framework (organization theory), the mediating variables (democracy, decentralisation and functional area) and the hypotheses to local government structural re-organisation in Lagos State in two different periods (i.e. 1969 - 1976 and 1976 - 1979).

2. Ladipo Adamolekun, Public Administration
A Nigerian and Comparative Perspective,
(Longman , 1983) p. 25.

Classical Organisation Theory Approach

The classical organization theory which dominated academic approach to both business management and public administration in the 1920s and 1930s established certain principles around some specific concepts.

These are notably hierarchy, division of labour, span of control and responsibility. It concluded that the faithful application of these principles would produce an efficient administration. Because of the implied precision of the principles, the classical organization theorists are sometimes referred to as the "scientific management" school³.

3. ibid, p. 19.

Structure particularly formal structure is concerned with the quality of administration and with efficiency (or in-efficiency). Thus, the essence of structural re-organization of a local government system is quest for efficiency and effectiveness and drive towards viability. Productivity generally means efficiency, or the control relationship of output to input. Balk⁴ argues that a productive process is one which optimizes efficiency and effectiveness ratios. He puts it in simple terms:

Productivity equals efficiency and effectiveness. He sees efficiency as the comparison of output to input⁵ and effectiveness as relationship of output to standards⁶. While the productivity concepts are all - encompassing in business policy-making, they present only a portion of policy considerations of government.

The criterion of efficiency is rather more complicated in its application to non-commercial than to commercial organizations since the latter are largely guided by the profit objectives. In the former, monetary measurement of output is usually

4. W. L. Balk, Improving Government Productivity; Some Policy Perspectives (Sage Publication, 1975) page 12.

5. *ibid*, p. 12

6. *ibid*, p. 50.

meaningless or impossible. In commercial organisations the criterion of efficiency dictates the selection of that alternative, of all those available to the individual, which will yield the greatest net (money) return to the organization. This 'balance sheet' efficiency involves, on the one hand, the maximization of income, if costs are considered as fixed; and on the other hand, the minimization of cost, if income is considered as fixed. In practice, of course, the maximization of income and the minimization of cost must be considered simultaneously - that is, what is really to be maximized is the difference between these two⁷.

Efficiency may be seen as the relation between what is accomplished and what might be accomplished. It must be noted that there is a difference in computing an output - input ratio in the physical and in the social sciences. Whereas in engineering both output and input are measured in terms of energy, in the social sciences output and input are seldom measured in comparable units⁸.

Criticisms of the 'efficiency' concept have been frequent and vociferous. There have been attacks on 'expenditure reduction'. The term leads to a 'mechanical' conception of administration and leads to an incorrect relationship between 'means' and 'ends'. Efficiency concept directs all attention to the means, and neglects the ends⁹. Nevertheless some of these criticisms seem common-place.

7. Herbert A. Simon, Administrative Organization (The Free Press, New York, 1976), pp. 172-3.

8. H. A. Simons, *ibid*, pp 180-1

9. *ibid*, pp 183-6.

Ekong E. Ekong says that efficiency is basically an internal concern of an organization while effectiveness of an organization transcends the internal considerations of the organization members and justifies the very continuance or dispensability of such an organization in its environment¹⁰. Efficiency is primarily concerned with organizational means whereas effectiveness is concerned with organizational ends. He also submits that both efficiency and effectiveness are abstract measures of organizational performance¹¹. The two concepts which evaluate the conditions under which and the degree to which organizations are attaining the various goals therefore provide useful indications of the ability of an organization like local government to survive in its environment. While efficiency could be technically defined as the ratio of useful work performed or output produced to the total energy or input expended, effectiveness can be generally looked upon as the extent to which an organization realized its goals or objectives. Thus, while efficiency is a ratio calculated or measured in terms of the amount of output relative to the amount of input and thereby focusing mainly on organizational means, effectiveness relates more directly to organizational goals, objectives, or 'ends' or rather the desired state of affairs which the organization attempts to realize.

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10. Ekong E. Ekong, "Efficiency or Effectiveness: The Dilemma of Emphasis in the Public Service of the Developing Economies" in M.J. Balogun (ed) Managerial Efficiency in the Public Sector (University of Ife Press Ltd., Ile-Ife, Nigeria 1980) p. 43.
11. *ibid*, 1980, pp. 18-28.

An organisation could be one hundred percent efficient in terms of resources utilization but zero percent effective in respect of the values it contributes to its environment. Efficiency is not effectiveness. The drive toward one may minimize the probability of attaining the other in most instances. Moreover, while efficiency is concerned with the 'means' calculated in terms of costs, effectiveness is more concerned with the 'ends'. Effectiveness is therefore the ability of an organization to achieve a set of social, political and economic objectives.

The two key concepts - efficiency and effectiveness - have confusion surrounding them regarding their connotation and operational significance. Efficiency is often confused with either productivity or effectiveness or with both.

The questions may be asked: Efficiency for whom and what type of society? What type of efficiency - economic, industrial, managerial, etc.? What should ideally be used as a measure of efficiency, and whose efficiency is being measured? What are the scope and nature of the tasks assigned to such a person or organization before talking of efficiency?

What is more, the capitalist definitions of efficiency concentrate on the welfare of a few privileged people to the neglect of the interest and welfare of the suffering masses. The ideological standpoint is thus value - laden.

In simple language, Afolabi Soyode¹² argues that the concept of efficiency will permit awarding high marks to a student who has written a beautiful answer to a wrong question, but that effectiveness will penalize such a student. The student has not pursued the correct goal specified earlier.

Despite the criticisms, efficiency and effectiveness concepts still have some utility for the present study; for example in the strategy for local government structural re-organization that it has exposed.

12. Afolabi Soyode, "Measure of Efficiency in Public Enterprises: Some General Theoretic Issues" in M. J. Balogun (ed), op cit p. 33.

Structure can not be defined in a vacuum. It is in relation to an organization. Organization is clearly a concept of very wide significance since it comprises such differing notions as the State, the political party, army, the economy, the church, the sect and the firm. Organization signifies an ordering of social relationships, the maintenance of which certain individuals take as their special task. The presence of a leader and usually also an administrative staff is the defining characteristic of organization. It is they who preserve the structure. By definition, organizations are hierarchical structures. Human behaviour is regularly oriented to a set of rules. Administration and authority are intimately linked. Commands and rules are equally important factors in the structuring of social relationships. Administration is based on written documents and this tends to make the office (bureau) the hub of a modern organization.

Organizations can be classified according to the idea of legitimacy. In the Weberian sense there are three kinds of such beliefs. The first is that obedience is justified because the person giving the order has charismatic authority. Secondly, a

command has to be obeyed out of reverence for old - established patterns of order - traditional authority. Thirdly, men may believe that a person giving an order is acting in accordance with his duties as stipulated in a code of legal rules and regulations. This was Weber's category of 'legal authority', which was of a rational character. It is the type of authority which characterises modern organisations. It is among the categories of organizational analysis that the concept of bureaucracy becomes relevant¹³. Against this back ground, organizations may be seen as authority structures.

13. MARTIN ALBROW, The Study of Organizations: Objectivity or Bias, in Penguin Social Sciences Survey 1968, edited by Julius Could, (Penguin Books, Harmondsworth, Middlesex 1968), p. 40.

The formal structure issue in organization theory has political significance¹⁴. It is considered crucial to the achievement of an efficient administration. It allows for comparison of administrative and political structures/organization in one and different countries. Classical organization theory does not pay attention to the process of administration notably the critical factor of human relations, hence the emergence of the views of the human relations school.

Human Relations Theory Approach

Local government is a bureaucracy as well as an aspect of government administration. Therefore, some of the characteristic features of the formal structural approach are revealed in Weber's ideal type of a bureaucracy¹⁵. The characteristics include hierarchical authority, specialization of functions, specified sphere of influence and competence, existence of technical rules, regulations and norms, impersonality, separation of private and organisation life, non-monopolization

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14. As stated earlier, various Commissions and Tribunals have been established in Nigeria to look after the structure of local governments. Emphasis of the formal structural approach is on structural arrangements.
 15. Max Weber's theory of bureaucracy represents the work of an early structuralist. The structuralist approach which is still growing is a synthesis of the classical (or formal) school and the Human Relations (or informal) one drawing also in the works of Max Weber and to a degree that of Karl Marx. But its major dialogue has been with the human relations approach.

of office by incumbents; and record keeping. Weber's model largely ignores the human side of administration. His model does not represent reality. Yet the concept of bureaucracy embraces the whole area of contact between individual and organization.

The human relations approach is specifically intended to test a hypothesis that challenges an existing view of organizations which emphasizes their formal structures. It emphasizes the behaviour of the individuals within an organization. This specific focus on human behaviour within organizations is sometimes singled out as a salient feature and referred to as the human relations approach.

A major criticism against the human relations approach, however, is that the emphasis on human behaviour fails to look at the entire organization hence the emergence of the new approach called systems approach which neither completely supplants the classical principles nor render them obsolete, but which merely calls for the recognition of limitations in the classical principles.

Systems Theory Approach

Systems theory approach is based on an input - output analysis. For systems approach theorists, a system is made of inter-dependent parts, has permeable boundaries, interacts with its environment by importing inputs and exporting outputs in order to maintain itself in a permanent state of equilibrium. For example local government, as an organization, receives inputs from the environment in the form of demands of citizens. Government processes the demands within its bureaucratic structure. The results (e.g. the number of local government units established at the end of the processing stage) are collectively referred to as the outputs. The focus is on the whole rather than the parts. The functioning of the whole is tied to the functioning of each individual part; and the organizational structuring has an environment orientation.

Easton's model uses as its major unit of analysis the political system itself, in which political life is viewed as a system of behaviour. In selecting the Eastonian analysis, I assume that the local government is a political sub-system. Easton defines political

system as "a set of interactions, abstracted from the totality of social behaviour through which values are authoritatively allocated for a society"¹⁶. Underlying this straight forward definition are a number of assumptions that lend direction to a systems analysis.

First, the emphasis is upon interaction as a variable. Interactions may take place between individual actors, institutions, or actors and institutions collectively interacting with others. Easton does not specify which actors or institutions interact in the value - allocation process. If we stress interactions in Easton, we must therefore stress process as well. Easton's paradigm (or working model) is not a stagnant but a dynamic model in which the system and its individual actors engage in processes designed to secure the maintenance and dynamic equilibrium of the system itself¹⁷.

16. David Easton, A Framework for Political Analysis (Englewood Cliff, N. J. Prentice - Hall, 1965) p. 57.

17. See M. Margaret Conway and Frank B. Feigert, Political Analysis: An Introduction. (Allyn and Bacon Inc., 2nd ed, 1976), p. 274.

Secondly, Easton presumes that a system is analytically distinct from its environment. Although an analytical distinction is made between the system and its environment, the system is open in varying degrees to influences from the environment. Indeed, the nature of environmental influences and the ways in which the system responds to them is one of Easton's major concerns. Thus Robert J. Haynes¹⁸ opines that the whole process of management and organizational structuring should have an environmental orientation. In the same vein, Stewart aptly describes the relationship which exists between a local authority and its environment when he says that:

"Management in Local Government must be examined in the environment of the authority. From that environment the authority draws its inputs - its resources not merely in terms of men and money but of values and ideas.

18. Robert J. Haynes, Organisation Theory and Local Government (George Allen and Unwin Limited, 1980) pp. 26 - 27.

To that environment it gives its output not merely in terms of goods and services but of needs met and problems solved"¹⁹.

Thirdly, in separating a system from its environment, one refers symbolically to the system's boundary. The nature of systematic boundary, how they are defined, and their degree of flexibility or rigidity are major problems facing systems theorists. The problem of boundaries takes on special significance because systems theory usually divides interaction processes into three phases, i.e. input, conversion and output. The inputs and outputs which involve the organization with other organization systems are transactions between the organization and its environment. The conversion processes are internal to the organization.

19. J. D. Stewart, Management in Local Government: A View Point (London, Charles Knight 1971).
cited in Robert J. Haynes (1980), *ibid*, p. 35.

When we talk about the sources of input, their number, content, and intensity and how they enter the organization and of the number and content of outputs and how they leave the organization and affect other organizational systems, we shall in effect be talking about the boundaries of the organization.

Fourthly, if we assume that systems are susceptible to varying degrees of influence from the environment, and that systems may affect their environment, reference has to be made to the inputs, outputs and feedback variables. Without inputs from the environment and from the organization an organization cannot exist unto itself; the organization can do no work and cannot sustain itself. The inputs can be demand or support input. Demand inputs are generally concerned with the allocation of resources - material or positional - and are usually made by individuals and groups within or outside the organization. Support inputs take the form of recognition of legitimacy by environmental actors and by those internal to the system, human and material resources (e.g. payment of taxes and levies) and so on. Inputs have to be moderate otherwise strains and stresses upon the system become noticeable and extreme stress may worsen performance while moderate stress can lead to its structural re-organization with a view to improving it.

Sorzano therefore informs that

"when a system is subjected to a disturbance which materially affects the performance of its identifying function, some of its variables will be momentarily displaced but each tends to return to its respective status quo ante. In other words, implicit in systems analysis is the proposition that some of the systems variables must be maintained within specified boundaries or the system will not be able to continue to perform its identifying function"²⁰

System outputs are the decisions, policies and results; they do not automatically solve all problems; they may even create problems that were not seen in initially making the decisions. Feedback is the learning and corrective capacity of an organization. The "authoritative decision makers" or the allocators of values must receive information on the effect and effectiveness of their decisions. This information, or feedback, acts as new input to the organization whether the information comes from outside it or from other actors within the organization.

20. J. S. Sorzano, "David Easton and the Invisible Hand", American Political Science Review 69 (March, 1975), 91.

Feedback can also be a potential source of support if the information is that the outputs have essentially solved a problem.

Finally, in the Eastonian systems analysis, system maintenance, or equilibrium and survival is a primary goal; one that supercedes all others.

Systems approach, however, has its shortcomings. Measured observation is limited. Human beings can not be subjected to controlled experiments. Besides, some questions can be asked. Is the output positive or negative? Are the functions vital and indispensable? What is the fraction or percentage of the functions to be performed? What is the exact number or types of functions and how can we measure them adequately? The definition of system's boundary is not explicit. Why and how certain functions are performed have not been specified. Testable hypotheses about the nature of the allocative process or the actors involved as well as the institutional arrangements by which the system is governed have not been suggested or specified, although it can be inferred that "a democractic institutional framework can handle the feedback process in the best possible manner"²¹ This in itself is a normative bias

21. Sorzano, *ibid*, p. 103.

if it is accepted that majority rule is the most appropriate means of settling controversies.

As it is obvious that systems theory is a broad one subsuming, for example, action theory, elite theory, group theory and decision-making theory, it must of necessity take the shortcomings or weaknesses inherent in their approaches.

Surely, Eastonian systems analysis is not the best approach available to researchers partly because it lacks substantive content, and partly because it never attempts to define 'political' in any meaningful sense²². "System" is defined by interactions, but it is described in terms of its human components or actors without reference to the interactions that supposedly define it in the first place²³.

22. Eugene, J. Meehan, Contemporary Political Thought: A Critical Study: (Homewood, Ill, The Dorsey Press, 1976) p. 172. See also Eugene J. Meehan, The Theory and Method of Political Analysis, (Homewood, Ill. The Dorsey Press, 1965) esp. p. 147.

23. *ibid*, pp. 172-173 (1976).

David Silverman²⁴, recognising that the action theory is one of the alternatives to system theory in the study of organizations, argues that 'Society makes man (System), 'Man makes Society' (Action). System theory has not taken sufficient account of the possible existence of a plurality of action systems which is available to the individual in an organisation. Easton's model is heuristic rather than predictive, although it lends itself to comparative analysis. Nevertheless, it assists in the explanation of political behaviour.

24. David Silverman, The Theory of Organisations. (Heinemann Educational Books Limited, 1970) pp. 38-41. The other alternatives are power, authority, conflict approaches.

An organisation responds to the demands of the society. Therefore, organisations may be distinguished in relation to the type of function they perform for society. The Parsonian Scheme of Structures and functions asserts that all systems have four (4) basic functions²⁵. Goal attainment is the first function and is most concerned with the preservation of the system. Adaption is the second function and involves mobilization of resources in support of specified goals. Because structures and individual actors tend to be multi-functional, a third major function (Integration) must be performed. The fourth function is Latency or Pattern Maintenance which deals with the maintenance or conformity to the norms of the cultural system.

There is of course no rigidity in the performance of the specified functions. For example, the political structure, supposedly concerned prominently with a single function, is actually multi-functional.

25. This is commonly referred to as the G-A-I-L approach, and is an acronym for Goal-attainment, Adaptation, Integration and Latency (or Pattern Maintenance).

This construct is examined systematically by William C. Mitchell²⁶ when he describes the Parsonian functions in the Political System as:

- (a) Goal Attainment - Executive Function and Roles
- (b) Adaptation - Administrative Function and Roles
- (c) Integration - Party Political Function and Roles and
- (d) Latency - Legislative - Judicial Function and Roles.

Parsons' numerous definitions of concepts are, however, often conflicting, often confusing and often frustrating and difficult to apply in empirical analysis. The Parsonian model leans towards the collectivity in his 4-fold system (the G-A-I-L approach) i.e. towards group behaviour to the neglect of individual behaviour, i.e. Parsons ignores the individual and this raises serious questions in his works. The behaviours of individuals cannot always be inferred from data on the culture of social system.

The Parsonian scheme of structures and functions is complex since actors can occupy several roles to greater or lesser degrees. There is also a heavily loaded bias towards maintaining the status quo i.e. 'system maintenance'. Furthermore, what is 'functional'

26. Sociological Analysis and Politics: The Theories of Talcott Parsons (Englewood Cliffs, N.J. Prentice-Hall, 1967) p. 104.

in the eyes of one analyst/researcher at one time might not be functional to another elsewhere, e.g. population issue vis-a-vis famine. This value - laden scheme may therefore have adverse implications for the goals of explanation and prediction in political science.

Despite the shortcomings inherent in the Parsonian model, it still has some utility. It has suggested structures that might perform certain functions in the social system in general and the political system in particular.

Almond, on the other hand, presents a seven-fold functional scheme in which he says they are performed by special structures. The functions are input and output functions. The input functions accommodate (i) political socialization and recruitment - 'the process of inculcation into the political culture' which results in attitudes, value standards, and beliefs towards the political system²⁷. This is analogous to Parson's latency function; (ii) Interest articulation whereby demands are formulated (or articulated); (iii) Interest aggregation such that demands are combined (or aggregated) in the form of alternative courses of action; and (iv) Political Communication where by the various activities are communicated within the system and outside.

27. Gabriel Almond and J. Coleman (ed),
The Politics of the Developing Area
 (Princeton, N.J. P.U.P. 1960) pages 27-28.

Output Functions²⁸ encompasses (i) rule-making (rules are formulated); (ii) rule-application (rules are applied); and (iii) rule-adjudication (rules are adjudicated in individual cases).

The concept of function suggests a form of teleological approach which, conceptually, is not wholly appropriate. It has not been possible to demonstrate the seven functions as the only functions of the systems. There could be more. Besides, the approach is culture-bound as the functions attributed to the system is too closely modelled on the Western political systems. For instance, Almond notes that, in the West, each particular function tends to be fulfilled by a particular type of structure²⁹.

Almond treats the structural functionalism model in a much less flexible fashion by concentrating on formal structure and de-emphasising the real thing - informal structures.

By de-emphasising the actor's definition of the situation and the choices of action that are perceived to be available, functionalism inhibits the predictive power of its approach.

28. The statement of output functions is a clear illustration of the multi-functionality argument. For example, courts do not only adjudicate they also legislate, in a very real sense. The bureaucracy initiates legislation and it also administers its own rules.

29. See Jean Blondel (ed), Comparative Government: A Reader. (Macmillan, 1969), page (XXX).

Notwithstanding the drawbacks and criticisms which are serious, Almond's approach is significant for structural-functional analysis because it provides more substantive definitions and because it seeks to suggest "how the application of certain sociological and anthropological concepts may facilitate systematic comparison among the major types of political systems operative in the world today"³⁰; and by extension major types of local government. And to the extent that the list of structures can be indefinitely expanded according to the characteristics of individual polities, the model provides considerable flexibility for the study of local government structural re-organization. It is one of the most popular models to understand the nature and structure of organizations of which local government is one.

30. Gabriel A. Almond, "Comparative Political Systems", Journal of Politics 18, (August 1956), page 391.

Towards A Working Model

There is no single way of theorizing or conceptualizing local government structure re-organization to encompass the variety and complexity of the phenomenal process at least for now. And being a politico-administrative phenomenon, the dynamics of local government structural re-organization must take account of economic, sociological, historical, geographical, demographical and constitutional factors. Therefore, the boundary of local government structural re-organization is limitless. A comprehensive catalogue of the constituents of local government structural re-organization is a herculean task. Local government structural re-organization, at its best, is a function of the socio-economic, cultural and technological development of a country. The local government structural re-organization process may also be phased. Structural re-organization is not unique to local governments. It may be found also in central governments, private organizations and voluntary associations.

Secondly, local government may not be cut off from society or viewed as a 'Closed Systems'. Rather it has relationship with the wider society. Local government structural re-organization as a process therefore differs between societies and countries.

It is determined by the wishes and aspirations of the populace, and the dominant values/ policy preferences of the leadership. It may contribute to the solution of recognised organizational problems and or improvement of existing local government structure. By the time these constituents are taken into consideration, local government structural re-organization is one kind process that should take care of the neglected rural majority at least in the provision of social services, popular political participation and resource mobilization.

Thirdly, structure simply means a relatively permanent or persistent organization of parts which as an organization, can go into action in specified way, and whose type is defined by the kind of action into which it can go. Therefore what is structural is also functional, i.e. the two words represent abstracted aspects of a total operating organization. A structure has boundaries which must be maintained if the structure is to persist. Also, organizational

structure may persist unaltered for over a long period of time. Thus local government unit is a substructure of a larger one, the State. And so, from a systemic point of view any alteration in the boundries of units has implication for the entire system. That is to say, what affects a part affects the whole.

Fourthly, structure can be defined in terms of basic units and ordered relations between units³¹, Granting this premise, boundary change is a crucial variable in structural re-organization and may be compatible with local government effectiveness and efficiency. In boundary changes, new units may be created out of the existing ones; some units can be merged; there may be alteration in the ordered relationship between units, e.g. between local council and divisional council and vice versa; and tiered structure may be abolished. Whichever is the case, the people whom the new emergent units are to serve have to adjust, accept and support the structures, institutions and relationships so created.

31. Alex Gboyega, op cit, p. 194. For a definition and discussion of 'structure' see Jean Piaget, Structuralism (Translated by Charinah Maschler, (London) Routledge and Kegan Paul, 1988) 153 pp.

Finally, the type of leadership (at state and local government levels) is indeed an intervening variable in the attempt to explain local government structural re-organisation. If local governments fail to provide services or perform their functions alternative structures, formal or informal, may emerge to remedy the deficiency. Thus, a pertinent hypothesis is that an effective and efficient running of an organization like local government (leading to its viability) is largely a function of able leadership³².

In conclusion and going by the various views on the principles of local government and structural organisation one can readily concede that, as of now,

32. For further discussion of the concept of leadership see:

- (i) Oyeleye Oyediran, "The Chosen Few; Policy Makers in the New Local Government System in Western Nigeria" Quarterly Journal of Administration. Ibadan 8 (4) July, 1974 pp. 397-406.
- (ii) A Bavelas, "Man and Function" in C.A. Gibb (ed), Leadership, (Middlessex, Penguin Books Ltd., 1969).
- (iii) B. J. Dudley, On Leadership, (Paper presented at the inaugural conference of the Nigerian Political Science Association, Ibadan, March, 1973). In particular, he declares that the type of leadership one prefers depends on the kind of enquiry one is undertaking.
- (iv) Geraint Parry, Political Elites (George Allen and Unwin Ltd., 1980).
- (v) C. Wright Mills, The Power Elite (O. U. P. New York, 1956).

no generally acceptable theory of local government structural re-organisation exists. Perhaps there is either a theory of local government structural re-organisation depending on the perspective, factor or framework used or theories of local government structural re-organisation. But definitely one cannot talk of the theory of local government structural re-organisation particularly when it is crystal clear that there is bound to be gap between intentions and achievements.

P A R T T W O

EMPIRICAL APPLICATIONS:

FROM THEORY TO PRACTICE

CHAPTER 4

BACKGROUND TO THE PROBLEM

This chapter specifically reviews the structure of the local government councils in the former Federal Territory and the former Western Region of Nigeria. This is necessary if meaningful understanding of the subsequent Local Government Structural Re-organisation by the Military is to be appreciated. Was the structure inherited by the State from both the then Federal and West Regional Governments adequate? Would the inherited structure cope with the philosophy of the emergent Military Administration? What were the immediate reaction(s) of the Military Administration to the inherited local government structure? These are pertinent questions that are addressed in this chapter.

The pre-1966 local government structure, that is when Lagos State was not yet in legal existence, was typified by the former Lagos Town Council in the former Federal Territory of Lagos and the local government councils in the former erstwhile Western Region of Nigeria. Thus, Lagos State inherited a hybrid of the structure of the former Western Region of Nigeria and of the Federal Territory.

The Lagos Town Council

Local governments in most big capital cities of the world present a unique picture because of the implications which urbanization and industrialization.

have on them. Lagos in particular is no exception. Local governments, particularly those associated with cities and towns, make life possible in the community through the services they provide. For example, a man receives his first service before he is born when his mother attends an ante-natal clinic and he receives his last service when he is dead and he is buried by the Council's grave diggers¹. Local governments also deal with the needs of the inhabitants in their areas of jurisdiction whereas the central or national government deals with the needs of the whole country.

Until the 1960s the former Lagos Town Council (L.T.C.) was, in essence, a sanitary, public health and markets authority only. The Lagos Executive Development Board (L.E.D.B.) was clearing the slums, re-planning the City Centre and creating housing estates in the outskirts. The Port Authority and the Electricity Corporation also existed and provided technical services².

The history of local government in Lagos can be said to date back to October, 1899 when a General Sanitary Board of nine (9) members was created with the Governor of Southern Region as Chairman. The discovery that dirt and filth were injurious to health and the need for adequate sanitation hastened the development of local government bodies in the town to care of the

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1. W. Fowler, Your Town Council (A.P.R.O. Publication), p. 4. The 22-page pamphlet focusses on the Lagos Town Council. Date and Year of Publication are not stated.
 2. Ronald Wraith, Local Administration in West Africa (George Allen and Unwin Ltd. 1972) pp. 141, 142.

physical needs of the people and to prevent diseases³. Primarily an advisory body, the Board, before its demise in 1904, sponsored many improvement schemes in the township of Lagos⁴.

In 1909, the Lagos Municipal Board of Health was created to undertake municipal improvements that in the previous five years had been the task of the central administration. Although, it had considerable formal powers and functions, the Municipal Board of Health functioned for seven years without any permanent staff of its own.

In 1917, the first representative local government was established in Lagos with the passage of the Township Ordinance. Thus the former L.T.C. had its origin as a public health authority. Lagos was provided with a council of which the membership varied between six and twelve as the Governor directed. Members of the council were of two classes: 3 members were elected for three (3) years to represent the three wards into which the town was divided; and the remaining members were appointed or nominated by the Governor. The arrangement was slightly modified in 1923 when provisions were made for limited representative membership.

3. W. Fowler, op cit, p. 1.

4. B. A. Williams and A. H. Walsh: Urban Government for Metropolitan Lagos (Frederick A. Prager Inc. 1968) pp. 40 - 41.

Between 1940 and 1950, the Constitution and the power of the Council were drastically changed. In 1941 the Council was authorised to levy property taxes (rates) for township purposes, and in 1950 it was granted a greater measure of self government and allowed to have an entirely elected membership and to establish the post of mayor⁵. Ibiyinka Olorunnibe was the first mayor of Lagos having been elected into the Council on the platform of the Nigerian National Democratic Party (founded in 1923 and popularly called 'Demo'). He served between 1950 and 1952. The Party came to be challenged by the Action Group around 1954. Mr. Oluyole Bright succeeded Dr. Olorunnimbe in 1952/53 and he also was succeeded by Sir Kofo Abayomi, not as mayor but as Chairman of the Lagos Town Council Caretaker Committee.

Changes in the political system in Nigeria leading to federalism brought about considerable fluctuation in the constitutional status of the town of Lagos as well as in the powers of its Council. With the establishment of the Western Region and the absorption of Lagos into it, the local government of Lagos was subjected to regional control. Further, the Lagos Local Government Law of 1953 abolished the office of mayor, formally provided for the participation of traditional chiefs in the affairs of the town council and established the Oba of Lagos (a leading chief of indigenous people of Lagos Island) as President of the Council⁶. The Late Sir Adeniji Adele was the

5. Williams and Walsch, *ibid*, p. 41.

6. See Western Region Law No. 4 of 1953.

first Oba of Lagos to become President of the Council. However, this arrangement was short-lived because Lagos was removed from the Western Region and was re-constituted into a federal territory under the Local Government Act No. 18 of 1959⁷.

The Federal Territory of Lagos, which was accorded City Status in 1963, had since operated its local government under the aforesaid Federal Ordinance of 1959. Local authority was vested in the Lagos City Council (L.C.C.). The Oba of Lagos became a non-voting ex-officio member and President of the Council. His main function was to represent the city at ceremonial and social functions. The Chairman of the City Council, who was the leading member of the majority party, was the political head of the Council and of the local authority generally. There was no separate or specific executive organ in the city's governmental structure. Elections to the Lagos City Council were held every three years under universal adult suffrage. The electoral wards were defined in 1959 to replace the multi-member wards that were used previously and which created considerable administrative difficulties during the 1957 elections to the Lagos Town Council.

The Council used the Committee system on various subjects of Council responsibility including education and library, estates and general purposes, public health, markets, parks and cemeteries, roads, drains,

7. See Williams and Walsch op cit, pp. 41-42.

plans, personnel, finance and contracts. The debates of the committees were often cumbersome and did not assist the full council because final powers had not been delegated to them. The responsibilities of the Lagos City Council were to manage those resources of the city that were entrusted to it by national ordinance and to carry out the policies of the Federal Government in Lagos. The Council was therefore both a local government and an implementor of the Federal Government programmes. The functions assigned to the council included road maintenance, management of primary schools, traffic regulation, libraries, sewage and garbage disposal, limited public health activities, sanitation regulations, market and building control⁸.

The responsibilities of the Lagos City Council (L.C.C.) were carried out by an administration made up of seven (7) departments and headed by their respective heads - (i) The town clerk, (ii) the city treasurer (iii) the medical officer of health, (iv) the city engineer, (v) the personnel officer, (vi) the chief education officer and (vii) the general manager of the Lagos City Transport Services (L.C.T.S.) which was owned by the L.C.C.⁹ The Town Clerk was the Chief Administrative Officer and was answerable for the general administration of the Council.

This arrangement persisted in the main until around 1969 when the general state-wide re-organisation of local government councils by the military was

8. Williams and Walsch, *ibid*, pp. 43-44.

9. *ibid*, p. 45.

undertaken. The Lagos City Council before the Civil war in 1967 was a democratically elected body composed of 42 elected members out of whom a Chairman was chosen. It also had the Oba of Lagos as its President and four (4) traditional Chiefs as members.

In Lagos, the year 1966/67 was crucial as was 1953/54 before it because under the military government of General Ironsi, the Lagos City Council was suspended and the Saville Commission of Inquiry was instituted to probe it. A military administrator was also appointed for the city¹⁰. The Federal Military Government abolished the Ministry of Lagos Affairs and divided its responsibilities between the Ministry of Internal Affairs (responsible for the supervision of the Lagos City Council) and the Ministry of Works and Housing (which took over responsibility for land use control and housing in the capital).¹¹

The origin of Lagos State could be traced to May 1966, when Major Mobolabi O. Johnson (as he then was) was recalled on posting to Lagos from what was then the Mid-West Region, and was appointed the Military Administrator for the Capital City of Lagos. At that time, the administration of Lagos Affairs, along with some other subjects vested in the old

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10. See 'Lagos State Today' in the Lagos State Quarterly, October - December 1985, No.2, Volume 4.16 pp.
The helmsmen of Lagos State's ship have been:
- (i) Brigadier Mobolaji Johnson (Rtd.), 1967-75;
 - (ii) Late Commodore Adekunle Lawal, 1975-77;
 - (iii) Commodore Ndubuisi Kanu, 1977-78;
 - (iv) Commodore Ebitu Ukiwe, (Military Administrator) 1978-79;
 - (v) Alhaji Lateef Kayode Jakande (Civilian Governor) 1979-83
 - (vi) Group Captain Gbolahan Mudasiru (Military Governor) 1984 - 1986;
 - (vii) Navy Captain Okhai Mike Akhigbe, 1986-1988
 - (viii) Colonel Raji Rasaki, 1988 -
11. Williams and Walsch, op cit, p. 37.

Region, was in the charge of the Federal Minister of Internal Affairs. So when on May, 31, 1967 the Military Administrator (now a Lieutenant Colonel) for the Capital City of Lagos became the Military Governor of Lagos State (following the creation of States) he assumed full control of all those subjects in the Federal Ministry of Internal Affairs, and elsewhere in the Federal set up, which were assigned to the new State. At the time of its creation, the State comprised what was formerly the Federal Territory of Lagos and the Ikeja, Epe and Badagry Divisions of the former Western Region. These divisions along with Lagos, formed part of the former Colony Province. They had become part of Western Region in 1952. On the 1st April, 1968, Lagos State Government formally came into being.

Local Government Councils in the Former Western Region of Nigeria

Before the introduction of indirect rule in the former Western Region of Nigeria, the Oba had been, by and large, a constitutional monarch ruling with the support of a Council made up of title-holders and representatives of certain societies. Administration of the rural areas was in the hands of town or village Council which had representatives of certain societies. In 1949, however, the institution of sole native authority was abolished. By 1950 the chiefs were ruling by means of Councils, that is as chiefs and councils. The councils consisted of elected and titled members, the former being in the

majority in most instances, and a Chief was bound to accept the decision of his council.¹²

Under the old Native Authority System, cultural affinity and historical ties rather than viability were religiously used to determine the size of local government units. The consequence was the prevalence of a large number of small units. The system of local government throughout Nigeria incorporated elements of both British local council administration and traditional Nigerian native rule. Although, the British utilized traditional chiefs and their councils under the native authority system of indirect rule, the real repository of power was the Resident or the District Officer who was responsible directly to the Administration in the capital. He also supervised and directed the activities of native authorities.

By 1950, there was a gradual transfer of local powers from the native authorities and district officers to elected Councils. The District Officers were replaced by regionally appointed local government advisers. The citizens resented the British District/Divisional Officer (D.O) system and regarded it as anachronistic in an era of intense nationalism.

The Government of the Eastern Region of Nigeria was the first to abolish native administration by passing its Local Government Ordinance in 1950.¹³

12. See Eme O. Awa, Federal Government in Nigeria (University of California, Berkeley and Los Angeles 1964) pp. 300-301.

13. Awa, *ibid*, p. 302.

The Western Region through its Local Government Ordinance of 1952 followed suit. The Ordinance provided that the traditional authorities should be members of the councils. The number of chiefs and other traditional elements was however, not to exceed one-third of the number of elected Councillors. Sometimes, a Chief was appointed President and Chairman of a Council, but usually the Chairman was elected from among the non-traditional members.¹⁴

In 1952, Chief Obafemi Awolowo¹⁵ as Minister for Local Government in the then Western Region stated that "local government is the foundation on which the massive and magnificent super structure of state, regional or central, is erected. Indeed it is the most effective agency by means of which the regional or state government ministers to the basic needs, welfare and general well-being of the citizens. It is our foremost duty, above everything else, to make sure that the foundation on which this new super-structure of ours will be laid is made strong, solid and lasting as human ingenuity can make it."

The arrangement whereby Chiefs sat in Council with elected members had its merits and demerits but the main criticisms were that the arrangements deviated from democratic principles; were reminiscent of feudalism and were sources of potential conflict between the traditional and modern elites.

14. *ibid*, p. 303

15. Western Nigeria House of Assembly Debates.
First Session, 1952, pp. 96-97.

The 1952 Ordinance which established a three-tiered system - divisional, urban or rural district, and local - was based on Council size factor. Each tier was a level of authority per se. A Local Government Inspectorate and a Local Government Service Commission also emerged. Without doubt, the three-tier structure of local government performed well initially, but later deteriorated that as early as 1958 government had to introduce a Local Government (Amendment) Law which enabled the Governor to appoint either a Sole Administrator or a Committee of Management to perform the duties of a council which had become intolerably corrupt or inefficient. By 1965, nearly all of them had been suspended. Blatant corruption and party politics, among other ills, were responsible for the suspension.¹⁶

There arose simultaneously the tendency to encourage the middle-sized district Councils because the divisional council was too large for representative democracy and was bound to loose individuality and personality while the local council was too small to have the necessary financial support and resources to warrant separate existence. There was also the tendency to set up Joint Boards (as permitted by the 1952 Law) of local authorities for the joint operation of any work or service, for example, forestry, water supplies, police and education.

16. Ronald Wraith, 1972, op cit, pp. 191-192.

The period 1958 - 1968 as far as the development of local government in Western Nigeria was concerned was thus one in which the 'myth of devolution' and the disastrous politicization of the local councils by the ruling political parties were openly manifested.¹⁷

Four general purpose district councils previously established by the Western Regional Government in the 1950s functioned in what was then generally referred to as the Lagos Metropolitan Area. They were the Ikeja District Council, the Agege District Council, the Mushin District Council and the Ajeromi-Ajegunle District Council. Each of the District Councils was headed by a Chairman and each Council had Committees. The Local Government Service Board which was also created by the Western Region Government maintained a unified local government personnel service. The Board had responsibility for promotion, transfer and discipline of all the Senior Officers, i.e. Secretaries, Treasurers, Departmental Heads and other staff employed by local and district councils throughout the region. The post of the Secretary of a council was similar to that of the Town Clerk in the Lagos Council. The District Council could, however, appoint, discipline and

17. Olu Fadahunsi, "The Politics of Local Administration in Western Nigeria, 1958-68". The O.J.A. University of Ife, Ile-Ife, Vol. XI, Nos. 1 and 2 January, 1977 pp. 97 - 113 especially p. 104.

dismiss the staff on lower grades. The four district councils in the Lagos metropolian area were granted extensive powers and functions and they were responsible for management as well as for legislation, i.e. the making of bye-laws which were subject to approval by the local government adviser or the Ministry of Local Government of Western Region.

By 1967, the Lagos State Government had come to inherit nineteen local government councils. These were made up of the Lagos City Council in the former Federal territory and eighteen in the former Western Region.¹⁸ The Ministry of Local Government and Chieftancy Affairs at Ikeja was saddled with the responsibility of overseeing the activities and performance of the local government councils when the Lagos State Government assumed full responsibilities on April 1, 1968 after the creation of States in May 27, 1967.

18. See Table 4.1 below.

Table 4.1

Local Government Councils Inherited by Lagos State
in 1967

<u>COUNCIL</u>		<u>POPULATION</u> <u>(1963. CENSUS)</u>	
1.	<u>Lagos Division</u>		
1.	Lagos City Council	665,246	665,246
2.	<u>Ikeja Division</u>		
2.	Mushin District Council	312,063	
3.	Ikeja District Council	36,923	
4.	Agege District Council	45,986	394,972
3.	<u>Badagry Division</u>		
5.	Awori District Council	29,778	
6.	Ajeromi District Council	52,245	
7.	Egun-Awori District Council	40,136	122,159
4.	<u>Ikorodu Division</u>		
8.	Ikorodu Divisional Council	130,795*	
9.	Ikorodu Local Council	94,952	
10.	Eti-Osa Local Council	10,435	
11.	Ijede Local Council	9,625	
12.	Igbogbo-Baiyeku Local Council	15,783	130,795
5.	<u>Epe Division</u>		
13.	Epe Divisional Council	130,395*	
14.	Epe District Council	62,366	
15.	Ejinrin District Council	7,209	
16.	Ibeju District Council	12,001	
17.	Eredo District Council	24,412	
18.	Ikosi District Council	16,434	
19.	Lekki District Council	7,973	130,395
TOTAL		=	
		1,443,567	1,443,567
		=====	=====

SOURCE: See Appendix 'D' page 67, in the Oluwa Report of the Tribunal of Inquiry into the Re-organization of the Local Government Councils in Lagos State, (1970). See also The Lagos State Local Government Training School: Its Background, Aims and Objectives, November 12, 1973, pp. 4-5.

Effect of Military Intervention, 1966 and Creation of Lagos State, 1967

Military intervention¹⁹ in politics in January 15, 1966 was a reaction to actual or presumed civilian incompetence in the governmental administration of the country and a manifestation of self service motivations of post-independence civilian leaders. It is also a revelation of the failure of party politics to strengthen federalism in Nigeria. In the clear words of Finer "the decline of the politician's prestige factitiously elevates that of the armed services"²⁰. The situation is manifestly characterised by the circumstances of the impossibility of peaceful constitutional change, either for changing the regime or the incumbents of office²¹.

The term "military intervention" is here defined in Robert Gilmore's definition of militarism²². The military institution is concerned with the management and use of controlled violence in the service of the State according to terms laid down by the State. When Military institution veers from this role to participate in or influence other

19. In this section, we have not talked of military disengagement because we are still witnessing the military regime that will disengage itself come 1992. The military intervention in 1966 was only punctuated by the civilian administration between 1979 - 83.

20. S. E. Finer, Comparative Government: An Introduction to the Study of Politics (Penguin Book Limited, 1970) p. 541.

21. *ibid.* Like Nigeria, other examples are Ghana, Pakistan to mention a few.

22. R. L. Gilmore, Gaudillism and Militarism in Venezuela. (Athens, Ohio, 1964) pp. 4 - 5.

non-military agencies and functions of the State, including its leadership, then militarism exists. In this sense, Nigeria may be said to have experienced militarism in her national life between January 1966 and September, 1979 even though the military elites made use of civilian elites as Commissioners both at the Federal and State Government levels and as Councillors at local government level in the States.

Finer's contribution to the general theory of military intervention particularly in the developing countries of the Third World is lucid enough. He describes military intervention as "the constrained substitution of the military's personnel and or policies for those of the civilian authorities. It is the product of two complexes of forces: on the one side, the capacity and the propensity of the military to intervene in the sense given above, and on the other, certain societal factor"²³.

In May, 1967, General Gowon as Head of the Federal Military Government declared a State of emergency throughout the country and also announced a Decree dividing the

23. S. E. Finer, Comparative Government, An Introduction to the Study of Politics (Penguin Books, 1970) p.533. For example, the following countries have witnessed Military Intervention at one time or the other: France 1958, Greece 1967, USSR 1957, Czechoslovakia 1967, Burma 1962, Pakistan 1958, Ghana 1966, Nigeria (1966, 1976, 1983, 1985), Algeria 1965, Central African Republic 1966, Togo 1963, Brazil 1964, Argentina 1942, Egypt 1952.

country into twelve States as a basis for stability²⁴. He also appointed twelve Military Governors to administer each of the twelve States. Although the creation of the twelve States helped to restore peace and confidence it could not prevent outbreak of the civil war between 1967 and 1970.

Minorities in the erstwhile Regions of the Federation had persistently called for political recognition and creation of States. And so when the twelve State structure was enacted in 1967 it was just the beginning for more clarion call for States. For instance, States could have been created along the 26 provincial structure which in a way recognised the

24. See the schedule in Decree No. 14, 1967 - States (Creation and Transitional Provisions) Decree. The commencement date of the Decree was 27th May, 1967, but was later slightly amended by Decree No. 19, 1967 - States (Creation and Transitional Provisions) (Amendment) Decree and made effective 31st May 1967. The twelve states were:-

- (1) North-Western
- (2) North - Central
- (3) Kano
- (4) North Eastern
- (5) Benue/Plateau
- (6) Central West (later Kwara)
- (7) Lagos
- (8) Western
- (9) Mid-western
- (10) Central Eastern
- (11) South-Eastern
- (12) Rivers.

ethnic structure in the country²⁵.

When a regime is struggling to survive like as was the case of the Military in Nigeria it was unlikely that local government Structural re-organisation and Socio-economic Development would be given the deserving attention since much energy was likely to be concentrated on other national and state affairs.

The Civil War regrettably disallowed the States to concentrate on immediate development of their decentralized administrative systems. The Military Governors appointed Commissioners who were mainly civilians to assist in the administration of their respective states. As the Military Governors did not have formal training to shoulder the responsibility to manage State administration, they relied heavily on the Permanent Secretaries for most of the administrative decision-making exercises²⁶.

25. The old 26 provinces, according to Peter Omorogiewa in the Daily Times, 18/8/86, p. 13, were Abeokuta, Adamawa, Bauchi, Benin, Benue, Bornu, Calabar, Colony, Delta, Ibadan, Ijebu, Ilorin, Kano, Katsina, Kaba, Niger, Ogoja, Ondo, Onitsha, Owerri, Oyo, Plateau, Rivers, Sardauna, Sokoto and Zaria.

26. O. Aborisade, Administration at Federal, State and Local Levels: Development Since 1960. (Conference paper on the Twenty Years of Nigeria Public Administration, University of Ife, Ile-Ife, October, 1980) pp. 13-14.

That General Gowon's sole motivation in creating the twelve states would lead to the 'Oliver Twist' syndrome was demonstrated by the enactment of the 19 - States structure in 1976.

By the said Decree No. 14 of the 27th of May, 1967 Lagos State was created, along with eleven others, with effect from that date. Each State came to assume the responsibilities and the functions of the former Regions²⁷. The administration of the new State, however, started to function from 1st April, 1968. Ikeja, Ikorodu, Epe and Badagry Divisions of the former Western Region and the former Federal Territory of Lagos made up the State. The Local Government Law of the Western Region which differed from that of the Lagos City Council, was however, used for local government affairs in Badagry, Epe, Ikorodu and Ikeja Divisions since the local governments in the areas were previously administered by the Western Regional Government. Administrative officers came to be used as Sole Administrators in local government administration and the further strengthening of the Military Governor's hold over the local government system was the withdrawal of

27. A.E. Howson-Wright, "The Creation of the Lagos State Administration", Administration, Vol. 11, No. 3 April, 1968. University of Ife, pp. 148-156.

some of the essential services earlier devolved on the councils. By 1988, most of the councils' essential functions had been re-centralized either in a government department or in a board or corporation.

Significantly enough, very little attention was given to whatever decentralization of the local government systems in the war period. The Ministry of Local Government and Chieftancy Affairs was assigned the responsibility of guiding and supervising the local government units in the city of Lagos, in the Lagos Metropolitan area, and the rest of the State excised from the former Western Region. From 1969 henceforth, whatever local government reform that was undertaken in the State affected the local government system on a network dimension even if the former Lagos City Council and the Councils in the former Western Region were to have different enabling laws.

Immediately after the Civil War ended, agitation began for the creation of additional States in the country. Consequently, the Federal Military Government set up a Panel to examine the possibility of creating more states²⁸. The Chairman of the Panel was honourable Justice Ayo Irikefe and the Panel's terms of reference were to examine the question of

28. Federal Government Views on the Report of the Panel on Creation of State, (Government Printer, Lagos 1976). See also Federal Republic of Nigeria, States Creation and Transitional Provisions, Decree No. 12 of 1976.

the creation of more States, to advise the Federal Military Government on the delimitation of such States, to advise on the location of the administrative capitals of such States, and to receive and examine written representations from individuals, groups, organisations or associations who may have views on the desirability or otherwise of creating States in particular areas. As a result of the Panel's deliberations, seven additional States were created in 1976 to make a total of nineteen (19) States in the country²⁹.

29. See also O. Aborisade, *op cit*, October 1980, pp. 17-19. The 19-State structure was:

- (1) Anambra (Enugu)
- (2) Bauchi (Bauchi)
- (3) Bendel (Benin City)
- (4) Benue (Markudi)
- (5) Borno (Maiduguri)
- (6) Cross River (Calabar)
- (7) Gongola (Yola)
- (8) Imo (Owerri)
- (9) Kaduna (Kaduna)
- (10) Kano (Kano)
- (11) Kwara (Ilorin)
- (12) Lagos (Ikeja)
- (13) Niger (Minna)
- (14) Ogun (Abeokuta)
- (15) Ondo (Akure)
- (16) Oyo (Ibadan)
- (17) Plateau (Jos)
- (18) Rivers (Port-Harcourt)
- (19) Sokoto (Sokoto)

Their capitals are shown in parenthesis.

Thus, all the States were re-designated except Lagos, the Rivers, Kano and Kwara States and it was hoped that the change would not only represent a radical departure from the past but would also usher in hopes for a better society in the future³⁰.

The creation of States in Nigeria had had its destructive impact on the Public Service to the extent that it destroyed whatever degree of institutionalization of public service that was achieved. This is due mainly to the fact that each time that new States were created, the existing structures and bureaucratic apparatus were disbanded, and new ones set up involving transfer of resources, personnel and office locations. The advantage, however, is that the new State would have to establish its own identity and indigenous pattern and embark on reform measures that would make them more efficient and effective.

30. O. Aborisade, op cit, page 15.

Summary

Various political, structural and administrative problems particularly in the pre-independence era in the country weighed down the efforts of the various governments in giving serious thought to the re-structuring of their local government systems. As such they could not be suitable and effective politico-administrative machines for development. The unstable political system did not allow for a stable local government system. And so, the military intervened.

The story of local government in post-independence Nigeria is therefore mainly the story of the military in power. The creation, by the military, of the twelve (12) States at first then going on to nineteen (19) was politically aimed at abolishing large regional loyalties, at satisfying minority aspirations and at strengthening grassroots democratic loyalties.

The structural re-organization of the hybrid local government system prevailing on the eve of the military intervention came rather very shortly in the particular circumstances of Lagos State. It came in 1969 and is the theme of the next chapter.

CHAPTER 5

LOCAL GOVERNMENT STRUCTURAL RE-ORGANISATION, 1969-76

Introduction

There had been a significant tendency towards centralisation of government policy and practice since the beginning of the Civil war in 1967 in Nigeria. At the State level the tendency was to centralise authority in the State capitals. It was in such context of governmental centralization that the structural re-organization of the local government system took place between 1969 and 1971 in Lagos State.

The purpose of this Chapter therefore is to examine the methodology adopted and the issues involved in the first-ever major local government structural re-organization in Lagos State between 1969 and 1976 and determine how these issues have influenced the establishment of the erstwhile 7-Council Structure in Lagos State. The major objective of the Structural reorganisation policy had been to redeem the climate of in-effectiveness and inefficiency that had become increasingly emblematic of the nation's local government system in general and the Lagos State in particular.

The approach adopted in this chapter is to examine, in a gamut, each relevant issue of the structural reorganization process through identifying the issue, stating the position and the argument of the Tribunal

as contained in the two Reports, stating the Tribunal's methodology in obtaining evidence, recommendations to Government and stating the views/comments of the Government. Finally the reactions to the Governments view, if any, are stated. In this way, no salient point would have been missed. The general terms of reference of the Tribunal have been carefully considered for the purpose of this section and synthesised into the following seven (7) issues which are pertinent to meaningful examination of the problem of local government structural re-organisation in Lagos State.

They are examined later in this chapter seriatim:

- (i) Structural Organization;
- (ii) Revenue Sources/Local Government Finance;
- (iii) Functions of Local Government Councils;
- (iv) Local Council Staff;
- (v) Local Councillors;
- (vi) Traditional Leaders in Local Councils; and
- (vii) Inter-Governmental Relations.

The Tribunal of Inquiry

On the 26th June, 1969 Colonel Mobolaji Johnson, the Military Governor of Lagos State, set up a Tribunal of Inquiry to look into the re-organisation of Local Government Councils in Lagos State. It was a 4-member panel headed by Chief J.S.O. Ogunnaike.

The other members were Dr. Femi Ayantuga, Mr. Ishola Oluwa and Mr. S. I. Talabi.

Among others, the Tribunal was requested to submit recommendations on any desirable changes that should be made to existing local government structure so as to make local authorities in the State (with a population of 1.4 million inhabitants)¹ provide more essential services for their communities and to be able to render such services in an efficient manner. Lagos State comprised an area which before the creation of States in 1967, was governed by two Governments, the Federal and West Regional. Whatever powers and functions the various Councils now included in Lagos State previously exercised or performed under their former governments may no longer conform with that degree of uniformity necessary for a smooth, rational, efficient local government system under one Government.

1. The figure of 1.4 million inhabitants was based on the 1963 census figures. The 1973 head count was unsuccessful. The projected figures for Lagos State (3,345 sq. km) was 2,733,500 (1983) and 2,825,300 (1984). See 'The Guardian, Lagos April 27th, 1985 pages 1 and 5.

Therefore the Tribunal was requested to inquire into the local governments structure and functions in the Lagos State with a view to making requisite recommendations for the re-organisation of the existing local government councils, to ensure that all the Councils were viable and that they were provided with the necessary personnel to make them function to the satisfaction of the people in their areas of authority. Government clearly recognised that local councils were the back-bone of any government and that it was therefore absolutely necessary to ensure that the people being governed were happy before they could make loyal contributions to the smooth running of their local government councils².

Significantly enough, the decentralisation of the administrative structure of the local government system was based on consultation with the people. The Tribunal took 10 months (16th June 1969 to 15th April, 1970) to produce its Report. During that time it took evidence from a wide range of sources. Ninety (90) witnesses appeared before it while 87 memoranda were received.

2. The Ogunnaike Report, *infra*, p. 3

When the Report was finally published the panel was split³. J.S.O. Ogunnaike with Femi Ayantuga on the one hand and Ishola Oluwa with S. I. Talabi, on the other submitted separate Reports. In any event, neither of the Reports was accepted in its entirety though the resulting White Paper⁴ declared that

"The Government observes that the recommendations in both Reports are identical on all major issues (emphasis, mine). Therefore for the purpose of a meaningful exercise, the comments in this official statement will be based largely on the recommendations in the Ogunnaike Report. Nevertheless, reference will be made in this statement to the Oluwa Report as occasion demands"⁵.

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3. The Joint Report by Chief J.S.O. Ogunnaike (now deceased), O.F.R., I.S.O. and Dr. Femi Ayantuga is referred to as the Ogunnaike Report while the one submitted jointly by Messrs Ishola Oluwa and S.I.Talabi is referred to as the Oluwa Report.
 4. Lagos State of Nigeria, White Paper on the Report of The Tribunal of Inquiry into the Reorganisation of Local Government Councils in the Lagos State. (Ministry of Local Government, Ikeja, 1971, 19 pp).
 5. ibid, paragraph 1.2.

A major area of agreement in the two Reports was that the new units of local government proposed in each of the Report were to be "All-Purposes Authorities". The experience gained in the structural re-organisation exercise was that it was more acceptable when security of life and people of the local area was not threatened and the people that the restructured local government system was to serve were receptive to the change and believed in the benefits of structural re-organisation. Secondly, the Oluwa Report agreed with the Ogunnaike Report on the recommendations on Ikorodu and Epe Divisions and therefore were not included in the former Report.

Without doubt, there was personality clash among the members of the two separate groups and this might have led to the submission of two reports. For instance, Messrs Oluwa and Talabi claimed that though "there is very close similarity in language and conclusions on a number of matters it was impossible for the Tribunal to submit a single Report to His Excellency (the Military Governor) because of the leadership⁶ which they had.

6. Oluwa Report, para. 1.1 page 1.

Other reasons advanced by them in submitting their separate Report were the need to do their work "unpressurised" and "unbrain-washed" from outside, need to draw conclusions supported by evidence; need not to be influenced by irrelevant and academic considerations to the problems of local government in Lagos State.

The major areas of disagreement as listed by Messrs Oluwa and Talabi⁷ were:

- (i) abolition of customary courts;
- (ii) qualification of candidates for local government elections and their tenure;
- (iii) payment of remuneration of recognised chiefs;
- (iv) take-over of all secondary schools in the State by the government;
- (v) establishment of a State Bank;
- (vi) permanent presidency of a local government council; and
- (vii) award of contracts.

Because of these it became inevitable that the Oluwa Report should come into being particularly when its members felt that the Tribunal Chairman had claimed undeserved credit for some writings in the Ogunnaike Report⁸.

7. Oluwa Report, para. 1.3.

8. Oluwa Report, page 3, para. 1.4.

Analysis of Major Issues

The identified issues for discussion and explanation in this section include structural organization, revenue sources/local government finance, functions, local council staff, local councillors, traditional leaders and inter-governmental relations.

Organisational Structure

The Tribunal was directed to enquire into the local government structure and submit recommendations on any desirable changes that should be made to the existing local government structure so as to make local authorities in the State provide more essential services for their communities, and to be able to render such services in an efficient manner.

An analysis of the issues examined in the structural re-organization along divisional lines is in the following order:

1. Lagos Division;
2. Badagry Division;
3. Epe Division;
4. Ikorodu Division;
5. Ikeja Division.

(1) LAGOS DIVISION:

Lagos, the capital of Nigeria had an area of 27 square miles and a population of about 700,000.

The Lagos City Council had, as her immediate neighbours, Mushin and Ajeromi District Councils⁹.

9. See Ogunnaike Report, pp. 6-9.

There had been little or no attempt made to study the problems and possibilities of creating a Metropolitan Lagos which would integrate Lagos City, Mushin, Ajeromi, Ikeja and Agege (at that time in the Western Region) into one planning unit or of having a larger area of jurisdiction for the Lagos City Council.

The idea of having a Metropolitan Council for Lagos, Ikeja, Mushin and Ajeromi was mentioned to the Tribunal. The suggestion was, however, rejected as this type of council would have a population of about 1.1 million as apposed to the population of the whole State which was 1.4 million. A Metropolitan Council like this could be a big rival to the State Government itself. It could hold the State Government to ransom and may not ensure a smooth administration. Besides, the problems in the several areas comprising the suggested Metropolitan Council were not similar and sectional approach to them would produce better result than a wholesale assault. On the other hand, it was argued that the area of jurisdiction of the Lagos City Council should be extended and that it should remain as an entity¹⁰.

10. *ibid.* This argument was put forward by the Town Clerk, the City Engineer, and the spokesman of the Committee of Lagos Aborigines.

Secondly, others like the Oba of Lagos and his Chiefs, and the City Treasurer¹¹, proposed that the Lagos City Council should be administered on a two-tier basis. The City Treasurer argued that the first tier which should comprise six local authorities with specified functions should be:-

- (i) Ikoyi (including Victoria Island);
- (ii) Lagos Island (including Otto Island);
- (iii) Apapa (up to Seven-Up Junction);
- (iv) Ebute-Metta (East and West up to L. Kalil, opposite Seven-Up);
- (v) Surulere (including Idi-Oro, left of Agege Motor Road); and
- (vi) Yaba (including Igbobi and Idi-Oro, right of Agege Motor Road).

The second tier which would be a superior authority vested with major powers would then be the Lagos City Council, composed of the representatives of each of the six district councils mentioned above.

The principles behind this argument were that each local authority area should be as far as possible a compact and convenient unit; that there should be, to some degree, a community of interest amongst the class of occupiers in each area; that each authority

11. The Oluwa Report, pp. 6 and 7, para. 2 and 8.

must be of the right size to make the administration an efficient organisation; and that a new set-up should be sufficiently flexible and adaptable to development.

Thirdly, it was suggested that instead of fragmenting the Lagos City Council or having a two-tier system of local government, the performance of the functions should be improved upon while retaining the present structure. It was also argued that there was no guarantee that Small Councils would be more efficient than a large one and that the breaking up of the area of the Lagos City Council could only be detrimental to the overall interest of the people of Lagos because the City of Lagos was then compact and the existence of one City Council had always been a unifying force. To break up the area would be creating factions among the community.

Another suggestion to the Tribunal that new Councils should be created among classes of occupiers in each area was rather weak because such class distinction was bound to generate unhealthy reactions. If Lagos City Council were to be divided into smaller Councils, it would be difficult to share among the smaller Councils the revenue being collected by the Council and the assets of the Council.

The bulk of the Council's revenue came from tenement rate and since the whole of Lagos was not evenly developed, a division of the area into smaller Councils would mean that certain areas of Lagos would have very little revenue particularly the residential areas while others would have too much. The presence of the Oba of Lagos as the President of the Lagos City Council and the four traditional chiefs representing the four classes¹² of Chiefs on the Lagos City Council had helped to preserve and entrench the interest of Lagos indigenes in their own local government. Therefore, the breaking up of the Council would undoubtedly compromise their position since the Oba could not possibly be president of more than one Council.

The Ogunnaike Report¹³ found the above arguments quite convincing and unanimously recommended that the structure of the Lagos City Council should be retained.

12. The four classes are:- (1) Akarigbere, (2) Idejo (3) Ogalade and (4) Abagbon (War Chiefs). The first three are white cap chiefs.

13. Page 8.

Conscious of the need for the Lagos City Council to provide adequate health and welfare facilities for the people, the Ogunnaike Report¹⁴ strongly recommended that the following eight (8) branches should either be strengthened or created to take full charge of highways, maintenance and public sanitation as a further aspect of decentralisation of services:-

- (i) Lagos Office - Simpson Street;
- (ii) Herbert Macaulay Street;
- (iii) Burma Road;
- (iv) Oke-Ira;
- (v) Obalende - Ikoyi;
- (vi) Abule-Oja;
- (vii) Surulere; and
- (viii) Victoria Island;

and that these branches must be properly co-ordinated from the headquarters of the Lagos City Council at the City Hall.

The Oluwa Report¹⁵ made a suggestion that the area of jurisdiction of the Lagos City Council should be extended to the East of the City in order that the whole area of the Eti-Osa Local Council could be taken over by the Lagos City Council and run as part and parcel of it.

14. The Ogunnaike Report, p. 9.

15. See pp. 5-14.

The whole breath of the Lagos Lagoon separated it from its headquarters at Ikorodu and a journey by road to Ikorodu was through the area of the Lagos City Council, Mushin and Ikeja District Councils. To allay the fears that the Lagos City Council would for a number of years sink Lagos rate payers' money in Eti-Osa it was suggested that the State should regard Etiosa as a special case and should subsidize the Lagos City Council in order to cover part of the losses it must necessarily incur as a result of a merger with the Lagos City Council for the first couple of years¹⁶.

A change in the structure of the Lagos City Council through creation of a City Manager's post instead of Town Clerk¹⁷; the extension of Lagos City Council area of jurisdiction to include the areas of Mushin and Ajegunle in order to become a single all-purpose municipal authority for the whole area¹⁸; the re-grouping of Lagos City Council into three (3) or more smaller local authorities with Mainland including Apapa constituting one¹⁹; and the effective decentralization of the Lagos City Council into eight (8) branches/areas of operation as earlier recognised in the Ogunnaike Report were also some of the suggestions made and recognised in the Oluwa Report.

16. See Oluwa Report pp. 5-6. para. 2.5, 2.6

17. ibid, para. 2.10

18. ibid, para. 2.11

19. ibid, para. 2.13

The last suggestion would, in effect, also involve re-organising the various Departments of the Lagos City Council. The problem of effective staffing was, however, appreciated. With one of such Offices/Branches in Eti-Osa the total number would become nine (9).

The Oluwa Report also considered the suggestion that Advisory Committee should each be established in such places as Ikoyi and Victoria Island, Central Lagos, Ebute-Metta and Yaba, Surulere and Apapa. Its work would be deliberative and not executive in role and scope. Thus, the people would be involved in the affairs of their areas. The snag in this proposal, however, was that the Committee may upset the elected Council and pose disintegrating influences on the Council. The Oluwa Report²⁰ saw the usefulness of the establishment of the Committees but observed that there were built-in negative mechanisms which could be easily misused. It therefore frowned at its establishment. Rather, it favoured co-operative efforts between local councils and therefore recommended the establishment of a Joint Board between the Lagos City Council and other Councils in the metropolitan area, i.e. Mushin, Ikeja, Ajeromi²¹.

20. ibid, paras 2.24 and 2.25

21. ibid, para. 2.26

Finally, the Oluwa Report enquired into the departmental structure of the Council and made far reaching recommendations:-

- (i) a Local Government Service Board should take charge of some establishment matters affecting Local Councils;
- (ii) the Personnel Officer of the Lagos City Council should be the Secretary to the Board when constituted;
- (iii) the Town Clerk should allow the personnel office of the Town Clerk's Department to be re-organised and to take full charge of the duties which a normal personnel office should handle. The Report held that it was illogical to complain about inefficiency when in fact the staff of the Personnel Office had almost no work to do²²;
- (iv) all legal matters be handed over and handled by the Deputy Town Clerk as soon as one was appointed. And the Deputy Town Clerk's Department be developed into a full Department later on;

22. Oluwa Report, page 13, paras. 2.29 - 2.32. The Report felt that the Town Clerk ought to have re-organised the personnel section rather than load himself and his staff with personnel responsibilities.

- (v) the Traffic Section of the Municipal Treasurer's Department should be taken over by the Town Engineer's Department pending its development as soon as possible into a full Department²³.

(II) BADAGRY DIVISION²⁴

Badagry Division comprised three districts namely Ajeromi District Council with headquarters at Ajegunle; Awori District Council with Ojo as headquarters; and Egun/Awori District Council with headquarters at Badagry. Badagry was also the Divisional capital and seat of the resident Divisional Officer.

The Division was situated towards the West of Lagos City and some of the District Councils like Ajeromi had boundaries with Lagos City Council, Mushin District Council shared some of its boundaries with the Ikeja District Council. All these District Councils roughly formed one land mass interspersed between creeks and islands along Porto-Novo and Badagry Creeks. Awori District Council, as constituted, was sandwiched between Ajeromi District Council and Egun/Awori District Council and had a population of 29,779.

23. ibid, page 14, see also p. 13, para. 2.33.

24. See Ogunnaike Report, pp. 14-16.

It was the least populous of the three Councils and it appeared to be the lame duck of them all as the following figures indicated:-

	<u>Council</u>	<u>Population</u>	<u>Actual Revenue Per Year 1967/68 (£)</u>
1.	Ajeromi	52,245	82,737
2.	Egun Awori	40,136	61,146
3.	Awori	29,779	22,637

Awori District Council up till the 1st October, 1955 formed with Ajeromi District Council what was then known as Awori Native Authority which was abolished on that date and two Councils - Awori District Council and Ajeromi District Council - were constituted by the Western Regional Government. It was observed that the difficulties of the Awori District Council were compounded by its geographical situation and boundary dispute. On the former, the scattered nature of the Council's area, both on the land and also on the creeks, made its administration rather difficult and expensive. For instance, the Council had built as many as 7 Dispensaries and 5 Maternity Centres which it could not conveniently maintain. Yet people from other parts of the Council's area where these amenities had not been provided continued to press the Council to provide same for them. With regard to the latter difficulty, there were always disputes between the Ajeromi District Council and the Awori District Council over their boundaries at Tolu, Olodi, Kirikiri

Road, Layeni, Ojo Road and Amukoko areas as a result of which the Awori District Council with its headquarters far away at Ojo was always losing a lot of revenue to the Ajeromi District Council which was very close to the areas in dispute. The Council had also been unable to pay its staff from its own resources and was in arrears of its contribution for the upkeep of the joint Awori-Ajeromi Secondary Grammar School. Against this background, the structural re-organization of the Councils in the Badagry Division would have to be addressed from two principal foci, thus:

- Ethnicity
- Viability.

It was suggested to the Tribunal that the Awori in Egun-Awori District Council should be excised and be included in the Awori District Council to form a larger Awori District Council. The weaknesses of this suggestion, however, were the fact that the distinction between the Egun and the Awori in Egun-Awori District Council appeared blurred as a result of inter-marriages, and the fact that no emphasis or reliance could be placed on arguments buttressed mainly by ethnicity in a Nigeria where emphasis was being laid on a united Nigeria. The argument was therefore parochial. Again, if the Awori in Egun-Awori District Council were included in the Awori District Council, the resultant larger Council would be very poor and hopelessly unviable.

In the general interest of the people of that area, the Report asserted that Awori District Council should be merged with Ajeromi to form one District Council with headquarters at Ajegunle. The larger Ajeromi District Council would therefore benefit from tenement rates and taxes because of the ever-growing and developing towns of Araromi, Ajegunle and Aiyetoro. Moreover, the proposed Council would be in a better position to perform its functions to the greater satisfaction of its inhabitants.

The suggestion that the following four District Councils should be carved out of Egun/Awori District Council, Awori District Council and Ajeromi District Council:-

- (a) Ajeromi;
- (b) Awori;
- (c) Apapa/Badagry;
- (d) Iworo/Gbankow or Awori Western District Council

would amount to fragmentation of the Division into smaller councils also on ethnic considerations. It was also a suggestion which was out of focus with the principles of viability and which was essentially anaemic in that it tended to stultify planning and to disregard the advantages of developments which could be generated under certain optimum conditions of size and scale as well as in the utilisation and deployment of capable professional staff or manpower.

However, the Tribunal, not unmindful of the wishes of a large number of the Aworis to merge together into one District Council, strongly recommended that the Egun/Awori District Council should remain exactly as it was then. Egun/Awori District Council with headquarters at Badagry should be in a favourably advantageous position with high quality staff and good planning to increase its revenue base. This is because Egun/Awori District Council had all the various essential departments which were properly staffed. It had also successfully provided the people with the basic essential amenities. These included primary and secondary modern schools, a large and thriving Grammar School, Electricity, Large Modern Market, a Sports Stadium, other Recreational Centres, a Big Modern Town Hall, Roads and Bridges, Dispensaries and Maternity Centres. Besides, the Council offered, at least, ten Secondary School Scholarships annually. In this and numerous other ways, the Council had been performing its statutory functions satisfactorily. There was a brighter future for this Council because of recent industrial and agricultural development in the town. The Council had established a Coconut Coir Fibre factory to produce raw materials for Vono Mattresses etc. In Badagry, there was also the Jute Factory giving employment to hundreds of citizens, and there was also the possibility of its development into a tourist attraction.

Finally, the possibility of running the whole of Badagry Division as a District Council was, however, rejected by the Tribunal because there was no direct intra-state road leading from Ajeromi-Awori Council area to Badagry town in Egun/Awori District Council area and the problems of Egun/Awori in administration and management, size and organisation, must, because of its distance from Lagos be different in magnitude, extent and emphasis from that of the proposed Ajeromi-Awori District Council.

Conclusively, in respect of the Badagry Division, the Ogunnaike Report²⁵ recommended that Ajeromi and Awori District Council should be merged to form a new District Council with headquarters at Ajegunle since Awori District Council was not a viable Council and was not likely to be one. It also recommended that the Egun/Awori District Council, which was viable and which would continue to be so, should remain as it was. This therefore meant that two Councils instead of the former three were supported for merger.

25. Page 68, paras. 8 and 9.

Highlights of the recommendations on the
Badagry Division in the Oluwa Report²⁶ were that:

- (i) Awori District Council should merge with Ajeromi to form one District Council with headquarters at Ajegunle and named Awori District Council²⁷;
- (ii) The larger Ajeromi District Council, because of its proximity to Lagos and because its towns formed a sub-urban extension of Lagos City must come in for intensive physical planning with Mushin District Council and Ikeja District Council in whatever environmental planning became necessary at the State Level as though they formed one metropolitan whole²⁸;

26. Although Messrs Oluwa and Talabi wrote a separate Report in respect of the Badagry Division there seemed to be no disagreement with what was contained in the Ogunnaike Report. They however claimed that their writings shown in Chapter 4 of the Report were "digested/edited by Ogunnaike and Ayantuga" in the latter's chapter 3 of their Report. A meticulous perusal of the two Reports shows that they are 90% identical in their contents as chapter 4 (Oluwa Report) and chapter 3 (Ogunnaike Report).

27. Oluwa Report, paras. 4.6 and 4.19.

28. ibid, para. 4.6, p. 21.

- (iii) Fragmentation of the Division into smaller Councils based on ethnic considerations
 - e.g. Creation of Ajeromi, Awori, Apapa/Badagry, Iworo/Gbanko or Awori Western District Council; multiplicity of Councils founded on traditional ownership of land alone e.g. splitting of the Ajeromi District into two (2) following the line of demarcation between Chiefs Ojora and Oluwa whose families were the traditional lessors of Ajegunle and Araromi - were considered myopic and offensive to principle of viability and therefore rejected²⁹; and
- (iv) Egun/Awori District Council should remain exactly as it was with headquarters at Badagry, even though a large number of Aworis wishes to merge into the District Council. It was viable and promising³⁰.

29. Oluwa Report, para. 4.14, p.

30. ibid, para. 4.15, p. 23.

(III) EPE DIVISION

In respect of the Epe Division the central questions that dominated the issues involved were:-

- (1) viability and efficiency;
- (2) contiguity, population question and expediency;
- (3) three different options thus
 - (a) to have or not to have only one council which would be coterminous with the Division;
 - (b) to have or not to have two (2) councils only; and
 - (c) to have or not to have three (3) councils only; and finally
- (4) the Imota Question;

Epe Division³¹ occupied almost half of the whole State size-wise covering an area of 646 square miles. Regrettably it was perhaps the most backward part of the State. The population was 130,395. With six District Councils and one Divisional Council, the population spread was:

31. See Ogunnaike Report, pages 18-24. There was no separate report on the Epe Division in the Oluwa Report hence the material used in this passage is based on the Ogunnaike Report.

(i)	Epe District Council	62,366
(ii)	Eredo District Council	24,412
(iii)	Ikosi District Council	16,434
(iv)	Ibeju District Council	12,001
(v)	Lekki District Council	7,973
(vi)	Ejirin District Council	7,209
		<hr/>
TOTAL		= 130,395
		=====

The Epe Divisional Council had powers to perform the functions of primary education, forestry and to act as competent Council for Customary Courts in Epe Division³². The Epe Divisional Council was found to be anachronistic, wasteful and purposeless. Therefore it was demanded that it should be abolished and an All-Purpose District Council for the whole division would be a powerful and purposeful substitute for the inglorious Divisional Council³³.

32. Ogunnaike Report, p. 18.

33. ibid, p. 19

The whole Division was partly landlocked and partly waterlocked. Some of the areas were inaccessible to others. There was even no Town Hall in Epe Town and the six District Councils were unviable and unprofitable. Arguing further for the abolition of the Divisional Council, the Ogunnaike Report³⁴ stated that, in so far as Epe Division was concerned, District Council meant only dispensaries and maternity homes. Yet these health institutions were very few and far between, very poorly staffed, and inadequately supplied with drugs. As a matter of fact there was incontrovertible evidence that two new maternity centres had been locked up unused since they were built.

(a) Viability and Efficiency

The general impression was that the six (6) Councils under the then existing structure were not viable and efficient. Even the Divisional Council did not live by the sweats of its labour but by contributions officially known as precepts, paid by all the District Councils in the Area and the fact remained that they did not get any services in return for their money. For reason of lack of funds, Epe Town had no Town hall.

34. ibid, p. 20.

The Tribunal could not find any evidence that any of the six mini-yet unviable District Councils had been able to perform any of its statutory functions efficiently. Dispensaries and maternity homes - with poor staff and inadequate drugs - were all what the District Councils could boast of. Therefore in as much as it was desirable to preserve the independence of the six district councils the principles of viability and efficiency could not just be ignored.

(b) Contiguity, Population and Expediency

The Tribunal was informed that "contiguity, population question, and expediency dictated against merging any District Council in the Division with another"³⁵. Yet there was abundant evidence that only the merging of one Council with another could make them viable and more efficient.

35. Ogunnaike Report, page 20, paragraph 4.14.

(c) The Three Alternative Options

Three options for restructuring the councils in the Division were suggested. The first was the argument to have only one council if the population of the whole Division was just 130,395. Therefore an All-Purpose District Council for the whole Division would be a powerful and purposeful substitute for the inglorious Divisional Council³⁶.

Nevertheless the arguments against one All-Purpose District Council were weighty. There would be less elected councillors than before. This would be tantamount to indirect disenfranchisement and loss of independent representation by some communities.

There was a seeming atmosphere of permanent or incurable discontent by Agbowa-Ikosi and Imota, for example against Epe in the sharing of amenities. The whole area of Epe was too large to be governed by one council. Participation at grassroots level would practically be remote and insignificant.

The very element of competition and healthy rivalry among Councils would be lost. Besides, the problems of the Division were immense because the area was not even compact thereby worsening the problem of communication.

36. ibid. p. 19, paragraph 4.8.

Accordingly, the idea of a one All-Purposes District Council was rejected.

The second option was to have two Councils only. These should be Epe District Council, Eredo District Council and Lekki District Council to be constituted into one Council; and Ejinrin District Council, Ikosi District Council and Ibeju District Council to be constituted into the other All-Purpose District Council. Another set of people suggested the merger of Epe District Council with both Lekki and Ibeju District Councils as one All-Purpose District Council and the second merger to include Eredo District Council, Ejinrin District Council and Ikosi District Council, as the second All-Purposes District Council.

However, the Report³⁷ remarked that the two poorest District Councils of Ibeju and Lekki could benefit from the human and material resources of their bigger brothers, the traditional association of the council areas would not be disturbed and the merged Councils would no doubt be viable. But the one great and probably insurmountable obstacle to the proposed merger and having two All-Purposes District Councils was that Ibeju District Council was not contiguous with Ejinrin and Ikosi District Councils. It would be impossible for people in Ibeju District to pass to either Ejinrin or Ikosi without passing through Epe District Council Area. For example, it would be

37. *ibid*, pp. 21-22.

impossible, with such a merger, for the Ejinrin-Ikosi-Ibeju Council to construct a road to link all its area of jurisdiction without the co-operation of the Epe District Council. To assume that such a co-operation would always be given was, perhaps, to be too optimistic about human nature.

The proposed merger, however, would have some merits. There would be some balancing in the population of both Council areas. Epe, Lekki and Ibeju (Group A) would be 82,340 in population and Eredo, Ejinrin and Ikosi (Group B) would be 48,055. The income per capita of the people in the Group A Council would be less than 10/- (or ₦1.00) and that of Group B Council would be about 13/4d (₦1.34). Such a merging would no doubt lead to great dissatisfaction among a great number of the population. In the first place, Eredo was not contiguous to Ejinrin. To get there someone from Eredo had to travel to Ijebu-Ode and from there to Eredo or vice-versa. On the other hand, he could go through Epe District Council area by water to Ejinrin or Ikosi. This implied travelling through a different District Council area to get to another part of the traveller's Council area. Secondly, the population of Eredo District Council area being 24,412 more than equalled the combined population of Ikosi and Ejinrin District Councils.

Coupled with this fact was its accessibility. For expediency sake, therefore, Eredo should be the headquarters of the proposed Eredo, Ejinrin and Ikosi District Council Area. To have the two administrative headquarters of the vast geographical area of Epe Division in Epe Town and Eredo i.e. within 5 miles of each other was not only unwise but inexpedient.

Finally, to merge Eredo District with another area not including Epe District Council would disturb the long tradition of association between Epe and Eredo. For instance, the distance from Epe Town Hall to the boundary of Eredo District Council area was less than half a mile. Epe Divisional Grammar School was nearer to Eredo District Council Village than Epe Town. Moreover, most of the Eredo local businessmen had their business in Epe Town. In fact there were more Eredo businessmen in Epe Town than the indigenous Epe people. Hence if Eredo District Council were merged with other areas, such businessmen, in the event of the levy of tenement rate, would pay tax in two places - they were resident in Eredo Area but were trading in Epe Town. The result of such payment of tax in two council areas would no doubt lead to general discontent.

Consequently the suggestion of two Council areas in Epe Division based on Either Epe, Eredo and Lekki, on the one side, and Ejinrin, Ikosi and Ibeju on the other, OR Epe, Lekki and Ibeju on one side and Eredo, Ejinrin and Ikosi on the other side was rejected by the Tribunal.

The proposed three Council areas in Epe Division³⁸ based on Epe and Eredo District Councils; Ikosi and Ejirin District Councils; and Ibeju and Lekki District Councils was a tempting proposal. It raised two vital issues. Ibeju and Lekki District Councils were the poorest Councils in the Division both in terms of human and material resources. A merger of both would be a marriage of poverty - the very antithesis of the wishes of the State Government. And, both Council areas were not contiguous being sandwiched by a stretch of Epe District Council land. Again, to cut away a part of the Epe District Council area to join a reconstituted Ibeju-Lekki District Council was to worsen the degree of poverty in both Districts. The fact remained that, with limited area, the Councils were stark poor. And, so, with increased responsibility, their degree of poverty would be beyond description. Slicing would destroy long-cherished traditional associations and there would be interminable requests for a determination of assets and liabilities to the detriment of the people in general.

The Ogunnaike Report³⁹ rejected the arguments for one All-Purposes District Council and recommended that the six (6) District Councils in Epe Division should be re-grouped into two All-Purposes District Councils namely - (A) Epe, Eredo, Ibeju and Lekki Council, and

38. Ogunnaike Report, pp. 20-21.

39. ibid, p. 21

- (B) Agbowa/Ikosi and Ejinrin District Council.

What appeared to be the only disadvantage in such a division was that while the former set of Council (Group A) would have a population of 106,752 the other set of Council (Group B) would have a population of 23,643. But that the former had a population which quadrupled that of the latter did not mean that the former would be richer. The Report⁴⁰ even cited the example of the rich small state of Kuwait as opposed to the poor larger Republic of China. The merits derivable from the two All-Purposes District Councils were that all the parts of the respective Councils were contiguous and the pattern of traditional associations was not disturbed by the re-groupings of the Council. With the completion of the Itoikin bridge the distance of Ejinrin to Ikosi would be only 7 miles. The population of the Council area would increase since trade usually developed along road routes. The new Lagos-Epe route would be of very great benefit to the Agbowa/Ejinrin Council Area. Both Councils would be viable. While Group (A) Councils would have the initial revenue disadvantage, the potential resources of the area would make it a really viable Council. The development of Ejinrin market - which in 1890 was described as the largest market in British West Africa - could alone make Group (B) Council a wealthy and viable Council.

40. ibid, pp. 22-23.

There was not likely to arise any question of a division of assets and liabilities. And, finally the fears of the Imota and the Ikosi people who had expressed dissatisfaction with their association with Epe Town would be allayed⁴¹.

(d) The Imota Question⁴²

For Imota to be or not to be in the Epe Division was one issue that engaged the attention of the Tribunal. According to the Ogunnaike Report it had representation from the Ranodu or Oba of Imota and his people that they wanted Imota to be excised from Epe Division. Their reasons were that they were being cheated of their right and just amenities by Epe Division; that, by culture, they belonged to Ikorodu and claimed that there was an area in Ikorodu called Ranodu quarters; and that the Ikorodu people wanted Imota to join them.

The Tribunal, however, dismissed the foregoing reasons on the ground that it heard incontrovertible evidence that there were no Council amenities in other parts of Epe Division which could not be found in Imota and that although there were allegations that Imota

sons and daughters were few compared with those of Ikosi, for example, in Council jobs, the Tribunal was satisfied that Imota was always represented on the Establishment Committee of the Council and hence was always party to all Councils' decisions on appointments.

41. Ogunnaike Report, p. 23.

42. ibid, pp. 23-25.

Besides there was no evidence before the Tribunal of Imota at anytime protesting against any Councils' decisions on appointments.

Above all, the Ranodu of Imota could not produce any evidence of discrimination against his people. There was evidence that the Ranodu of Imota was a Joint President of the Agbowo-Ikosi District Council. As a matter of fact, it was pointed out that unlike some other parts of Epe Division including Epe Town, the capital, the Oba of Imota was, for five years, a representative of Epe Division in the then Western House of Chiefs and, that unlike some other natural rulers in the Division, the Ranodu of Imota was President of a Customary Court. That the Ranodu of Imota could enjoy more privileges if Imota became part of Ikorodu was therefore found doubtful. The argument that Imota was related in culture to Ikorodu rather than Agbowo-Ikosi was too parochial to be historically accurate. The whole of Lagos State, after all, was Yoruba-speaking and had a culture similar to the other Yoruba-speaking people of South-Western Nigeria, although there were adulterations of these cultures in one part or another depending on the degree of enlightenment of one area. It was realised that Imota people as well as those in Ikorodu and the Agbowo-Ikosi belonged to the Ijebu sector of the Yoruba. Therefore argument of differing culture was really defeated.

The Tribunal was not convinced that the Ikorodu people wanted Imota to join them. The memorandum of the Ikorodu Improvement Union - a strong and virile organisation which no doubt was the spokesman of the Ikorodu people - did not mention the case of Imota joining them. There was no evidence to show that Imota could become a constituent member of the proposed Ikorodu District Council. As a matter of fact, the Ikorodu people wanted the proposed area of Ikorodu District limited to Ikorodu Local Council area only. The question of a division of assets and liabilities would arise if Imota were allowed to secede from Epe Division to join Ikorodu Division, and this would warrant a never-ending question. Finally, the unviable Ikodoru District Council would be more unviable if her responsibilities were increased without a corresponding increase in revenue particularly from Imota.

Conclusively, the Tribunal strongly recommended that Imota should continue to be part of the erstwhile Epe Division, and that it should be a constituent member of the proposed Agbowa/Ikosi cum Ejinrin District Council.

(IV) IKORODU DIVISION

Ikorodu Division⁴³ is on the North-Eastern part of Lagos State. With a population of 130,495 by the 1963 Census figures, it spread over an area of 156 square miles. It had a two-tier system of local government. There were four local councils and one Divisional Council. There was the Ikorodu Local Council with a population of 94,952 and a revenue of £8,135 (or ₦16,270). Igbogbo-Baiyeku Local Council had a population of 15,782 and revenue of £1,338 (or ₦2,676). Ijede Local Council had a population of 9,625 and revenue of £657 (or ₦1,314) and Eti-Osa Local Council had a population of 10,435 and a revenue of about £516 (or ₦1,032). The Divisional Council comprising the whole area of 130,794 people had a revenue of £41,026 (or ₦82,052). The Divisional Council was the rating authority as well as the Local Authority for the area. It dealt with matters concerning forestry, medical, liquor licensing and maintained the traditional offices of the local natural rulers in the Division. Finally, it was the competent Council for Customary Courts.

43. See Ogunnaike Report, pp. 32-35. Like Epe Division, there was no separate report on the local councils in the Ikorodu Division in the Oluwa Report.

While the Ikorodu Divisional Council was financially handicapped, as evidenced, for example, in delayed payment of staff salaries the four Local Councils were also unviable. Some of the Councils e.g. Igbogbo/Baiyeku had an ineffective population (i.e. 15,782). There was really no motorable road linking Baiyeku with Igbogbo nor Igbogbo with Ibeshe.

There were three (3) different schools of thought on how to restructure the local councils in the Division. Apart from this, the Eti-Osa question was also given the attention it deserved in the Report.

The first school of thought to which the Ibeshe Community and the members of the Tribunal belonged advocated one (1) All Purpose District Council for the Division advancing a more rational argument based on principles of viability, historical fact, and expediency, which, they held, related to the issue of assets and liabilities. The school therefore suggested and recommended that the whole of Ikorodu Division, apart from the Eti-Osa Local Council, should be created into one All-Purposes District Council.

The second school comprising the Ikorodu Improvement Society and the Igbogbo Improvement Union Championed the cause for a two (2) All-Purpose District Councils. In principle, they demanded that the area of Ikorodu Local Council area should be

created into an All-Purpose District Council and the remaining three (3) local council areas (Igbogbo-Baiyeku, Ijede and Eti-Osa) should be created into the second All Purposes District Council. The Igbogbo Improvement Union, however, advocated the excision of part of Ikorodu Local Council to join the second All-Purpose District Council with the seat of government of the second council being at Igbogbo.

The third school, represented by the Ijede/Area District Progressive Movement, advocated the restructuring of local councils in the Division into three (3) All-Purpose District Councils thus:

- (i) Ikorodu District Council corresponding with the existing area of Ikorodu Local Council;
- (ii) Ijede District Council which would incorporate the areas of the present Ijede Local Council and Igbogbo Baiyeku Local Council areas; and
- (iii) Eti-Osa Local Council.

In order to safeguard local interests, the Tribunal, in addition, considered the issues of area offices and the status of Eti-Osa Local Council. Accordingly, it recommended that the existing local council offices in Igbogbo and Ijede should be constituted into Area Offices of the Ikorodu All-Purposes District Council and that the Eti-Osa Local Council should be merged with the Lagos City Council.

The Tribunal allowed the excision of Eti-Osa from Ikorodu Division and its transfer to the Lagos City Council because the area of Eti-Osa Local Council was a compact one. It was nearer to Lagos than Ikorodu. It should therefore be possible for the Municipal Area of Lagos to include the whole area of the present Eti-Osa Local Council. The journey from Eti-Osa Local Council to Ikorodu had proved risky in the past as there was an occasion when a canoe capsized resulting in several deaths. Moreover, the people of Eti-Osa were more related in blood to the indigenous Lagos people. The Elegushi, for example, is a Lagos White Cap Chief⁴⁴. The merging of Eti-Osa with the Lagos City Council would give the latter room for expansion in order to relieve the congestion on Lagos. While the Lagos City Council could invest in the area, the severance of the Eti-Osa Local Council from Ikorodu Division would ease the financial burden on Ikorodu Divisional Council and enable the latter Council to provide more amenities in the remaining areas. The people of Eti-Osa wanted the excision and the people of Ikorodu were not opposed to it.

44. The Chieftancy belongs to the category of Idejo White Cap Chiefs according to Schedule 3 of the Oba and Chiefs of Lagos Edict No. 2, 1975.

(V) IKEJA DIVISION

The whole of Ikeja Division⁴⁵ was originally administered by one Local Authority known as Ikeja Area Native Authority. In 1955, the authority was divided into three All-Purposes District Councils namely Ikeja, Agege and Mushin District Councils, all administered as one division under the Divisional Officer stationed at Ikeja. The three District Councils had a Joint Education Board and a Customary Court Joint Board. The instrument creating Agege District Council made only the old Agege Township including Tabontabon the area of Jurisdiction of Agege District Council. The Instrument creating Mushin District Council carved Mushin into various wards and similarly that creating Ikeja District Council also divided the area into several wards. Curious enough, some villages close to Ikeja and which could more easily be administered by Ikeja District Council were grouped with Mushin District Council without any good reasons. For example, places

45. Ogunnaike Report, pp. 27-30.

like Abule-Onigbagbo and Onigbongbo, including the Government Residential Area which were grouped with Mushin District Council were about four or five miles away from Mushin compared with a distance of barely one or two miles away from the Headquarters of Ikeja District Council. Of the three Councils - Mushin, Agege and Ikeja-Mushin District Council had a population of 312,063 and a revenue of £152,759 (or ₦305,518). Agege District Council had a population of 45,986 and a revenue of £38,998 (or ₦77,996) while Ikeja had a population of 36,923 and a revenue of £71,826 (or ₦143,652).

Throughout the discussion on the restructuring of the local councils in the Ikeja Division, three main issues dominated. They were:-

- need for the councils to be viable;
- need for the councils to have efficient administration; and
- leadership factor.

The Tribunal considered the suggestion that the three Councils in Ikeja Division, namely, Mushin, Agege and Ikeja District Council should be merged into an All-Purposes District Council

but decided that an area of 266 square metres with a total population of 394,972 would be too large to be administered as a single District Council. Moreover, the problems of planning Mushin township alone required that all the Council officials devoted all their time to that area rather than divide their attention between Mushin and Ikeja. To a lesser extent, similar problems also faced Ikeja and Agege and both areas could be tackled by another group of officials. Finally, the competitive spirit between the Mushin Council and the Ikeja Council would make for progress in both areas.

Mushin District Council

With regard to the Mushin District Council the reasons adduced for the splitting of the Council and the carving out of Itire/Oshodi District Council from it were because of the total or partial neglect of the other areas by Mushin District Council and lack of or inadequate amenities. . Other reasons were that the size of Mushin District Council was too large for efficient administration,

that the Council was far from being adequately staffed, and that it lacked qualified and experienced officers capable of assisting it in the formulation of progressive policy for the development of its area of authority⁴⁶.

However, the Tribunal⁴⁷ felt that Mushin, being half of the size of Lagos City Council and having a great influence on the City of Lagos should not be broken into two, but that it should be allowed to remain as one so that if all the potentialities were properly tapped it would pose a big, but healthy challenge to the Lagos City Council in future. The Tribunal also recommended that the Council should be renamed Mushin Town Council, that it should be allowed to grow pari passu with the City of Lagos and that more experienced senior officers should be appointed to man the Council to curb malpractices that are rampant in the Council and also to ensure efficient and effective local government administration in the present circumstances..

46. ibid, pp. 27 and 28.

47. ibid, pp. 28 and 29.

Ikeja District Council

With regard to the Ikeja District Council, the consensus of opinion arising from the memoranda submitted to the Tribunal and the evidential materials was that:

"We do not oppose to the creation of Mushin District but we are anxious to see that Agege and Ikeja District Councils are merged together to form a bigger and more viable Council"⁴⁸

Accordingly, the Tribunal was unmistakable in favouring the merger of Ikeja and Agege District Councils into one viable Ikeja District Council to allow for expansion and increased efficiency with the recruitment of better staff.

Agege District Council

Continued existence of the District Council was not favoured on the ground that its existence rather than serve the interest of the people it

48. Ogunnaike Report, p.29, para. 5.13. The Memoranda to this effect were submitted by the Awori Welfare Association, Chiefs and Elders of Ikeja Town, Mr. Jinadu, the Chief Executive Officer of the Ikeja Area Planning Authority, the Nigerian Union of Local Authority Staff (NULAS), the Secretaries of Ikeja District Council and Mushin District Council.

would satisfy "the political aspirations or ambitions of a few people"⁴⁹, that it was not viable, that since it was encircled by the Ikeja District Council, it could not expand nor undertake any developments without the cooperation of the Ikeja District Council, that Agege was previously carved out of Ikeja District Council, that the services provided by it were very poor, neither were there developments in terms of good roads and infrastructural facilities.

In conclusion, it was recommended that Mushin District Council should be allowed to remain as one, but renamed Mushin Town Council. Both Ikeja and Agege District Councils should be merged into one Council to be known as Ikeja District Council. The proposed Council, according to the Report,⁵⁰ would be viable; there would be great room for expansion and there would be increased efficiency with the recruitment of better staff.

49. Ogunnaike Report, page 29, para. 5.13.

50. Ogunnaike Report, page 30, para. 5.16.

Going through the writings and recommendations on the Ikeja Division, there was no material contradiction in the two Reports⁵¹. In fact, the writings were 90% identical. So also the recommendations that Mushin District Council should not be broken into two as wished by some witnesses but that it should remain as one; that two (2) All-Purposes District Councils should be established for the Division; and that the Agege and Ikeja District Councils should be merged. The only additional recommendation in the Oluwa Report was that the present Agege District Council offices should be used as sub-offices of the Ikeja District Council.

It however rejected the suggestion by the spokesman for the Oba and Chiefs of Agege Township that Agege "might always monopolise leadership of

51. See Oluwa Report pages 15-19. Compared with the Ogunnaike Report, the listing in the Oluwa Report of the Memoranda/Witnesses that appeared before the Tribunal were comprehensive.

the Council⁵² on the ground that the suggestion was flimsy and as of no historical backing⁵³. The Oluwa Report also made a categorical recommendation that there should be an alteration of boundaries in respect of the Ikeja District Council so that the villages of Onigbongbo, Onigbagbo, Maryland Estate, Shogunle and Ikeja Government Residential Area (GRA) which were then within the Mushin District Council should be included in the Ikeja District Council⁵⁴.

52. Oluwa Report p. 18, para. 3.15.

53. ibid, para. 3.16.

54. ibid, para. 3.18

Revenue Sources/Local Government FinanceA. Revenue(i) Lagos Division

The relevance of the consideration of this issue was to see how more revenue could be raised to finance how the existing arrangement affects its viability. To be effectively viable it soon became apparent that the Council had to explore new additional sources of revenue. It was in this direction that explanation would be offered.

It was identified in the Ogunnaike Report⁵⁵ that the Lagos City Council depended on the following sources of revenue:

- (a) Government grants in lieu of rates;
- (b) Government grants; percentage grant on services based on the Lagos Local Government Act 1959;
- (c) General Rates on Buildings;
- (d) Fees for specific services, e.g. entertainment tax, vehicle licences, eating houses, brewing houses, slaughter houses, etc;
- (e) Market Toll;
- (f) Profits from the LCTS; and
- (g) Rents from Council Property;

55. Pages 10-13. The Oluwa Report (pages 25-28) in this respect was identical with the Ogunnaike Report.

The Report noted that the issue of government grants in lieu of rates also affected inter-governmental relations. For example, it remarked that government (i.e. the Federal Government) may well appear to be under-assessing its liability in the number and sizes of property which it owned. Payment of general rates on properties occupied by diplomatic missions were automatically exempted from rates on such property.

In order to tackle the traffic congestion problems as well as increase the revenue base of the main trading concern of the LCC the Tribunal accepted the suggestion for the municipalisation of the buses under the Lagos City Transport Service and in addition recommended the establishment of a State Transport Commission or Board to tackle the overall problems of transport in the State⁵⁶.

56. *ibid*, p. 13.

(ii) Badagry Division

The Ogunnaike Report⁵⁷ suggested:

- (a) the development of coconut plantations;
- (b) the processing of coir for fibre;
- (c) the manufacture of coconut oil for export and local use;
- (d) the utilisation of coconut meal (by-product of coconut oil industry) for livestock feeds;
- (e) development of water transport, e.g. cheap water ferries running through the creeks
- (f) the development of swamp rice and processing of the crop for marketing and cultivation;
- (g) introduction of tenement rates for the Division particularly in Ajegunle, Araromi and Aiyetoro (which were very close to Apapa).
- (h) construction of markets as well as roads leading to them;
- (i) development of fishery industry;
- (j) the keeping of the whole proceeds from entertainment tax collected on behalf of the State Government and for which it received 5% rebate only.

57. See pages 16-17. There was no disagreement with Oluwa Report (pages 30-31) in respect of this Division as far as this issue was concerned.

(iii) Epe Division

The Tribunal in the Ogunnaike Report⁵⁸ realising that the revenue sources of the Councils in the Epe Division were inadequate to meet their needs suggested additional sources of revenue which included:

- (a) imposition of tenement rate on industrial and commercial concerns;
- (b) investments in viable commercial projects, e.g. cassava plantation and rice production, housing estates, coconut coir manufacture;
- (c) prompt reimbursement of the Council of due P.A.Y.E. deductions;
- (d) establishment of good specialised markets;
- (e) imposition of entertainment tax on all pubs and hotels; and
- (f) loan assistance from the State Government;

(iv) Ikorodu Division

The issue of revenue sources of Local Councils in this Division was similar to that of Badagry, Epe and Ikeja and was therefore so treated in the Ogunnaike Report only⁵⁹ and the White Paper⁶⁰.

(v) Ikeja Division

While the contents in the Ogunnaike Report⁶¹ and Oluwa Report⁶² were essentially similar, their recommendations were also similar. And the Government's decision on the subject was also the same as for the

58. Pages 25-26. There was no separate report on this issue in the Oluwa Report.

59. See pages 35-36.

60. op cit, para.15

61. See para. 30-31.

62. See para. 28-30.

Badagry Division⁶³.

B. Establishment of a State/Municipal Bank⁶⁴

The aim of the Government of Lagos State was to have viable District Councils which would carry out their statutory functions and to actively involve the citizens of the State in the search and financing of more and more amenities for the well being of the people of each of the Local Government area of jurisdiction⁶⁵. Although the Tribunal remarked that small Councils were self-destructive, it warned that size by itself could have no advantage unless it was synonymous with viability⁶⁶, and that there must of course be a limit to the extent to which local governments must depend on the State Government just

as the generosity of the State Government would depend on its other financial commitments in other fields⁶⁷.

63. Government White Paper. op. cit, para. 13.

64. See Oluwa Report, pages 31-33. The Government White Paper was specifically silent on this issue except that it must have touched it in general terms and in passing or when it commented on the establishment of a State Bank. The Tribunal in Ogunnaike Report (especially page 65, para.11) supported the founding of a Municipal Bank as an alternative to a State Bank.

65. ibid, para. 5.20

66. ibid, para. 5.21

67. ibid, page 32, para. 5.23.

Having heard the arguments and suggestions of experts⁶⁸, the Tribunal in Oluwa Report preferred the establishment of a Municipal Bank⁶⁹ to either a State Development Corporation⁷⁰ or the founding of a State Bank⁷¹. In the alternative, it suggested the inauguration of a Local Authority Loans Board or institution⁷² into which ample funds should be pumped for the purpose of making loans available to Local Governments in the State for capital projects with the approval of the Governor. The Tribunal in the Ogunnaike Report seemed to object to 'a policy of loans to the Local Authorities' on the ground that:

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- 68. This included the Permanent Secretary, Ministry of Finance; the City Treasurer of LCC; Mr. Tajudeen Onigbanjo, formerly of National Bank; and Mr. Oluwa, a Chartered Accountant.
 - 69. The Bank, if established, should not be dominated by the LCC through share-holding nor should the State Government abdicate its responsibility to provide equalisation grants to the poorer local councils in the State. Even the Ogunnaike Report at page 65 paragraph 11.7 deposed that the LCC on its own could float a successful Municipal Bank as it had about 1 million pounds in a commercial bank and another million pound was owing her from arrears of rates. It would however prefer that these amounts were made available to 'creat enough funds from which local authorities could borrow'.
 - 70. Such Corporation could not be depended upon to provide funds for capital projects as it was likely to be mainly and purely a commercial enterprise.
 - 71. Oluwa Report, op cit, page 32, paragraph 5.24.
 - 72. The Oluwa Report acknowledged that this idea was not novel as the then Northern Region had operated it.

- (a) If the profits from the proposed State Development Corporation were given as loan to the local authorities, the growth of the corporation's activities would be severely limited; and
- (b) to many people in this country, loans from the Government or its agency were interchangeable terms for grants (perhaps judging by the experience of the demised Federal Loans Board and the Western Region Loans Board⁷³.

Instead of either a State Development Corporation or a Loans Board financing local authorities particularly in the area of capital projects and development schemes, the Tribunal in Ogunnaike Report strongly recommended the immediate establishment of a State Bank as a matter of priority⁷⁴ and the appointment of good and reputable bankers and accountants from the abundant competent men in the State who could successfully manage a State Bank. According to it, the advantages outweighed the disadvantages. The Bank would have a lot of capital to start with obtaining subscription and funds from the State Government, Local Councils and interested members of the public.

73. See Ogunnaike Report, page 64.

74. ibid, pages 64-66, esp. para. 116-11.7 and 11.11.

The public shareholders could always serve as a big check against any abuse of the Bank Managers and Directors. A State Bank would be able to give to local councils 'Soft' loans as opposed to 'hard' loans from other banks or finance houses. A State Bank was sure to have a wider patronage than a Municipal bank. It would have more funds. It would be better administered because the State Government, more than local authorities, could more easily attract better qualified personnel. Finally, a State Bank would not only look after local authorities' programmes as the Municipal Bank would do, it would also look after many other interests.

However, the Oluwa Report⁷⁵ disclosed that they (the authors of the Report) could not convince their other colleagues (Ogunnaike and Ayantuga) that the establishment of a State Bank by the Lagos State Government was outside the Tribunal's terms of reference.

75. Page 2, para. 1.3 (iv).

Functions

The Tribunal, in its term of reference, was required to enquire into: .

"the functions which various types of local authorities are authorised to perform, the number of services provided by them, and the performances of the Councils in discharging these functions"⁷⁶

It was apparent that most of the Councils could not claim to perform most, certainly not, all the statutory functions⁷⁷. Areas of general discontent included:-

- town planning;
- deplorable and inefficient street cleaning and drainage, disposal of refuse and nightsoil;
- insanitary markets and illegal collection of tolls;
- bad and unkept roads which were always flooded during raining seasons and full of potholes;
- inadequate public toilets;

76. Oluwa Report, page (1), para. 2. See also Ogunnaike Report, page 1, para. 2 (ii).

77. In a way, the L.C.C. was an exception. To many Councils, the statutory functions were a "dead letter" and they glorified mainly in dispensaries and maternity centres.

- non-availability of Town Halls except Egun-Awori District Council which had a Town Hall in Badagry;
- poor maintenance of cemeteries, particularly by L.C.C.;
- inadequate and ill-equipped dispensaries and maternity centres in the four (4) Divisions excluding Lagos.

It was found unnecessary as Oluwa Report had made us believe to group the local authorities in Lagos State into two viz:-

- (i) the L.C.C., and
- (ii) all Councils in Badagry, Ikeja, Ikorodu and Epe Divisions;

for the purpose of this term of reference. This was because its treatment of other functions such as Road Development, Health, Contracts, Planning and Development under Badagry, Ikeja, Ikorodu and Epe Divisions were not exclusive to those areas. The only exception was that of Customary Courts and only the Oba of Lagos and his Chiefs were convinced that the inauguration of Customary Courts for Lagos was desirable⁷⁸.

78. Oluwa Report, page 42, para. 6.46.

These inadequacies were attributable to: limited resources; conflict of functions and shifting of responsibilities between L.C.C. and L.E.D.B. in respect of maintenance of roads in the Lagos Division; lack of fund by Councils to provide hospitals; smallness of some Councils; considerable overlapping of functions between the Ministry of Health and the Local Government Public Health set up, for example, the provision of some health services, e.g. maternal and child health, child welfare, communicable disease control, school clinics, etc.; management of the schools almost invariably by a group of people ill-experienced in education matters and by people with some vested interests; insensitivity of local authorities in their relationship to the local people or their problems; indolent staff of the Councils who "virtually hibernate between elections earning their salaries monthly from the time their estimates are approved"⁷⁹. In some instances more than half the revenue of the Local Authority was needed for payment of salaries.

79. Oluwa Report, page 37, paras. 6.26.

Accordingly, the Tribunal⁸⁰ recommended decentralisation of services to the proposed eight offices of the L.C.C. and that they should have enough competent staff to clear the drains daily, collect refuse daily, maintain the roads and prevent the spread of mosquitoes and other insects and vermin dangerous to health.

Secondly, the Tribunal recommended that certain functions which required a lot of money should be taken over from the local authorities by the State Government to enable the local authorities to concentrate on the remaining ones to the better satisfaction of their respective inhabitants.

The functions included:-

- (1) Schemes for planned rural development and settlement;
- (2) Hospitals and Institutions for Lepers;
- (3) Urban Layouts and Settlement;
- (4) Institutions for the aged, destitute and infirm;

80. See Ogunnaike Report, page 39, para. 7.5.

- (5) (a) providing for building lines;
- (b) providing for the demolition or removal of structures erected in contravention of any bye-law made under sub-paragraph (a), for the sale of the materials of such structure, and for the recovery of the expenses of such demolition, removal, or sale;
- (6) (a) providing for the demolition of dangerous buildings;
- (b) enabling some person or persons to carry out such demolition at the expense of the owner in default of the owner so doing, to remove and sell the materials of any buildings so demolished; and
- (c) regulating the procedure by which such expenses may be recovered;
- (7) the fighting and extinguishing of fire"⁸¹.

Government attributed the failure of local authorities to perform the functions which had been prescribed for them either under the Instrument establishing them or generally under the Local Government Law which created them to financial weakness in some and lack of qualified personnel in others, and

81. Ogunnaike Report, page 40, para. 7.9.

in some cases, both. To improve the situation, the State Government decided to invite an overseas expert to review the functions of local authorities in the State in relation to their finances and to introduce flexibility into the arrangements for financial assistance by the State Government to the new local authorities and improvement in the revenue collection machinery.

In particular, the Tribunal dealt with the following six topical items:-

- Road Development;
- Award of Contracts
- Health;
- Education;
- Customary Courts; and
- Planning and Development.

(a) Road Development:

The Tribunal, disturbed by the evidence of existence of numerous bad roads, was convinced that the grant of 50% for road development was inadequate and insufficient and therefore recommended that:-

- (a) all Trunk 'B' roads should continue to be constructed and maintained by the State Government;
- (b) where Trunk 'B' roads were left to the Councils to maintain, the 50% grant then payable should be increased to 75%;

- (c) adequate expert supervision should be assured by the State Government for all roads taken over from Local Authorities⁸²; and
- (d) as a matter of priority the Government should as soon as possible complete the road linking Ajeromi to Badagry and should construct a new road from Lagos to Lekki⁸³.

(b) Award of Contracts⁸⁴

The Tribunal noted the disparity in the procedure for the Award of Contracts between the Local Councils in the Old Western Region of Nigeria including the Old Colony Province which became part of the Lagos State and the Lagos City Council. Accordingly, it recommended that:

- (a) all petty contracts of not more than £250 could be awarded directly by the Chief Executive Officer of the Council and in the case of Lagos City Council £1,000 on the advice of the appropriate Subordinate Official or Technical Adviser to whose department

82. Ogunnaike Report, p.42.

83. Recommendation (d) above was made in the Oluwa Report, page 39, para. 6.33 as additional to the first three.

84. See Ogunnaike Report, pp. 42-43.

- of Council, the job was most related⁸⁵;
- (b) each Council should compile a periodic list of registered qualified contractors as published from time to time in Government Gazettes. It should then be possible for tenders to be awarded according to the list in alphabetical order to ensure that every registered contractor had a chance of being considered;
 - (c) for other contracts, each Council should have a duly constituted Tenders Board comprising not more than seven members who should be appointed by the Commissioner for Local Government and Chieftancy Affairs;
 - (d) the procedure outlined in the existing standing orders of the respective Councils should be strictly adhered to in order to prevent irregularities;
 - (e) the Ministry of Local Government and Chieftancy Affairs must in all cases; especially where the amount involved was high keep a discreet supervisory eye on contract awards and should be able, if necessary, to stop the award before final agreement was reached provided there was good reason for so doing.⁸⁶

85. Ogunnaike Report, p.42 para. 7.26

86. Oluwa Report, page 42, para. 6.41

(c) Health⁸⁷

It was remarked that no single local authority not even the Lagos City Council had provided hospital despite that provision of hospitals was one of the statutory functions of local authorities. This was attributable to lack of fund and competent staff. The Tribunal therefore recommended that the State Government should continue to be wholly responsible for hospitals but that there should be greater co-ordination between the maternity centres and dispensaries on the one hand, and the hospitals on the other.

(d) Education⁸⁸

In the area of primary education where the Tribunal observed that for lack of funds and lack of adequate personnel, the function was not being well performed by most of the local authorities in the State, it recommended that the State Government should assume Central Control on both the substance and content of primary education throughout the

87. Ogunnaike Report, pp. 43-44

88. Ogunnaike Report, pp. 44-48.

State, though the local authorities should still be asked to advise the Ministry of Education as appropriate. This, the Tribunal held, would inter alia, ensure uniformity of educational standard throughout the State and improvement in the educational standards rather than lower standards as alleged by the Chief Education Officer of the Lagos City Council.⁸⁹

As for secondary education, the Tribunal⁹⁰ recommended the take over and Central Control of all Secondary Grammar Schools which were owned by local authorities or the Community as well as those which were not properly managed regardless of ownership and also take over of mission schools which were below the standard required by the Ministry of Education. The ultimate intention of the take over exercise was to enable the State Government to assume control over all Grammar Schools in the State within a period of five (5) years hence.

(e) Customary Courts⁹¹

The Tribunal recommended that:

- (a) Customary Courts in Lagos State should be administered by the Chief Justice of the High Court of Lagos State. This

89. ibid, page 48, para. 7.35 (iv).

90. Ogunnaike Report, para. 7.34

91. See Ogunnaike Report, pages 48-60.

was to ensure that the Attorney-General who was the prosecutor did not become the supervisor of the present of the customary court trying a litigant/accused person;

- (b) All Grade A and Grade B customary courts manned by lawyers be abolished and be replaced by Chief Magistrate/Magistrate Courts. The Grade B Courts which were manned by laymen could be converted into Magistrate Grade III Courts;
- (c) Grade 'C' Customary Courts should remain as they were useful in dealing with petty matters expeditiously and to abolish them would be in-expedient⁹²

(f) Planning and Development⁹³

The Tribunal suggested the establishment of a State Planning Commission to take full responsibility for all the functions of Local Government relating to

92. The Oluwa Report, pages 42-43 concurred in material detail with the findings and recommendations contained in the Ogunnaike Report regarding this subject matter.

93. See Ogunnaike Report, pages 50-51 and also the Report Pages 43-44 on this function. The contents therein were identical.

town planning and development and as an adjunct:

- (a) the LEBD and the Ikeja Area Planning Authority, when amalgamated, should be the nucleus of the proposed Commission;
- (b) the Commission should have branches all over the State;
- (c) Local authorities should be well represented on the State Planning Commission machinery to give Councils the opportunity of having a considerable say in various schemes;
- (d) the Commission should hand over to the respective local authorities all developed areas for their maintenance and collection of rates. The Commission should not own Estates; and
- (e) the Commission could be an agent of local authorities in their personal estate developments.

Local Council Staff⁹⁴

The Tribunal was enjoined to inquire into the grades and qualifications of the staff available to each type of Council and in particular to submit recommendations on any changes that were considered desirable to be made to the existing staff structure of local authorities in the State. The Tribunal

94. See Ogunnaike Report, pages 1 and 2, para. 2 or Oluwa Report, pages (i) and (ii), para. 2

addressed itself to four principal issues:-

- (i) grades and qualification of local council staff;
- (ii) staff training;
- (iii) secondment of senior civil servants to councils; and
- (iv) the Status of the Local Government Service Board (LGSB);

The Tribunal's finding in respect of the Lagos City Council (LCC)⁹⁵ was that each Department (Engineering, Medical, Treasury and Education) had various cadres of officers who were directly responsible to their heads of Departments in the first instance and whose admission qualification into the services of the City Council were the same as for employees of the State Government. There was an Establishment sub-Committee of the Council with responsibility for appointment, promotion, discipline, conditions of service and other known personnel matters. It reported to the council or the Care taker Committee of the Council as the case might be.

95. See Oluwa Report, page 45, para. 7.1

The procedure for filling the many professional Vacancies was frustrating and affected operational efficiency of the department. The salary structure for the senior and professional members of staff were frustrating and unrealistic⁹⁶. The representative of the Nigerian Union of Local Authority Staff (NULAS) suggested that in order to have maximum efficiency from local government staff the then existing salaries must be increased particularly of the key professional officers⁹⁷. Yet the Tribunal admitted that 'because we had not the time to do so (i.e. consider the suggested scales of salary), it was therefore difficult to express any opinion about the reasonableness of the salary scale"⁹⁸. It however strongly suggested that the State Government should as soon as possible appoint a competent body to look into the staff problems in the City Council as well as in all the other Councils of the State.

96. See Oluwa Report, page 47, para. 7.6. It showed that the salary offered by the LCC to its professional staff was far less than those of the State Government and Statutory Corporations hence turn-over of officers leaving its service was high. The same observation was made by the Trade Unions (see para. 7.12 - 7.13) that "Comparatively an employee of the Lagos City Council or other Councils (holding junior service post in local councils) was at a disadvantage with his contemporaries in the civil service or corporations.

97. Ogunnaike Report, page 55, para. 8.8

98. Oluwa Report, page 49, para. 7.8.

Accordingly, the Tribunal⁹⁹ recommended that:-

- (i) The Staff Regulations of the LCC and the other authorities must be consolidated and brought up to date;
- (ii) the LCC, to meet up with its commitments, must re-organise all its services and duties. To do this effectively it must attract capable staff and it must pay them well. And to be able to do so the co-operation of the Ministry of Local Government was essential.

Consequent upon the noticeable poor standards of local government employees in areas outside Lagos, the Tribunal¹⁰⁰ recommended that certain key posts such as Town Clerk, Town Engineer, Executive Engineer, Medical Officer of Health, Treasurer, Valuation Officer,

99. See Oluwa Report, pages 45-49.

100. Because of the different Regulations governing the appointments of staff of LCC and other authorities in the State, it became necessary to treat some of the issues affecting them separately.

Secretary and Technical Officers in the local authorities¹⁰¹ should be filled with tried civil servants on secondment from the State or Federal Government and that in the overall interest of local government administration in the State, all Secretaries or Secretary/Treasurers in the local government service of the State as well as technical officers be transferred to fill other posts under the State not connected with local government administration.¹⁰²

With regard to the staff of the council in the former Colony Province regrading of the posts, and reconstitution of the Councils into bigger ones so that their salaries may be commensurate with the increased responsibilities the officers would be expected to assume were suggested¹⁰³.

101. Mushin, Ajeromi, Ikeja, Ikorodu, Epe, Agbowa/Ejinrin and Egun/Awori were mentioned specifically.

102. Oluwa Report, page 50 paragraph 7.10-7.11

103. Ogunnaike Report page 56.

In the area of staff training, the Tribunal observed that there was no training facility existing in Lagos State for local authority staff and therefore recommended that until the State could organise a training course within the State or in co-operation with one of the Universities the staff of local authorities outside Lagos should be encouraged to accept attachment for short periods to various departments of the Lagos City Council for in-service training¹⁰⁴.

The Tribunal was of the opinion that Training Courses similar to those being conducted in the Western State should be organised for both the Senior and Junior members of the local government councils in the Lagos State. It also recognised that training courses should be organised for local government employees by the Ministry of Local Government and Chieftaincy Affairs and that those employees holding the West African School Certificate or the General Certificate of Education should be sent to the Institute of Administration of the University of Ife for Diploma Course as was presently being done by the other State Governments in the Federation of Nigeria.¹⁰⁵

104. Oluwa Report, page 50-51.

105. Ogunnaike Report, page 56, para. 8.9A.

The Nigerian Union of Local Authorities Staff (NULAS) and a majority of the Councillors who gave evidence favoured the re-organisation of the existing Local Government Service Board in Lagos State in order to exclude officers of the Ministry of Local Government and Chieftaincy Affairs with whom they had direct day-to-day dealings¹⁰⁶. The Tribunal upheld the view that the Board should be independent of the Ministry of Local Government and Chieftaincy Affairs. It should, of course, be appointed by the State Government but its powers over local authorities established staff matters should be absolute. In arriving at this conclusion the Tribunal was convinced that its establishment would ensure even standards for all local authority employees in the State; there would be mobility of labour; and allegations of nepotism and other forms of corruption would be reduced to the barest minimum since it was expected that the State Government would only appoint responsible citizens of the Country to the Board¹⁰⁷.

106. Ogunnaike Report, page 53, paragraph 8.3

107. Ogunnaike Report page 53.

Local Councillors

What is the ideal quality or calibre of a Councillor? The definition of quality or calibre is bound to be vague or ambiguous. It depends on one's frame of mind, ideological standpoint, political status, and education.

"Generally speaking" Ronald Wraith remarked in 1964 "men who stand for local councils are not successful or established men, they are often very young ----- many of them are teachers, earning very small salaries, others have no definable occupation, and regard their council membership as a way of supplementing if not actually earning a living"¹⁰⁸. In 1970 another student of local government administration in Nigeria wrote

"the calibre of the membership (of local councils) has been generally low; too few qualified and motivated men were available for office and thus too many of the incumbent were illiterates, unemployed and corrupt"¹⁰⁹

108. Ronald Wraith, Local Government in West Africa (London: George Allen and Unwin Ltd; 1964) page 29.

109. Samuel Humes, "Local Government", Quarterly Journal of Administration, Vol. V, No. 1, October, 1970, page 99. (University of Ife).

Other similar generalizations on local councillors exist in the literature. Thus, the question of quality of local councillors is neither new nor peculiar to Nigeria. There are many qualities that can be considered but these pose not only problems of definition but also of measurement. They are Commitment to an ideology and interest; experience and training in a similar occupation; integrity; will power; Judgement; Local knowledge; Age; and Educational background. What is important is the proper application of the criteria in appropriate combinations and within relevant environmental/situational context.

Oyeleye Oyediran¹¹⁰, however, used the criteria of age, educational background and occupation in his study of councillors of three district councils in the former Western Nigeria (Ife District Council in Ife Division, and Iwo and Ogbomosho District Councils in Oshun Division).

110. Essays on Local Government and Administration in Nigeria (Lagos; Project Publications Limited, 1988) Chapter 10.

The issue of the calibre of councillors to be elected into councils and who could best serve their respective communities is one in which there is disagreement between Ogunnaike/Ayantuga and Oluwa/Talabi. The latter group saw no reason why either the Lagos Local Government Act or the Local Government Law of the West (applicable in Lagos State) should be amended or modified in respect of qualifications or disqualifications for holding elections or offices. It discounted the argument that a local councillor should hold at least a Standard Six pass Certificate or its equivalent and submitted that literacy in English/Yoruba should be enough. Accordingly, it strongly recommended that as far as possible standing orders, staff Regulations and so on, of all the local councils outside Lagos should be translated into Yoruba¹¹¹.

On the other hand, the Ogunnaike/Ayantuga¹¹² group opined that, granting human limitation, the following recommendations which should be in addition

111. Oluwa Reports, page 56, paragraph 9.1-9.3

112. See Ogunnaike Report, page 57, para. 8.11

to the existing laws on qualifications for election should be considered:-

- a prospective councillor should be literate in English;
- a prospective councillor must not only be a tax-payer of not less than 2 years standing, he must be a man of fixed occupation. The practice whereby some men without visible means of livelihood virtually live on the Council should be discouraged; .
- no one should be a councillor for more than nine consecutive years i.e. 3 terms of 3 years each. This was to allow for fresh minds, otherwise the local government would become stereotyped and unprogressive;

Traditional Leaders¹¹³

The Lagos Local Government Act 1959 stipulated that the Oba of Lagos shall be President of the

113. Whereas Ogunnaike Report (Chapter 10) treated this subject in some material detail, the Oluwa Report merely disposed of it in two rather short paragraphs in its Chapter 9. See Ogunnaike Report, pp. 62-63 and Oluwa Report, 56. "A traditional ruler is the person who by virtue of his ancestry occupies the throne or stool of an area and/or who has been appointed to it in accordance with the customs and tradition of the area and has traditional authority over the people of that area or any other person appointed by instrument and order of the government to exercise traditional authority over an area or a tribe in the state recognised as such by the Government of a State" (See the views and comments of the Federal Military Government on the Findings & Recommendations of the Committee on the Review of Local Government Administration in Nigeria, 1985 p. 22, para. 49). In the circumstances of Nigeria, traditional rulers should stay away from political affairs of local governments, decline roles that are openly partisan, but play significant role in matters of social, religious and cultural nature. Awareness of the popular notion that the king reigns, but does not rule prompts me to modify the words "traditional rulers" to "traditional leaders" as shown above.

L.C.C. and also provided for the appointment of Traditional Chiefs into the Council. In the other local councils the instruments establishing them stated clearly which traditional rulers should be Presidents and which chiefs should be traditional members of the Council. Thus, the set-up allowed for the participation of Chiefs in the affairs of Local Councils.

The Tribunal came up with three major, but crucial recommendations based on the evidence it received. The recommendations were that:-

- (i) all recognised Oba and Chiefs should be given some remuneration by their respective Councils depending on their revenue. The Tribunal was not oblivious of some loss of the sources of livelihood of the Chiefs - land and water-despite of the fact that government paid adequate compensation for compulsory acquisition of land and the waters of Lagos were still open to fishing, navigational orders notwithstanding; and the 'decline' of agricultural trade;

(ii) the most Senior Chief, as determined by tradition, should be President of the Council. No Chief, per se, should be chairman of any local council. The Oluwa Report, in particular, declared that its group was satisfied that traditional or gazetted Chiefs should continue to sit as members and Senior Chiefs should continue to rotate as Presidents in areas where they have always done so. Oba Oyekan II of Lagos in his short and outspoken memorandum to the Tribunal suggested a Council with the Oba of Lagos as the Executive President/Chairman. He felt this would remove all bitterness and make the Council a sort of homogenous assembly instead of bi-party affair. He also felt that traditional chiefs should not serve under their "sons"; that chiefs should be given their due respect, and finally suggested that traditional chiefs should be allowed to serve in established Customary Courts¹¹⁴.

114. Ogunnaike Report, para. 10.3, page 62.

(iii) any chief, notwithstanding his status as a chief, could on his own merits, be considered for any other public office. The Lagos traditional chiefs had, in their memorandum, suggested that they should be appointed Presidents of Customary Courts, members of Tax Assessment Boards, Rent Tribunals, Appeal Tribunals and members of statutory Boards - if only to compensate for their alleged loss of traditional sources of livelihood and their cut-off from the "administration of the Country".

Finally, the Oluwa Report disclosed that at Somolu and in a number of other places outside Lagos a large number of chiefs and Obas who gave evidence before the Tribunal were interested more in carving kingdoms for themselves and obtaining recognition for their status than in creating effective local governments. The Oluwa/Talabi group regretted that at least in the past there had been some indiscriminate appointments of Chiefs and pseudo - chiefs everywhere within the State and that, the situation, because of the local rivalries and jealousies which it generated, was pathologically insulting to the traditional institution and dignity of Obaship.

Inter - Governmental Relations¹¹⁵

One of the terms of reference of the Tribunal was that it should inquire into the existing powers of the Ministry of Local Government and Chieftancy Affairs in relation to the performances of local authorities and make recommendations on the role which the Ministry should play in future to ensure satisfactory performances of local government functions.

The legal instruments which governed the relationship between the State Government (mainly through the Ministry of Local Government and Chieftaincy Affairs) was the Lagos Local Government Act, 1959 in respect of the LCC and the Western Region Local Government Law, Cap 68 (applicable in Lagos State) in respect of the other local governments in the State.

115. See Ogunnaike Report, Chapter 9, pp. 58-61 and also Oluwa Report, Chapter 8, pp. 52-55. The latter Report seemed more lucid in the presentation and treatment of the issue. Nevertheless, the observations and recommendations in the two Reports in respect of LCC and the other local governments in the State were identical.

The question can be asked; what were the components of inter-governmental relations? Oyeleye Oyediran¹¹⁶ attempts to answer the question when he informs that from 1976 all the possible gamuts of inter governmental relations in a political system were introduced and that the critical aspects of this relationship were creation of local government area, Finances of local government, Election to Local government council, and personnel.

116. Essays on Local Government and Administration in Nigeria, op cit, Chapter 15: "Local Government in Intergovernmental Relations Maze", page 293. I wish to mention that the critical aspects referred to are not only broad-based but they are also relevant for the pre- 1976 experience of local government councils in Lagos State and have been duly covered in the preceeding sections in this chapter, albeit under similar or different headings. As there was a general ban on political activities during the period under review (i.e. 1969-76) discussions on elections to local government council" cannot be pursued too far in this chapter.

The relationship was actually that of central and state governments control over local authorities¹¹⁷. Is there a need for control? If the need for control is established, should it be rigid? What is wrong with a partnership relationship? How do we reconcile 'control by the state' with autonomy of local governments? These are some relevant questions which the Tribunal could not address in material detail.

In Federal systems such as Nigeria and knowing the level of local government development in the country such controls may be desirable. Therefore central - local government relations may demand a balance of control and independence, a balance of partnership and subordination. The reasons are not far fetched.

In Lagos State virtually all the local councils excluding LCC were virtually 'autonomous' and 'free' to do what they liked, when they liked and how they liked. Funds in their care were deliberately and corruptly wasted and expended without any check, and accounts in some instances had not been audited for

117. The avenues for such controls are through inspectorate and audit services, grants, establishment matters particularly in respect of senior staff, budget/estimates, loan approval, approval of bye-laws etc., compulsory acquisition of land.

upwards of five years. Roads were constructed, when constructed at all, with very inferior materials and consequently could not stand any use. Contracts were awarded to nominees of councillors or political parties, Council property were tampered with and misused or misappropriated. Council secretaries grew bolder and richer. They, with the active participation of whatever political power dominated the council, usually manipulated and channelled council funds to their own advantages¹¹⁸.

It was revealed that "these councils are shameful parodies of what local government should be" and that "the state government owes it as duty to the citizens of this state to see to it that local government involves the ordinary citizen in the democratic running of his locality for his own good and betterment rather than for the dishonest "good" and immoral "betterment" of the officers of his council and the councillors who are supposed to be his elected representatives¹¹⁹.

118. Ogunnaike Report, page 59, para. 9.6.

119. ibid, 59, para. 9.7

In respect of the LCC, the Tribunal in Ogunnaike Report disclosed that "the Council under the Lagos Local Government Act was free to award contracts up to any amount without the approval of the Commissioner or Minister for Local Government, and that the powers of the council were so wide that no adequate safeguards exist for curbing excesses"¹²⁰. The Tribunal revealed that before the inauguration of Lagos State there were constant bickerings between the Federal Government and the LCC on various matters like approval of estimates, or appointment of officers etc and there appeared to be regular tug-of-war between the council and a particular Ministry of the Federal Government¹²¹.

However, the Tribunal in Ogunnaike Report did not recommend any alteration in the Lagos Local Government Act for the purpose of effecting more control over LCC finances or its administration adding that it considered the provision of the Lagos Local Government Act adequate and that if it became necessary the council could be called to order¹²².

120. Page 59, paras. 9.4, 9.5.

121. . Ogunnaike Report, page 60, para. 9.12.

122. Page 61, para. 9.16.

Although the Ministry of Local Government and Chieftaincy Affairs argued for the use of the Divisional Officer (DOs) system in the four Divisions of Ikeja, Ikorodu, Epe and Badagry particularly for providing the Ministry with quick and close contacts of administrative nature with the local authorities the Tribunal in Ogunnaike Report was not convinced that "these D.O.s made any difference or impact, good or bad, to the rather depressing state of things in their Divisions"¹²³ and consequently wished that, before long, the D.O.s would fade away from the local government scene. The abolition of the D.O. post was however reserved for a later year.

123. See Oluwa Report page 55, para. 8.17 and Ogunnaike Report, page 60, para. 9.10. The Tribunal, in the Oluwa Report, strongly suggested that nearly all the DOs should be recalled as it was not impressed either with their ability, or suitability or efficiency.

The Government White Paper and Establishment
of the Seven Council Structure in Lagos State

Organisational Structure

The various recommendations contained in the Ogunnaike Report and the Oluwa Report were apparently synthesised in the Government White Paper¹²⁴ into three namely:-

- (a) structure of the L.C.C.;
- (b) decentralisation of the services by L.C.C.; and
- (c) status of Eti-Osa Local Council

With regard to the Structure of L.C.C., Government accepted the retention of the existing structure of the L.C.C. while on the decentralisation of the services it accepted that the decentralization of the services of the L.C.C. should be enhanced by the creation or strengthening of Branch Offices, including a Branch Office for Eti-Osa Local Council Area, each being headed and staffed by experienced and qualified staff. The Branch Offices to be created should be functional i.e. they should be concerned with the provision of essential basic social services like refuse collection and disposal; cleansing of drains and markets, etc. and generally to be responsible for the direction of the services in their areas. The decentralisation should also be accompanied by proper supervision and co-ordination of the activities

124. op cit., para. 2.1-2.6.

of the Branch Offices from Council headquarters.

Government, however, fails to state categorically:-

- (a) what the exact number of the Branch Offices should be or whether it accepted the number and the areas recommended¹²⁵; and
- (b) what should be the nature and extent of the supervision and co-ordination from the Council headquarters. The implication was that the desired decentralization may not be real or genuine.

Finally, the new status of Eti-Osa Local Council was to result in the dissolution of the Council and the merger of the Council with the L.C.C. to constitute the larger L.C.C.

125. Eight (8) identical Branches were each suggested in Ogunnaike and Oluwa Reports plus one for Eti-Osa making a total of nine (9).

Because of the apparent consistency in the two crucial Reports, Government¹²⁶ did not find it difficult to accept the re-structuring of the existing local councils in the Badagry Division into two (2) All-Purpose District Councils as follows:-

- the merger of Ajeromi District Council with the Awori District Council to constitute the emergent Awori/Ajeromi District Council¹²⁷ with headquarters in Ojo instead of Ajegunle as recommended by the Tribunal. Government reasoned that Ojo was to be strategically placed following the proposed Lagos/Ojo/Badagry road network.

126. Government White Paper, para. 8.1 - 8.5.

127. Ogunnaike suggested a larger Ajeromi District Council while the Oluwa Report said emphatically at p.24 of its Report that it preferred Awori District Council to its own suggested Awori/Ajeromi District Council. The two Reports had recommended Ajegunle as the headquarters of the new 'Awori/Ajeromi District Council'.

- the retention of the Egun-Awori District Council as then constituted (with Badagry as headquarters) and with the Council area being declared and constituted into a Development area within Lagos State¹²⁸.

128. See the Government White Paper, (p. 71) para. 33.1 - 34. For the purpose of constituting a "development area" within the state the following criteria were to be applied:-

- (i) the accessibility of the area to other parts of the state;
- (ii) the level of economic development in the area;
- (iii) the availability or otherwise of labour which could be gainfully employed.
- (iv) the existence or otherwise of resources which could be tapped;
- (v) the standard of social services being enjoyed by the people; and
- (vi) the standard of living of the people in the area. Accordingly, the strategy was to be applied to certain areas in the State, notably in Epe and Badagry Divisions.

Government¹²⁹ found that the argument for the creation of two (2) All-Purpose District Councils in the Epe Division became less convincing when it was related to the Tribunal's observation on the difficulties of communication in the Division and when it was also related to the forthcoming construction of the new Epe/Ikorodu Road which was expected to ease communication in Epe Division and the attractions of a robust finance.

Government therefore decided that:-

- (i) the existing six (6) district councils in the Epe Division should be dissolved and the following Council area should be merged to form the area of the reconstituted Epe District Council, namely:-
 - (a) Old Epe District Council;
 - (b) Eredo District Council;
 - (c) Lekki District Council;
 - (d) Ibeju District Council;
 - (e) Ejirin District Council; and
 - (f) Ikosi District Council;
- (ii) The demand of the Oba (Ranodu) and the people of Imota for the separation of their area from Agbowa-Ikosi in the Ikosi District Council and transfer of same to the new Ikorodu District Council in the Ikorodu Division should be allowed and

129. Government White Paper, para. 10.1-10.10.

(iii) the whole area of the new Epe District Council (like the Egun/Awori District Council in the Badagry Division) was declared a 'Development Area'.

Government accepted the Tribunal's recommendation that all the Local Councils in Ikorodu Division excluding Eti-Osa Local Council should be merged to form one All-Purpose Council to be named Ikorodu District Council and the existing Local Councils dissolved. Also, Government decided that the area of the reconstituted Ikorodu District Council should include the Imota area which was formerly part of the Old Ikosi District Council in the Epe Division¹³⁰.

130. ibid, para. 14.1 - 14.3.

Government ¹³¹ accepted the Tribunal's recommendation on the restructuring of local councils in Ikeja Division as follows:-

- (i) the retention of Mushin District Council as at present constituted;
- (ii) the merger of Agege District Council with the Ikeja District Council to create a larger Council. The name 'Ikeja District Council' was to be retained for the new Council;
- (iii) the Council in Mushin should be known as Mushin Town Council and not Mushin District Council ¹³².

131. ibid, para. 12.1 - 12.2.

132. None of the Reports recommended the renaming of the new Council as Mushin District Council. Ogunnaike Report and Oluwa Report on page 28, para. 5.10 and page 17, para. 3.9 respectively and emphatically mentioned "Mushin Town Council".

However, a serious limitation in the work of the Tribunal was its inability to obtain maps showing clearly the divisional boundaries and local authorities boundaries so as to find ways and means of ascertaining boundaries of local councils as well as eliminating boundary disputes that were rampant, for example between Ajeromi District Council and the Awori District Council, between Mushin District Council and Ikeja and between Ikeja District Council and Ikorodu District Council. Yet this critical issue was very germane to meaningful explanation of local government structure.

Accordingly, the Government accepted the Tribunal's recommendation¹³³ regarding the necessity for map (s) to be produced showing distinctly the Divisional and Local Authorities boundaries in Lagos State based on the old and new descriptions of the Divisional and District Council's boundaries, as newly constituted and arising from the re-organisation exercise. It therefore directed the appropriate Government Department to take necessary action¹³⁴.

133. See Ogunnaike Report, page 36, para. 6.14 and 6.15. One would have expected this critical aspect to be given the clear focus it demanded, i.e. through its treatment under a separate chapter rather than treating it under the write-up on Ikorodu Division as if to say it was peculiar to the Division only. The Oluwa Report did not even comment on it distinctly.

134. Government White Paper, paragraph 16.1 - 16.2. The appropriate Government Department was the then Survey Department of the Ministry of Works and Planning, Lagos State.

Revenue Sources/Local Government Finance

Government shared the view that the time was opportune for a re-valuation of tenements in the Lagos Division. It, however, observed that the reasons for non-compliance with the Law on re-valuation of properties in Lagos every five years was the fact that the LCC was inadequately staffed to cope with this crucial assignment¹³⁵. Government also accepted the Tribunal's recommendation for the setting up of a State Transport Commission to tackle realistically traffic problem in Lagos. Government would encourage the LCC to build shops and/or shopping centres in order to raise more revenue to finance and improve its services. Finally, Government accepted the Tribunal's recommendation for a review of the sources of revenue of local authorities in Lagos State and decided to invite an expert from overseas to look into the subject and submit recommendations to it, not only in respect of the LCC, but also in respect of other local authorities in the State¹³⁶.

135. Government White Paper, para. 3.1 - 7.4.

136. ibid, para. 9.3

With regard to the introduction of Tenement Rating Scheme into Badagry, Ikeja, Epe and Ikorodu Divisions, the Government¹³⁷ had taken the necessary steps and tenement rate was made payable on tenements in these Divisions, subject to certain exceptions with effect from 1st of April, 1970 following the promulgation of the Tenement Rating (Interim Assessment) Edict 1971, effective from the 1st April, 1970¹³⁸.

Government's decision on the subject was the same as for the Badagry Division¹³⁹.

Government, in its White Paper¹⁴⁰, agreed with the view in the Oluwa Report that the subject of establishing a State Bank by the Lagos State Government was outside the terms of reference of the Tribunal of Inquiry. But because the issue was of current topic, it directed the Ministry of Finance and Economic Development to examine the subject in all its ramifications and submit a paper to Government for consideration.

137. ibid, paragraph 9.1 - 9.7.

138. ibid, paragraph 9.4 - 9.7.

139. Government White Paper, op cit, paragraph 11.

140. See Paragraph 31.1 - 31.2

Functions

Government made its views specifically known in the following areas:-

- road development;
- award of contracts;
- health;
- education;
- customary courts; and
- planning and development;

Government decided that a re-classification of roads throughout the State should be undertaken as a matter of priority by its Ministry of Works and Planning and that thereafter Government would be in a position to define its policy on Road Development in Lagos State. Government also promised to give due consideration at the appropriate time to the Tribunal's recommendation regarding the recommendation for increase in grant from 50% to 75% in respect of Trunk 'B' Roads maintained by local authorities on behalf of the State Government¹⁴¹.

141. Government White Paper, para. 18.1 - 18.6.

Government rejected the recommendation that each Council should compile a periodic list of registered qualified contractors as published from time to time in Government Gazettes. This is because of the weaknesses and abuses inherent in the system and instead it directed that the system and principle which it had evolved for the award of contracts by Government departments in the State should govern future awards of contracts by local authorities in the State.¹⁴²

Government deferred its decision on the degree of responsibility and the involvement of local authorities in the preventive health service programme until the study by the then Ministry of Health and Social Welfare was completed. Since the said Ministry was also undertaking a detailed examination of the proposal to establish an Hospital Management Board and Divisional Health Committees and Local Committees following a complete review of the administration of the health services in the State Government decision on the item was not immediately released. Government, however, accepted in principle the need for Co-ordination of the preventive and curative aspects of the Health Service and gave assurance to take necessary steps to achieve the objective¹⁴³.

142. White Paper, op cit, para. 19.1-19.4.

143. White Paper, para. 20.1-20.5.

With regard to primary education, Government deferred the implementation of the Tribunal's recommendation until its Ministry of Education and Community Development had looked into the subject in detail with a view to evolving a better system of Central Control and thus ensuring improvement in primary education standard¹⁴⁴. With regard to secondary education the implementation of the Tribunal's recommendation for the complete take over of all secondary grammar schools in the State within five years was also deferred to enable the aforesaid Ministry look into the subject in greater detail¹⁴⁵. Through this approach, Government wanted to move with caution on the issue.

144. Government White Paper, op cit, para. 22.1-22.2.

145. ibid, para. 21.3

All the recommendations in respect of customary courts in Lagos State were accepted by Government except that Government decided that Grade 'C' Customary Courts should continue to remain under the Ministry of Justice subject to the direction of the Local Government Service Board for administrative purposes, i.e. the appointment and deployment of Presidents of Grade 'C' Customary Courts. A reminder was also given that provision existed under the Law for appeal to be from the customary court to the Magistrate Court¹⁴⁶.

Government decided to create a Planning Division in the Lagos State Ministry of Works and Planning to undertake the development and planning of all areas of the State. Government also shelved the Tribunal's recommendation to set up a State Planning Commission and instead decided to set up a Lagos State Development and Property Corporation which would be responsible for development and housing, and industrial estates throughout the State. Its members would not be appointed on divisional or local authority basis. Rather suitable persons would be appointed purely on their individual merits and in relation to the contributions which, in the opinion of the government, they could make to the progress of the Corporation¹⁴⁷.

146. Government White Paper, op cit, para 23.1-23.7.

147. *ibid*, paragraph 24.1-24.7.

Local Council Staff

The issue of review of salaries of staff of local authorities in the State and the consequential recommendations to Government were, by the time, they were made overtaken by event as the Adebo Salaries and Wages Review Commission that was appointed by the Federal Government to look into the salary structure in both the public and private sectors of the economy including the Local Government Service was compiling its Report for submission to the government. In the interim, however, the salary had been brought in line with the salary scales payable in the Lagos State Civil Service and the salary structure in both services harmonised¹⁴⁸.

148. Government White Paper, paragraph 25.1-27.3.

Government accepted the Tribunal's recommendation to establish a Local Government Service Board for the State with powers for the appointment, promotion and discipline of staff of all local authorities in the State including the Lagos City Council, subject to certain exceptions to be incorporated in the Local Government Service Board (Proceeding) Edict.

On staff training, government accepted the Tribunal's recommendation that the Ministry of Local Government and Chieftaincy Affairs should organise training courses for junior employees of local authorities in the State and place officers holding requisite qualifications on the Diploma Course at the Institute of Administration, University of Ife.

Finally, while Government accepted that it was desirable to second Senior Civil Servants to the local government service in order to improve on local government administration and management of its finances, it finds the admirable objective not feasible as the Lagos State Civil Service itself was experiencing shortage of Senior Staff with suitable experience in local government.

Local Councillors

Government did not consider it advisable to prescribe a minimum qualification for a prospective candidate for election as a councillor, or to place a limit on the term of membership of local government councils in the State¹⁴⁹. It, however, considered it desirable that a prospective candidate for election as a Councillor should be literate in either English or Yoruba.

149. Government White Paper, paragraph 28.1-28.5
It seems that if this is done, fundamental human right of the citizens would be jeopardised and it would be anti-democratic.

Traditional Leaders

Government¹⁵⁰ decided that the question of remuneration of recognised Obas and Chiefs in the State should be left to the discretion of their local authorities which should bear in mind the State of their finances when deciding on the issue.

As regards the presidency of a local council, Government accepted the Tribunal's recommendation that the most recognised Oba or Chief in a council area should be the President but where more than one Oba enjoyed the distinction of being recognised as a Paramount Chief the Presidency of the Local Council should rotate among them. Government also held that the question of whether or not a recognised Oba was a Paramount Chief should be determined by the Ministry of Local Government and Chieftaincy Affairs whose decision should be final.

150. ibid, paragraph 301.-30.6.

Inter-Governmental Relations

On this issue¹⁵¹, Government decided that further restrictions on the powers of local authorities were unnecessary; that any additional powers would only make the administration of local authorities ineffective, that every effort would be made by it to improve on the image and standard of its field administration by ensuring that better qualified staff were posted to the field in future, and finally that the Tribunal's recommendation for the harmonisation of the Lagos Local Government Act 1959 and the Western Nigeria Local Government Law Cap 68 would be undertaken¹⁵².

151. ibid, paragraph 29.1-29.5.

152. There was, however, no specific mention of the harmonization of the two legal authorities in the relevant chapters of the Ogunnaike and Oluwa Reports.

Summary

The newly - created Lagos State quickly recognised local governments as bed-rock for development and as occupying distinct position in the machinery of government. In respect of the local government structure, the former Eti-Osa in the Ikorodu Division was made part of the Lagos City Council in the Lagos Division and the existing Branch Offices of the affected councils remained functional so that structural re-organization would be accompanied by proper supervision and co-ordination of the activities of the Branch Offices from their Headquarters. Regarding the Ikeja Division, the former Mushin District Council was re-named Mushin Town Council and the Ikeja and Agege District Councils were merged into one Council to be known as Ikeja District Council. All the local councils in the Ikorodu Division excluding Eti-Osa Local Council but including the area constituting Imota were merged to form an All-Purposes Ikorodu District Council.

In the Badagry Division, Awori District Council and Ajeromi District Council were merged to become Awori/Ajeromi District Council. Egun/Awori District Council remained as previously constituted though it was tagged a 'Development Area' like the reconstituted Epe District Council. Finally, with respect to the Epe Division, the six Old Councils - Epe, Eredo, Ibeju, Lekki, Ejirin and Ikosi District Councils were merged to form the area of the re-constituted Epe District Council. Imota, formerly part of Agbowa-Ikosi, was however, removed to form part of the new Ikorodu District Council as stated above.

Thus of the 8 - All-Purposes Councils ¹⁵³ suggested by the Tribunal only the recommended Agbowa/Ejirin District Council in the Epe Division was not accepted by Government.

153. These were:-

- (1) Lagos City Council;
- (2) Mushin Town Council;
- (3) Ikeja District Council;
- (4) Ikorodu District Council;
- (5) Awori/Ajeromi District Council;
- (6) Egun/Awori District Council;
- (7) Epe District Council;
- (8) Agbowa, Ikosi/Ejirin District Council;

In other words, the revised local government structure in Lagos State had seven (7) local government councils as against the previous 19 prior to the military intervention. The seven councils remained so until the nation-wide local government reform of 1976. The exercise, as it were, had been directed almost exclusively towards the jurisdictional and structural aspects of local government reform.

The bulk of the Tribunal's work was on the structural aspects of the local government councils. And the elements that featured prominently in the consideration of the issues were decentralization, viability and efficiency, ethnicity, local interests, geographical contiguity, leadership. We equally observe that in discussing the structure (i.e. size) there were essential ingredients that were considered along with it, for example functions, finance, personnel, inter-governmental relations. The restructuring of the local government councils between 1969 and 1971 culminated in the drastic reduction in the number of the local councils from 19 to 7. It became obvious that it was difficult for most of the local councils to provide and maintain high service delivery standards in the face of real financial constraints. Even where and when the funds were available the local authorities had not ensured judicious management of fund placed in their control.

CHAPTER 6

LOCAL GOVERNMENT STRUCTURAL RE-ORGANIZATION 1976 - 79

Introduction

Between 1951 and 1976 State or regional governments had exclusive responsibility for public policy making with regard to local government. The Murtala Muhammed/Obasanjo regime ended all those 25 years of complete freedom of action for State and regional governments¹. The reason for this was the belief of the regime that "it is only through an effective local government system that the human and material resources could be mobilised for local government"². Essentially, this chapter highlights the experiences of Lagos State in the local government structural re-organisation exercise which ended the last four years of the first coming of the military (1966-1979). If the military coup of 1966 in Nigeria unleashed a spate of reforms (at state levels) especially between 1968 and 1971 thereby transforming the legal basis of local administration³ the national local government reform

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1. Oyeleye Oyediran, Essays on Local Government and Administration in Nigeria, (Project Publication Ltd, Lagos 1968), p. 242.
 2. Guidelines for Local Government Reform (Kaduna, Government Printer, 1976), Passim.
 3. Alex Gboyega, Political Values and Local Government in Nigeria (Malthouse Press, Lagos, 1987) p.9.

of 1976 drew together and consolidated the achievements of the ten years of local government reforms under military rule⁴.

As in the 1969-71 local government restructuring in Lagos State the six main issues raised and discussed regarding that of 1976 were (i) Establishment of Local Governments (ii) Composition of Councils and Elections, (iii) Functions, (iv) Finance, (v) Personnel, and (vi) Inter-Governmental Relations⁵.

4. ibid, p. 109.

5. The major primary data are:-

- (a) Federal Republic of Nigeria, Guideline for Local Government Reform. (Government Printer, Kaduna 1976). This is henceforth referred to in this text as The Guidelines.
- (b) The Local Government Edict 1976 published in Lagos State of Nigeria Official Gazette, deemed to have come into force on 1st September, 1976. It came into being during the regime of the Military Governor, Commodore Adekunle Shamsideen Lawal (NN). This is henceforth referred to in this text as The Edict.
- (c) Lagos State Government, Local Government Reform in Lagos State of Nigeria. (Published by the Lagos State Ministry of Local Government and Chieftaincy Affairs and Printed by the Lagos State Ministry of Information, Printing Division, Isheri Road, Ikeja, Lagos). Year of Publication not stated. Henceforth, it is referred to in this text as Reform.

Background to the 1976 Nation-wide Local Government Reform

Conscious of the need for a positive conception and introduction of a new style result-oriented public service, the Federal Military Government, on the 25th September, 1972, appointed a Public Service Review Commission under the Chairmanship of Chief J. O. Udoji to carry out "a review of the organisation, structure and management of the Nigerian Public Service including recruitment, career and staff development, pensions and super-annuations as well as salary gradings"⁶. The sectors of the public service included the various local government administrations which were operating in the Federation. Accordingly, the Review Commission submitted its Report on the second anniversary of its appointment, that is, on the 25th September, 1974.

In reacting to the problems of organisation, structure, functions and management which hindered the effective contribution of the Local Government Service towards development at the grass-root level, Government was anxious to ensure that every impediment in the way of rural transformation was removed. Among others, Government accepted the

6. See the Government Views on the Report of the Public Service Review Commission, (Federal Ministry of Information, Printing Division, Lagos, Dec. 1974) page 3, para. 1. Chapter 12 (Pages 16-19, para. 44.62) of the White Paper deals with the Local Government Service.

Commission's recommendation that each State Government should review the practice under its jurisdiction and issue a list of functions and services which should be assigned to particular local authorities. However, each authority should be of sufficient size to be able to discharge its obligations to the community effectively. Government also believed that local circumstances, traditional considerations and other local peculiarities were some of the factors which should determine the type of local government structure that each State might consider suitable at any given time⁷.

Government also accepted the Commission's recommendations that each State Government should set-up, as a matter of urgency, a high-powered Committee to examine the most appropriate functional and financial relationship which should exist between State Governments and local authorities following which state intentions and policy should be clearly declared. The Divisional Officers (D.O.) should, more effectively, co-ordinate the services provided by State functionaries while Ministries of Local Government should establish Research and Development Planning Units to assist Local Governments in improving the effectiveness of their administration. During the duration of the

7. *ibid*, para. 45, p.16. The impression was therefore given that structural re-organisation of Local Governments is a dynamic, continuing process subject to periodic reviews in the light of changing circumstances, e.g. changes in organizational structures, additional responsibilities and population.

Military Regime, each State Government in consultation with the people through the D.O. should decide appointees to serve as members of local authorities. Each State should continue with the existing portfolio councillor system where it was working satisfactorily. Local authority staff should be accommodated within the proposed unified salary scale then being evolved for the public sector. As a corollary, the qualifications for appointment to local government posts should also be at par with those laid down for appointment to posts graded similarly in the Civil Service. Finally, in local administration system, the Office of D.O. should be strengthened in personnel and facilities; efforts should be made to discourage the various community unions from embarking on projects which had not received the approval of State Government, and revenue allocations to councils should be reviewed with the object of strengthening their financial position⁸.

In general, the Commission's recommendations on Local Government were less far reaching than those in the Civil Service. What made the situation worse was that on the few issues where the Commission's recommendations would have made some significant changes, government in the name of tradition or local differences preferred the status quo⁹.

8. ibid, para. 46-63.

9. Oyeleye Oyediran, 'The Public Service Review Commission on Local Government and Administration' in Ladipo Adamolekun and Alex Gboyega (eds), Leading Issues in Nigerian Public Service (Ile-Ife, Ife University Press Forthcoming). Quoted also in Oyeleye Oyediran and Alex Gboyega in 'Local Government and Administration', in Oyeleye Oyediran (eds) Nigerian Government and Politics under Military Rule 1966-79 (Macmillan, 1979) p. 189.

Following a spate of industrial actions and agitations that followed the publication of the Report of the Udoji Commission and the Government White Paper on it, the Federal Military Government¹⁰, on the 7th of February, 1975 formally re-constituted the Public Service Review Unit into a Review Panel and enlarged its membership with the appointment of six (6) additional members under the Chairmanship of Mr. Akintola Williams for the purpose of examining expeditiously the large numbers of petitions submitted to the Unit. The Panel was required to receive and examine petitions and complaints against the gradings and salary scales which were approved in the White Paper on the Udoji Report and to submit recommendations to the government. The Panel submitted its Report to Government in June, 1975. Regrettably, neither the Report nor the consequential Government White Paper significantly commented on the critical issue in the development of local government administration. The Government merely disclosed that, where necessary, the Public Service Review Unit would provide assistance to the State Government authorities in the application of the Udoji principles to local government institutions.

10. See Report of the Public Service Review Panel, June, 1975. See also Government Views on the Report of the Public Service Review Panel (Federal Ministry of Information, Lagos, 31 pp).

Just as the assumption to office of the Military Government in 1966 marked the beginning of profound changes in the system of local government as have been mentioned above, so did the emergence of a new military administration in July, 1975. The new Military Administration included 'a systematic and deliberate re-organisation of the local government set up in its five-stage programme of political action which was announced on 1st October, 1975.

Local government reform was considered so important that it won a pride of place in the ladder of the transition programme¹¹. The reform introduced to all parts of the Federation that element of democratic government that had been lost for more than ten years. It also served as the beginning of the election process which culminated in political participation. It also brought government closer to the people by breaking up large local government areas into small units.

The Federal Military Government in initiating the national local government reform intended to increase the responsibilities of local authorities by a process of decentralization that would ensure that appropriate divisions of functions exist between States and local governments and that the latter play significant role in the development process. Such decentralisation was

11. The declaration was accorded the second position in the 5-stage programme of disengagement of the Military from politics.

to ensure that moderately sized authorities make citizen participation meaningful.

In order to formulate the specific policy guidelines for the realisation of the objectives of government on the structural re-organisation exercise of the local government system, four separate Task Forces were set up at the Federal level¹². These were the Task Force on:-

- (i) Definition and Functions of Local Governments;
- (ii) Organisation and Management;
- (iii) The Role of Traditional Rulers; and
- (iv) Finance.

The country was divided into three zones - Northern, Eastern and Western. Each zone had the four Task Forces mentioned above. Within the States, widespread consultations were held by the governments with traditional rulers and people considered to be knowledgeable about local government.

A national conference of the zonal Task Forces was held at Ibadan between 10th and 11th February, 1976 when proposals were agreed and forwarded to the Federal Military Government. In July, 1976 when the reform document was completed there was a national conference of traditional

12. See background paper entitled 'Local Government System: Proposed Reforms and Role of Traditional Rulers' Citing Supreme Military Council Memo/Reference SMC 7 (75) 3 and NCS (74) prepared by the Cabinet Office, Political Division n.d. 12 pages. This was cited by Alex Gboyega in Philip Mawhood (eds) Local Government In the Third World: The Experience of Tropical Africa, (John Wiley and Sons Limited 1983) p. 246. See also Report of Committee 'C' titled 'Harmonisation of Views and Ideas on Organisation and Management of Local Government Bodies as submitted by the Northern, Eastern and Western Zones Task Forces, Ibadan, 11th February, 1976. 14 pp. (unpublished).

rulers comprising two traditional rulers from each State to review the local government reform. Finally in August, 1976 the reform was published as Guidelines for Local Government Reform¹³. The re-organisation became effective in September, 1976 with the promulgation of the various State Local Government Edicts¹⁴.

Local Government in Nigeria was defined as government at local level exercised through representative councils established by laws to exercise specific powers within defined areas. These powers were to give the council substantial control over local affairs. They also included 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

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13. Federal Republic of Nigeria, Guidelines for Local Government Reform, (Government Printer, Kaduna, August, 1976). This was an informative and authoritative 18 - page booklet which is the result of extensive and exhaustive deliberations and consultations. It is popularly referred to as 'The Guidelines'. It spelt out the strategy for the re-organisation of the local government councils and the local government system. It also introduced a fundamental change in the political structure of the country particularly in the declared recognition of local governments as the third tier of government in Nigeria and as a factor in the developmental processes.
 14. Nearly all the edicts were actually promulgated in December, 1976 or thereabout, but all of them had retroactive effect from September, 1976. In respect of Lagos State, see Lagos State Local Government Edict, No. 16 of 1976 published as Lagos State Government Notice No. 293 in its Official Gazette No. 49, Vol. 9, November, 1976.

Federal Governments in their areas.

Through devolution of functions to the councils and through the active participation of the people and their traditional institutions local initiative and response to local needs and conditions were to be maximised.

The Guidelines also made a distinction between the principal aims of local government and the functions which local government bodies should perform. Equally too, the principal aims of local governments were to make appropriate services and development activities responsive to local wishes and initiatives by devolving or delegating them to local representative bodies. They were intended to facilitate the exercise of democratic self-government close to the local levels of the society. They should encourage initiative and leadership potential; mobilise human and material resources through the involvement of members of the public in their local development, and provide a two-way channel of communication between local communities and government (both State and Federal)¹⁵.

15. See the Guidelines, pp. 1-3 on the definition, principal aims and functions of local governments.

Analysis of Major Issues

Again, the main issues that are relevant in this study are establishment of local governments, composition of councils and elections, functions, finance, personnel, and inter-governmental relations.

Establishment of Local Governments

Local Governments were designed to be multipurpose single-tier institutions which may delegate functions to subordinate Councils¹⁶. These subordinate councils were not to be regarded as separate tiers but as constituting part of the parent local governments. The range of population was between 150,000 and 800,000. Small populations and remoteness of the local government from the people were to be avoided. The special requirements of large urban areas within local government area can best be catered for by subordinate Town or Ward Councils. Local Governments covering less than 150,000 were kept as few as possible. It was reasoned that small local governments apart from their facing financial disadvantages could not offer attractive career prospects for well-qualified staff who could provide good quality services. Also, applications to create or retain small local governments were cleared with the Chief of Staff; Supreme Headquarters stating why a subordinate Council under a larger local government would not be satisfactory.

16. See the Guidelines, pages 3-5, para. 6-18.

The 1963 census figures were used for the purpose of the reforms and population projections. For urban areas, cumulative annual increases of 5% were used to calculate from 1963 while for rural area, 2½% were used. Sub-divisions and mergers of existing local authorities were allowed. Apart from local governments, statutory planning and development boards or authorities in major cities were created. While traditional chiefdoms, emirates or similar institutions were preserved a large traditional emirate or chiefdom was allowed to be sub-divided into several local governments with the latter not becoming 'emirates' or acquiring new traditional heads as the local governments were to be modern functional institutions.

Divisional Administration¹⁷ had no responsibility for local government and played no part in it. The new structure in effect replaced provincial and divisional administration which were abolished although Development Committees of Local Governments were allowed. Appropriate government officers may be members of these committees. Some Administrative Officers in the State's Civil Service with much competence in local government matters were seconded to local government as Secretaries to Local Governments, etc., or deployed to the Inspectorate Division of the Ministry.

17. See the Guidelines, pp. 12-13 on the issue of Divisional Administration.

Composition of Councils and Elections¹⁸

The reformed local government council systems became effective throughout Nigeria following the local council elections in December, 1976 and the tenure of office of the Councillors was for three years. The State Governor was empowered to nominate up to one quarter of the membership. Nominated Councillors were to concentrate on the development of their local government area rather than being involved in national or party politics. Emirs or Paramount Chiefs who were Council Presidents, District, Villages and Ward Heads or other subordinate Chiefs were discouraged from presenting themselves for elections otherwise they could not maintain their public position as impartial fathers of their people. They were allowed, however, to resign such appointments if they wished to present themselves to for elections.

18. See the Guidelines, pp. 8-10, paras. 25-32.

Functions

A clear distinction was made between the exclusive and concurrent functions of local governments¹⁹. The list of exclusive functions comprised: Markets and Motor Vehicles Parks; Sanitary Inspection, Sewage, Refuse and Nightsoil Disposal; Control of Vermin; Slaughter Houses, Slaughter Slabs; Public Conveniences; Cemeteries and Burial Grounds; Registration of Births, Deaths and Marriages (other than marriages under the Marriage Act); provision of Community and Recreation Centres; Parks, Gardens and Open Spaces, Grazing Grounds; Fuel Plantations; Licensing, Supervision and Regulation of Bake Houses, Eating Houses and Laundries; Licensing and Regulation of Bicycles, Hand Carts and other types of vehicles (other than vehicles which were mechanically propelled) and Canoes; Control or Keeping of Animals; Control of Hoardings, Advertisements, Use of Loud Speakers in or near Public Places and Drumming; Naming of Roads and Streets and Numbering of Plots and Buildings; Control and Collection of Revenue from private forest estates; Collection of Vehicle Parking Charges; Collection of Property and other rates and other designated revenue sources.

19. The Guidelines, op cit, pp 1-3; para. 1-5 and also parts 'A' and 'B' in Table 1 thereof. See also Alex Gboyega, Political Values and Local Government in Nigeria, (Malt House Press, Lagos, 1987) pp.132-3. He was however quick to recognise that there was abundant evidence of jurisdiction confusion in the distribution of functions, ibid p. 150.

The list of concurrent functions comprised health centres, maternity centres, dispensaries and health clinics, ambulance services, leprosy clinics and preventive health services; meat inspection and abattoirs; nursery, primary and adult-education; information and public enlightenment; provision of scholarships and bursaries; provision of public libraries and reading rooms; agricultural and animal health extension services and veterinary clinics; rural and semi-urban water supply; fire services; provision of roads (other than trunk roads); street lighting and drainage; control of pollution; control of beggars, of prostitution and repatriation of destitutes; provision of homes for destitutes; the infirm and orphans; provision of public utilities including road and water transport; public housing programmes; regulation and control of buildings; town and country planning; operation of commercial undertakings; control of traffic and parking; piped sewage systems.

The sharing of functions and responsibilities between the State and Local Government was confusing. For example, slaughter houses and slaughter slabs were listed as exclusive function of local governments, yet they remained on assigned responsibility for the Ministry of Agriculture. There was no valid reason why abattoir and meat inspection listed as con-current function of local government should not have been an exclusive function for local government.

Parks, gardens and public open spaces being controlled by agencies of the State Governments should also have been made exclusive for local governments. Inadequate enforcement of the applicable laws, dearth of manpower resources/executive capacity, lack of fund and the establishment and use of government parastatals hindered the satisfactory execution of the designated local government functions. The State Government did not allow its local governments to have free hand in collecting locally generated revenue and was not prepared to allow them take charge of some of the prestigious capital projects. These occurrences therefore had implications for the autonomy of local governments and their effectiveness. It was true that local governments could make by-laws but they had no police of their own since police was a Federal Government matter.

Finance²⁰

Three main sources of revenue for local governments were identified. The first included local sources derivable from property rating; subventions in lieu of rates; community tax; fees and licences; permits; rents; etc. The second was statutory allocations to local governments. These were State and Federal Allocations covering both Recurrent and Capital requirement of local governments. They did not include federal grants in respect of primary education under the universal primary education scheme or any comparable schemes in the field of health, etc. The third included loans which were restricted to local government development projects.

As a result of poor finances, local government councils throughout the country were unable to discharge properly their responsibilities to their respective communities particularly those in the rural areas which were distant from their administrative headquarters. In order to enable the new local governments to start without past debt encumbrances, state governments were required to cancel all debts owed to them by local authorities²¹ and to encourage them to tap to the fullest all available local sources of revenue with a view to their discharging their duties more effectively.

20. See the Guidelines, pp. 13-14, paras. 45-60.

21. See the Guidelines, para. 67

Personnel²²

The relationship between the Secretary to the Local Government and the Administrative Heads of Local Government Departments was made identical with that between the Secretary to a State Government and Permanent Secretaries in the State Ministries. He was to be responsible for the administrative management of local government as a whole and should be Secretary to both the Local Government Council and the Finance and General Purposes Committee of the Council. All established staff of subordinate councils were to be regarded as local government staff, such subordinate councils being regarded as extensions of the local government. Each state through its Local Government Service Board (LGSB) was to set up a combined Local Government Service for the more highly trained cadres with local variations, as applicable. Other cadres could be left to the local governments to employ.

The LGSB was to be responsible for all employment, postings, discipline, etc. of all members of the combined local government service but could delegate internal postings within local governments and minor disciplinary matters to establishment committees of local governments subject to the right of appeal to the LGSB which should also serve in an appellate capacity in respect of disciplinary matters concerning staff employed by local governments directly. All posts in local government service were to be similarly graded as those in the State Civil Service. Finally, all pensions, gratuities and other retiring

22. See the Guidelines, pages 10-11, paras. 33-38 and p. 16, para. 69.

benefits were to be paid by the State Government at rates and under conditions identical with those applying to State Civil Servants.

Inter-Governmental Relations²³

The State Government through the Ministry of Local Government was to channel a great deal of financial and technical support to the local governments and monitor the utilization of same. The Ministry also had responsibility for Community Development, Secretarial and other support facilities for the Local Government Service Board, Operations of Revolving Loan Fund, Conditions of Service for Local Government Staff (identical with those of State Civil Service), local government training schemes, development plans, pensions, maintaining 'holding posts' from which State Government Officers could be seconded to Local Governments and Co-ordination of Development and Planning Authorities for major cities.

As regards the relationship of local governments with other Ministries professional and other officers of Ministries were to attend local government council meetings as advisers when appropriate²⁴.

23. See the Guidelines, pages 11-12, paras. 39-40.

24. The Guidelines, page 15, para. 14.

The Local Government Edict and the Establishment
of the Eight-Council Structure in Lagos State

Establishment of Local Governments

An eight-council structure was established in Lagos State²⁵. They were Lagos Island, Lagos Mainland, Mushin West, Mushin East, Epe, Badagry, Ikorodu, and Ikeja Local Governments. The restructuring of the existing local governments in the State was considered in detail bearing in mind the population distribution pattern in the State as well as the effectiveness of the future administration of each local government. As a result, it was decided that the Lagos City Council and Mushin Town Council areas should be decentralized. Similarly, the areas of the former Awori-Ajeromi and Egun Awori District Councils were merged to form one primary Local Government. Under the new structure of Local government administration the erstwhile Divisional field administration was abolished while the coordination of local government activities was to be carried out by the Secretary to the Local Government in conjunction with the Inspectorate and Planning Unit of the Ministry of Local Government and Chieftaincy Affairs.

25. See Sections 1-10 of the Lagos State Local Government Edict No. 16 of 1976 dealing with (i) Establishment of Local Governments, and (ii) Areas and Boundaries.

The principles to be established for the creation of new local governments was that a local government should serve total populations of not less than 150,000 or such higher minimum limit as may be prescribed from time to time. A local government should serve total populations of not more than 800,000 provided the specified limits may not be observed where exceptional geographical, cultural or historical facts or such other factors required non-observance of the said principles. The area of every local government may be divided into wards by the Military Governor. For "administrative convenience" and if directed by State Executive Council he may also determine the boundaries of a ward.

Although the 1976 reform become uniformly applicable both for urban and rural areas, the diversity in the politico-administrative structure of the Country made the uniformity spurious and artificial. And although the implementation of the 1976 Reform had achieved the creation of large, single-tiered local units, this had been achieved at the expense of effective community participation in local affairs due to the unwieldy size of some local governments. People of different sociological and cultural background were artificially merged like as it was done at the Berlin Conference in 1884. Poor communication systems and geographical diversity of the country inhibited active participation and support of local citizens in local administration.

Creating a uniform local government system replaced an arrangement in which states experimented with various forms of administration of local areas. More revolutionary of the 1976 local government reform were the elimination of the post of divisional officers which was the lynchpin inherited from the colonial administration; the prohibition of emirs and chiefs in the north of Nigeria from acting as Sole Authorities in local administration; the division of the larger emirates by setting a population limit of 800,000 for any local council jurisdiction; and the retention of traditional councils in parallel but advisory role to the local authorities.

The defects in the 1976 local government reform were such -that the issue of size was overplayed in the reform. The so-called "optimum size" of a local unit was 150,000 inhabitants. In an attempt to achieve this unit, so large an area had to be merged together, regardless of cultural heterogeneity and the prevailing traditional hostility. This could not create the conducive atmosphere for communal co-operation and solidarity which were requisites for an effective local government administration and development.

The merging together of large areas raised the issue of where to locate local government headquarters. The qualification for making a place the centre is the issue largely of centrality. As it turned out to be in a number of cases, the most central place could be a small town, thus depriving (in some cases the biggest town) the big towns which had been local government headquarters, of being the headquarters of the new local government. This type of situation led to in-fights and too much politicking among the local government councillors.

The largeness of the local communities led to the problem of remoteness of local government headquarters from the governed and this then undermined the 'local' concept of the matter and reduced the degree of local involvement, participation and consultation in local government affairs.

A very objectionable feature of the system was the element of the 'limited democracy' principle enshrined in the reform. This is in connection with the election of chairman which gave the governor of a state a very wide discretionary power in the appointment of a chairman. For instance, members of the council were empowered to elect three of their own members from which the governor could make a choice out of the three nominees.

Apart from the chairmanship of the council the local government was given very wide functions- legislative and executive - with the Chairman as the Chief Executive. In many respects the Chairman was both the legislative and the executive head of the local government and the area of a local government was in many cases larger than five state parliamentary constituencies and larger, on average, than two federal parliamentary constituencies.

Composition of Councils and Elections

A local government council was not to be more than 30 or less than 10, and each local government council was required to elect three (3) candidates from its members to enable the State Government appoint one of the three (3) nominees as Chairman²⁶. In addition, recognised Chiefs were barred from standing for elections to local governments²⁷.

The Lagos State Military Government complied to a large extent with the principles enunciated in the 1976 Guidelines on this issue.

26. The Edict, Sections 11-38.

27. 'Reform' page 4, paragraphs 6 and 7.

Functions:

Exclusive and concurrent functions of local governments were respectively embodied in the enabling Edict²⁸. In addition to the functions listed in the Guidelines (mentioned above) the Edict made a provision for Chieftaincy Matters and maintenance of traditional offices in the exclusive function and in accordance with the philosophy of the reform which was that:

"Nothing in these reforms could be construed to mean an attempt at reducing or abolishing the traditional functions of our Emirs, Obas, Chiefs. On the contrary, the reforms recognise the crucial nature of the position of the traditional authorities and care has been taken to preserve the organic unity of our traditional institutions and societies"²⁹.

In doing this, the improvements of the welfare of the people and enhancement of the position of traditional rulers were borne in mind. As for the concurrent function, the Edict also provided for "support for arts and culture" in addition to what was contained in the Guidelines.

28. Lagos State Local Government Edict, 1976,
Sections 63 and 64.

29. The Guidelines, Forward, paragraph 9.

Finance:

All revenues of a local government were to be paid into the general revenue of the local government and be used for the administration, development and welfare of the area and its inhabitants. In respect of revenues accruing from any trading, commercial or industrial undertaking only a determined part of it was to be paid into the general revenue of that local government and the remainder to be applied and used solely for the purposes of the undertaking. Expenditures were to be incurred on recognised functions of the local government³⁰.

30. The Edict, sections 93-106.

Personnel:

A Local Government Service Board (LGSB), in due consultation with the local government concerned, had power to make appointments, promote, transfer, confirm, dismiss and exercise disciplinary control over staff³¹. A Secretary to the Local Government became the chief executive officer of the local government and had responsibility for the execution of the policy of the local government and the day-to-day running of the affairs of the local government, among other functions. The retiring age of employees in the pensionable service of a local government was made 55 years and the pensions, gratuities and other retiring benefits³² became payable from the Consolidated Revenue Fund of the State. Accordingly, the State Government established the Local Government Service Board with not more than 6 members holding office for a period of 5 years and capable of being re-appointed for a second term of 5 years. They were however required to vacate office at the expiration of a period of 10 years.

31. See the Edict, Sections 72-87.

32. These benefits became similar to those obtaining in the State Civil Service.

Inter-Governmental Relations

The Executive Council of the State had power to commission inquiries to be held at such times and in such places as it may consider necessary or desirable for the purpose of the Edict, to suspend or dissolve erring council and appoint Committee of Management, and to discharge functions of a defaulting local government. The Commissioner charged with responsibility for local government was empowered to appoint in respect of any local government or group of local governments a Local Government Inspector who could attend all council and committee meetings, have access and be entitled to inspect all books, accounts and records of a Council, and advise a local government in regard to any of its functions under the Edict³³.

For the successful implementation of the reform measures, the State Ministry of Local Government and Chieftaincy Affairs established a nucleus of an 'Inspectorate and Planning Unit' within the Ministry to monitor the financial provisions and accountability in respect of all projects, inputs of manpower, and following up the functions of the Inspectorate and Planning Unit³⁴.

33. See Sections 88-92.

34. Reform, page 4, paras 10: See also its Appendices III & IV which respectively contain the functions of the State Ministry of Local Government and Chieftaincy Affairs and functions of the Inspectorate and Planning Unit.

Summary

The State Government, in adopting the Guidelines, abolished the erstwhile divisional field administration which had neither facilitated effective participation by the people nor enhanced political participation. Consequently, the five divisional areas gave way to eight local governments. Regrettably, the eight-Council Structure operated in Lagos State for only a very short period, that is between 1976 and 1980. During this period, it was given adequate legal backing by the afore-mentioned enabling Edict. And although, the 1976 reforms proved to be a slight modification on the local government structure in Lagos State in relation to size, the main reasons for the national local government reforms were realized especially as regards the establishment of strong and efficient local authorities with clear definition of functions, the establishment of a Local Government Service Board to attract, recruit and retain suitably qualified staff for the local government service and sustenance of inter-governmental relationships. Significantly, by regulating the sizes of the local governments the establishment of small, unviable units of local administration, was prevented.

PART THREE

PROSPECTS

CHAPTER 7

CONCLUSION

This study is concluded by observing the local government structure in Lagos State under the immediate post-military civilian administration. It also makes recommendations for the betterment of local government system in the State as well as establishes the validity or otherwise of our hypotheses, namely that structural re-organisation may be used to reduce, if not totally eliminate, the factors responsible for ineffectiveness and inefficiency of a local government; that structural re-organization of a local government system along historical, political, sociological, cultural and economic criteria has a tendency to be more efficient and effective than those done otherwise; and finally that within limits, structural re-organization facilitates efficiency in an organisation like local government and that conversely without efficient local government, political participation, resource mobilization, and social services delivery may be unthinkable.

The 23-Council Structure in Lagos State Under the Second Republic

The civilian administration clearly demonstrated that it has no commitment whatsoever to maintain the structure erected by the military through the 1976 reforms. The 1979 Constitution of the Federal Republic of Nigeria was abused and subverted in guaranteeing a democratic system of local government.

Instead of conducting local government elections, the government dissolved the predominantly-elected local government councils and replaced them with wholly-nominated Management Committees. The political behaviour of not consulting the people amounted to contempt for the people by the civilian government that was itself made up of elected politicians. The 1979 Constitution made no provision for nominated members as did the enabling Acts following the 1976 Reforms. The post-military civilian administration in the States, despite protests by political opponents and court litigations, embarked, after 1979, on creation of additional local governments. Only five states did not embark on this¹. In Lagos State fifteen local governments were newly created in addition to the existing eight making a total of twenty-three. The reason given for this re-organization was to make local government areas more manageable and more representative local government units. But it was short-lived.

The constitutionality and validity of the establishment of the 23-Council Structure through the Lagos State Local Government Law 1980 and of holding elections on the 29th March, 1980 into such councils through the Local Government Electoral Regulations 1980 were challenged in a court of law².

1. See Table 7.1 below.

2. See High Court of Lagos State. Selected Judgements, July-September, 1980, pp. 40-152. The suit, (No. ID/114/80), was considered by Justice A.L.A. Balogun in Balogun and 3 others vs Attorney-General of Lagos State and 2 others (1980).

TABLE 7.1

LOCAL GOVERNMENT STRUCTURES IN NIGERIA: 301 IN 1976-1979
AND 553 IN 1979 - 1983

S/No.	State	Headquarters	1963 Popula- tion Figure	No. of Local Governments		(c) Diffe- rence
				(a) 1976- 1979	(b) 1979- 1983	
1.	Anambra	Enugu	3,596,618	23	23	-
2.	Bauchi	Bauchi	2,413,296	17	43	+26
3.	Bendel	Benin City	2,460,962	19	19	-
4.	Benue	Markudi	2,427,017	13	23	+10
5.	Borno	Maiduguri	2,997,498	18	23	+ 5
6.	Cross River	Calabar	3,478;131	17	47	+30
7.	Gongola	Yola	2,605,265	17	40	+23
8.	Imo	Owerri	3,672,654	21	21	-
9.	Kaduna	Kaduna	4,098,306	14	54	+40
10.	Kano	Kano	5,774,840	20	29	+ 9
11.	Kwara	Ilorin	1,714,485	12	24	+12
12.	Lagos	Ikeja	1,443,568	8	23	+15
13.	Niger	Minna	1,194,508	9	18	+ 9
14.	Ogun	Abeokuta	1,550,966	10	30	+20
15.	Ondo	Akure	2,729,690	17	17	-
16.	Oyo	Ibadan	5,208,884	24	53	+29
17.	Plateau	Jos	2,026,657	14	25	+11
18.	Rivers	Port Harcourt	1,719,925	9	9	-
19.	Sokoto	Sokoto	4,538,787	19	32	+13
T O T A L			55,670,055	301	553	252

Notes on Table 7.1

- (a) See Federal Republic of Nigeria:
The Constitution of the Federal Republic of Nigeria, 1979, (First Schedule, Part 1, pages 94-95).
- (b) See "Text of Statement made by the Governor of Lagos State, Alhaji Lateef Kayode Jakande at a Press Conference held in the Cabinet Room of the Governor's Office, Ikeja on Tuesday, 9th March, 1982 at 11.00 a.m., page 9. He mentioned that Anambra and River States which had not yet decided on their new local governments had management committees.
- (c) The difference represents 83.72% increase in the number of new local governments created between 1979 and 1983 by the civilian governments in the Federation.

Issues raised in the suit affected (a) constitutional law, e.g. who has power to create local government councils; (b) powers of legislative houses, in respect of local government councils, (c) authority vested with power to prepare register of voters, and (d) public and private rights. Eventually, the court restrained the state government from establishing the 23-council structure or holding the election and declared that the Local Government Law 1980 was unconstitutional and invalid. It was declared that the elections, if at all they should be held, should be into the existing eight local government councils and not other wise.

Essentially, the court held that the Governor of Lagos State has used undemocratic processes to establish new local government councils in the State and that the provisions of the Lagos State Local Government Edict 1976 had been flagrantly disobeyed while section 7 of the Constitution was misinterpreted. For instance, the publication of the proposals³ relating to the change in the local government structure was not put in the Gazette.

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3. The proposals for changes, as demanded by the Edict, include:
- (i) an alteration of the boundaries of the area of authority of the local government;
 - (ii) the division of the area of the authority of the local government;

The local government council and persons or inhabitants in the areas to be affected were not given the opportunity to make representations on the proposals. The holding of a public inquiry presided over by a High Court Judge or Judge of not less than equivalent rank as Chairman or Sole Commissioner to look into the proposals was not undertaken. A Governor of a State was not a person capable of holding such a public inquiry. Finally, a report by the Tribunal and consideration of same by the government were missing. Clearly seen, there was procedural defect in the approach adopted by the civilian state government. Besides, a valid electoral Register was not available for use from the Federal level authorities. Until the second coming of the military in 1983 local government structural reorganization was an unresolved political problem.

The second coming of the military in December 1983 saw the military administration of Buhari/Idiagbon dissolving, in January, 1984, all management committees

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- (iii) the transfer of any part of the area of the authority of the local government to another local government;
 - (iv) the merger of the area of authority of the local government with the area of authority of another local government;
 - (v) the formation of a new local government in the area of or part of the area of authority of an existing local government; or
 - (vi) an alteration of the location of the capital of the local government.

established by the civilian administration of the second republic and appointing civil servants as Sole Administrators in their stead. The former administration also abolished all the new local governments created by the civilian governments between 1979 and 1983.

Since Lagos State was a creation of the military and since sharp controversies surrounded the 23-council structure created by the civilian administration it is safe to conclude that local government structural reorganisation that is undertaken by the military will be more long-lasting because the citizenry would regard it as being devoid of partisan political consideration. This is of course not to say that with meaningful political education and socialization whatever local government structural re-organization by civilian administration could not be accorded recognition and acceptance. Under it, the local government structure may even be more durable.

The Future of Local Government In Lagos State

The purposes that local government are supposed to serve in different countries all over the world are similar to those that we have identified in the Nigerian experience. These purposes are three-fold and can be summed up as (i) stimulating resource mobilisation, (ii) promoting political participation and (iii) ensuring efficient and effective service delivery. This similarity is probably the explanation

for the considerable diversity in the number and size of local government in different countries. And because some form of representation has to be given to local people to ensure that their views are taken into consideration at the decision-making levels, there is the need for centralization and need for an institutional arrangement at local level for participation and involvement of local Communities. This again shows the importance of a local government system as a political and institutional device to give expression to the common will and aspirations of the local people.

State Governments must be able to incorporate in their development plans and policy statements the optimum size of their local government units in order to ensure that local governments are actually local, functional and development-centred. There is therefore need for the establishment of a Planning Unit for the determination of the adequacy of existing number of local governments, for monitoring their overall performance and effectiveness, and for advising on ways and means to improve on the systematic arrangement. The Unit can be established within the Office of the Chief Executive at the Federal level or the Ministry of Local Government at the State Level.

Structural re-organization of local governments involving "review of the structure of local government and the removal of some structural deficiencies such as boundary adjustment, inappropriate groupings, lack of geographical contiguity, the dichotomy of development focus, etc" should be under-taken at not less than 10 yearly intervals⁴ and the creation of new local governments should be based on the criteria that there are a minimum tax paying population of 150,000. Geographical contiguity is absolutely necessary. This would allow for consolidation of whatever gains in the arrangement. Patience is needed more in local government structural re-organization than in many other things that governments do. This is because it takes time for a new institution to find its feet, to be tested for its response to the needs of the situation, and to be intelligently modified. It is common knowledge that local government structures when planted hastily have to be uprooted because they do not produce instant results.

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4. That is, it should be a decennial issue. For instance, Government in its views and comments on the Findings and Recommendations of the (Dasuki) Committee (inaugurated in May 1984) on the Review of Local Government Administration in Nigeria concluded that the existing units of local governments as contained in the First Schedule, Part 1 of the Constitution of the Federal Republic of Nigeria, 1979 should be maintained in view of current economic situation in the country and the need to make them settle down properly.

Since local government areas are of prime importance for planning and development purposes, they have to be recognised and established as administrative units with some degree of autonomy, determined functions and viability. In such establishment the following principles/guidelines are reasonable. The administrative units must have relatively long time period. Demarcation of their boundaries, preferably along natural barriers and less of man-made barriers, must not be too rigid.

Lower and upper limits in terms of size, land uses and population must be determined. Ethnic, religious, cultural, and other common interests of the community must be recognised and preserved. Transportation, communication and other infrastructural facilities must be available. Location of the headquarters should be in an area with the best development potential. And it is not advisable for headquarters of two adjacent local governments to be located too close to each other, otherwise they will tend to merge into one unit.

What should be the number of local governments in Lagos State? Local governments should, as far as possible, serve total populations of between 150,000 and 800,000 provided that these limits may be varied in exceptional geographical circumstances, and provided further that there should be no upper limit to the size of local governments covering

major towns so as to ensure that each town is within a single unit⁵.

Similarly, the Guidelines warned that "above the population range of 150,000 - 300,000 there appears to be few economies of scale, but large and sluggish bureaucracy, and distance from the people are the dangers"⁶. It is therefore sensible to prefer the population range of 150,000 - 300,000 to 150,000 - 800,000 since the former would reduce the remoteness of the people to the local government. By the same principle, the minimum population can be used. If the principle (of 150,000 minimum and 300,000 maximum) is allowed then the local government structure in Lagos State has to be further re-organised⁷.

5. The Guidelines, op cit, p. 3, para. 8. In this sense, the Guidelines does not frown in having Council - Manager System which is a type of city government generally practised in the United States of America.

6. The Guidelines, p.4. para. 9.

7. See Table 7.2 below

Table 7.2

RECOMMENDED NUMBER OF LOCAL GOVERNMENTS FOR LAGOS STATE
BY 1986 AT 150,000; 300,000 AND 800,000 POPULATION LEVELS

S/No.	Local Government	1963 Population	Population Projection 1986	Recommendation At		
				150,000 Level	300,000 Level	800,000 Level
1.	Lagos Island	410,772	1,261,696	8	4	2
2.	Lagos Mainland	254,474	781,623	5	3	1
3.	Mushin	230,882	709,160	5	2	1
4.	Somolu	82,646	253,849	2	1	-
5.	Ikeja	81,445	250,160	2	1	-
6.	Ikorodu	130,795	230,802	2	1	-
7.	Epe	130,395	193,571	1	1	-
8.	Badagry	122,159	322,760	2	1	-
T o t a l		1,443,568	4,003,621	27	14	4

Notes on Table 7.2

1. The 1963 population figures were based on the 1963 Census in the absence of recent and accurate census figures.
2. The population figures by 1986 and the recommended number of local governments for Lagos State have been approximated to the nearest whole numbers.
3. As advised in the Guidelines, (1976), page 5, para. 13) cumulative annual increases of 5% have been used for the following urban areas - Lagos Island, Lagos Mainland, Mushin, Somolu and Ikeja Local Government Area and also Awori/Ajeromi in Badagry Local Government Area; while cumulative annual increases of 2½% have been used for the rural areas of Ikorodu and Epe Local Governments and also the Egun-Awori Area in the Badagry Local Government.
4. The year 1986 is very significant if a 10 yearly interval is adopted in the creation of new local government. The last one was in 1976. However, on the 29th May, 1984 a 20 - man committee was inaugurated for the "Review of Local Government Administration in Nigeria" by the Buhari/Idiagbon Military Administration (1983 - 85). In 1985 the Federal Military Government published its White Paper on the Report of the Committee (popularly referred to as the Dasuki Report).

The fact that most of the nineteen (19) councils which existed in the State in 1970 (i.e. before the structural re-organisation exercise carried out by the Ogunnaike Tribunal of Inquiry⁸) were not viable does not mean that they would not be viable many years thereafter unless we are to say that progress has not been possible or have not been made in these past years.

Social planning and mass mobilization and participation should be made most effective and most meaningful at the local government level since it is at that level that the greatest number of people have the opportunity to influence decision-making more directly. It is also the level that the people's aspirations and hopes are discernible in their most relevant and specific form⁹.

8. See Ogunnaike Report, Passim.

9. E. O. Akereolu - Ale, Values and Under Development in Nigeria. (Conference Paper on the Twenty Years of Nigerian Public Administration, University of Ife, Ile-Ife, Oct. 1980) Addendum especially pages 1-3.

Local government areas which are economic and social units must not be administratively and politically fragmented. That is to say the 'economic and social community' must correspond to 'administrative and political community'. Local government must be living units, natural expressions of the corporate life of the individual villages and hamlets and they should be composed of members of communities who habitually or customarily act together and have a history of peaceful co-existence.

Under the principle of "community of interest" or "community consciousness" areas that should be grouped together to form a local government should possess, to a reasonable degree of combination of common historical, geographical, cultural and economic characteristics and should be reasonably large both in size and population. The exact weight that should be attached to each of these criteria will be greatly influenced by the sort of functions the local government is expected to perform. For example, if the factor of cultural homogeneity is the dominant criterion used to determine the areas that should constitute a local government, it is most likely to have one of the two opposite extremes - either a very large and unwieldy local government body or a very small and unviable one¹⁰.

10. Oladosu, New Nigeria, 13/3/81, pp 5 and 7.

The Ogunnaike Report had advocated that where some councils were not allowed to remain they should be re-named Area Offices (for decentralisation of services) of the newly restructured local councils and that such Offices should maintain regular essential services in their areas as well as safeguard local interests. They should, however, be directly responsible to the parent Council¹¹. This approach was adopted by the military when it again took over power from the civilian administration in late December, 1983.

Local government is an administrative system and a sub-political division of the state government. It therefore requires adequate structure to be able to perform effectively and efficiently within the broad spectrum of its defined objectives. Caution and restraint must, however, be exercised by the relevant state government in ensuring that the number of local governments creatable does not extend beyond the optimum size in order that the risk of balance between political intentions and administrative action is not upset. If the balance is upset the drift towards institutional in-efficiency and decay and misallocation of resources may be facilitated.

11. The Ogunnaike Report, op cit, pp. 33-34 para. 6.10.

To avoid these what the State Government must do is to search for and establish firm criteria and guidelines for its local government structural re-organization so that any community that satisfies the basic requirements could have its own local government.

Before, during and after the first military regime the need for structural re-organization had been recognised and addressed. Therefore any local government structure can only be perfect or imperfect for a limited period depending on the circumstances of the environment and the orientation and philosophy of the incumbent political regime. The phenomenon of structurally re-organizing local governments to make them effective, efficient and viable is a dynamic process and one in which the characteristics of local conditions and changes must be reflected.

Finally, local government structural re-organisation in Lagos State is a continuous and inevitable process that has to be undertaken irrespective of the type of administration - colonial or independent, military or civilian. Local Government Structural Re-organization has been informed by the need to provide efficient administration, preserve 'localness' and local self-government in the community, sustain democracy

and manage a network of intergovernmental relations, among others.

In conclusion, any study of the problems of local government and administration in this country cannot be complete without discussing in sufficient detail the vexed question of the very structure of local government. And that by itself would lead to a careful examination of issues such as the establishment of local government units, states creation/re-organization, boundary adjustments and institutional arrangements; composition and election of councillors; functions and finance of local governments; local government personnel management, administration and staff development; traditional leaders/authorities, and network of inter-governmental relations especially in the areas of allocation and release of funds from the Federation Account and State Joint Local Government Accounts. Others include role of the Ministry of Local Government in inspectorate and control services, law enforcement and jurisdictional allocation of functional responsibility. These issues, pertinent and recurrent as they are, are closely linked to the dynamics of the historical, cultural, economic, political and overall development factors at the levels of the country and the state.

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