



GOOD GOVERNANCE AND THE ROLE OF LEGISLATORS IN LOCAL GOVERNMENTS IN NIGERIA

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ABSTRACT: *The aim of this paper is to explore good governance as it is obtained in the local governments in Nigeria by examining the roles and responsibilities of local government legislators who are in charge of the grassroots offshoot of development in governance. As the closest tier of government to the citizenry, it is expected that good governance should start from the local government. The nature of this paper is primarily descriptive in the sense that it defined broad conceptual issues on the role of the local government, local government legislature and good governance. It is also explanatory as the paper delves into the roles of the local government legislature and the effectiveness of this organ of government in ensuring and sustaining good governance in the Nigerian polity. In doing this, this paper becomes very relevant in assessing and addressing the gaps as well as performance tracking in governance.*

KEYWORDS: Good Governance, Local Government, Legislature



INTRODUCTION

In every democratic nation there are fundamental principles that form the foundation of good governance. The term good governance has its origin in the literature of International Agencies that employ it as a basis or yardstick for measuring efficiency and effectiveness in the conduct of public affairs and management of public resources by public institutions. It focuses on the responsibility of governments and governing bodies in meeting fairly, the needs of the governed. Its basic principles of selflessness, objectivity, integrity, honesty, accountability, openness or transparency and leadership are well established. Good governance is imperative for social and economic progress. Good governance involves justice, equity, protection of life and property, enhanced participation, preservation of the rule of law and improved living standard of the populace (Obasa, 2016).

In order to meet the socio-economic needs of the people and to ensure good governance, there is the need for checks and balances amongst the various arms of government (Okoro, 2017). The state of the legislature has been identified as the strongest predictors on the survival of every democratic development (Okoosi-Simbine, 2010). Legislature serves as essential constituent for any democratic government and major factor in its sustenance. Its existence predates the advent of modern democracy. It has been noted that the emergence of the legislature dates back to the twelve century and a product of medieval European civilization transformed in the age of democracy to suit the needs of contemporary political systems (Loewenberg 1995). The existence of legislative institution comprises representatives of the people as a hallmark of democratic government from non-democratic ones. In spite of the differences in legislatures across the world, they have a common structural character that distinguishes them from other arms of government in a democracy. The common feature of legislator is that the relationship among members is not that of authority and subordination but that of equality of members since they derive their authority from being representatives of the people (Saliu and Muhammad 2010; Ewuim et al, 2014).

The legislature plays an important role in the life of a nation to bring about good governance. The statutory role of legislature is to make laws. In fact, in the classical sense, the key role of parliament is to make new laws and change or improve old ones. However, the role of parliamentarians in nation building goes beyond making laws as the legislature carries out many other important functions in our polity with the intendment of promoting good governance and development (ECA, 2012; Obasa, 2016). The pertinent question therefore is to what extent has the legislative arm of government in Nigeria especially at the local government level carried out their avowed responsibilities of promoting good governance through qualitative legislation, effective representation and diligent exercise of their oversight functions?

Concept of Good Governance

Good governance according to Muhammed (2015) implies observance of rule of law, safeguard of human rights and existence of honest and efficient government characterized by accountability, transparency, predictability, and openness.

In the view of Owoye and Bissessar (1992), good governance consists of the tradition and institutions by which authority is exercised, which include the process by which government is selected, monitored and replaced, and the capacity of government to effectively formulate



and implement policies, and respect of citizens and the state institutions that govern economic and social interactions among them.

In line with this trend, Genyi and Genyi (2013) view good governance as complex mechanisms, processes, relationships and institutions through citizens and groups articulate their interest and exercise their rights and obligations. In addition, Adesola (2012) opines that, the features of good governance include popular participation, rule of law, transparency, responsiveness, equity, inclusiveness, effectiveness and efficiency and accountability.

In good governance, decision taken by government is expected to serve the needs of the entire community while trying as much as possible to balance the competing interest of the community in a timely, appropriate and responsive approach. The approach to good governance emphasizes the need for anyone that will be affected by or interested in a decision given the latitude and opportunities to participate in the process (Campbell & Carayannis, 2013).

According to Fashagba and Oshewolo (2014), good governance guarantees the delivery of public goods and services in a manner that is responsive and accurate to public demands, transparency in the allocation of resources, and equitable distribution of goods.

Consequently, good governance finds expression not on the glory of the state leaders but in the happiness of the common man (the citizen) and this implies guaranteeing the security of life and welfare of the generality of the people. In other words, the theory of good governance is a reliable gauge for measuring the economic and political virility of government and of the modesty of their actions, policies and programs (Udo, 2004).

The Concept of Local Government

As a concept, local government has been variously defined by scholars and practitioners with no one definition being generally accepted as the most accurate. A critical review of some definitions offered by scholars seem to suggest that academics have come to an agreement as to what should be the basic elements of local government. These elements out together portray local government as the government unit of administration with defined territory and powers, as well as administrative authority with relative autonomy (Nkemakolam & Dalhatu, 2022).

The United Nations Division of Public Administration (1961) defines local government as a political subdivision of a nation or state, which is constituted by law and has a substantial control of local affairs, including the powers to impose taxes or exact labour for prescribed purposes. The governing body of such an entity is elected or otherwise selected.

The United Nations Development Programme (2009) viewed local government as a unit of government covering the range of governance issues that exist at the local level including decentralization of policies and processes, the role of interrelationship of different actors and institutions, local democracy and local performance.

The 1979 Local Government Reforms in Nigeria, in its Guidelines defined local government as; Government at the local level exercised through representative councils established by law to exercise specific powers within defined areas. These powers should give the councils substantial control over local affairs as well as the staff and institutional and financial powers to initiate and direct the provision of services and to determine and implement projects so as to



complement the activities of the state and federal governments in their areas, and to ensure, through the devolution of functions to these councils and through the active participation of the people and their traditional institutions, that local initiatives and response to local needs and conditions are maximized (FRN, 1976).

The key ingredients in the above definitions are that local government officials should be elected, should be autonomous, at least to some extent in respect of its finances and management of its staff, should have the power to make decisions regarding its affairs.

Local Government Legislature

The constitutional basis for the exercise of legislative authority at the local government level is anchored on section 7 of the Constitution of Federal Republic of Nigeria 1999. The section provides that “the system of local government by democratically elected local government councils is under this Constitution guaranteed ...” while subsection (5) provides for the functions of a Local Government Council as detailed in the Fourth Schedule to the constitution. The functions of the local government under the fourth schedule imply that the legislative arm of the council can legislate on them. Herein lies the scope of constitutional powers to make laws under the third tier legislature in Nigeria.

The Roles and Responsibilities of Local Government Legislatures

Legislatures are set up to represent the people and as such play central roles in a constitutional democracy. A local government legislature comprises of the leader of the council, the deputy leader and councilors. The legislative powers and functions vested in the Local Government Council include:

Law Making

The Legislature makes bye-laws. The list of matters on which a Local Government Council is expressly empowered to enact bye-laws are contained in section 1 (a), (b) of the Fourth Schedule of the 1999 constitution for the exclusive list. The concurrent list of matters on which both a Local Government Council and the State Assembly have powers to legislate on are on section 2 (a) (b) of the Fourth Schedule.

Making Resolutions and Approval

The Council exercises its powers through resolutions and approvals like-

- a) Debating, approving and amending the annual budget of the local government;
- b) A resolution to remove the Chairman or Leader of the Council is by a two thirds majority. This function is distinct from the authority to make bye-laws, which have wide applicability in the area.
- c) The power to approve by a simple majority of the members of the Council the nomination of the Chairman of the local government, for the appointment of The Vice Chairman of the local government in case of vacancy by reason of death, resignation or removal.
- d) The power to approve the nomination of any one appointed by the Chairman of the local government as supervisor.



Power of oversight

They do this by vetting and monitoring the implementation of projects and programmes in the annual budget of the local government and examining and debating the monthly statement of income and expenditure rendered to it by the Chairman of the local government;

Power to Advise

The Local Government Council can advise, consult and liaise with the Chairman of Council on issues affecting the local government.

Other Functions

The Council can perform such other functions that may be assigned to it from time to time by an edict or law of the state in which it is situated.

Good Governance at the Local Government Level

Local government represents the dispersion of political power in our society. The idea of local government stems from the fact that it is the closest government to the people and it brings development nearer to the grassroots. It is the best system of exercising good governance and engaging people in their own governance. A decentralized authority calls for effective and efficient local council to enable it perform the tasks of governance to the satisfaction of the people.

As submitted by Awasthi and Adhikary (2002), the popular and most ideal local government is meant to be achieved through decentralized process by the central government to ensure good governance because it cannot be achieved without delegating authority, responsibilities, capacity and resources. Local government having relative autonomy can display high level of environment open to local party politics, substantial flow of fiscal and personnel resources to commitment from the central government to maintain an ideal local government.

Therefore, democracy must be rooted in a functioning local, participatory self-governance institutions: good governance in local government cannot be ignored if the wishes and aspirations of the people are not attained. If good governance is viewed as a relationship between the central government and other tiers of government, it is the sharing of administrative authority to manage a country's affairs. The transfer of responsibilities by the central government to local governments places the local government to open judgement of its activities by the people thus requiring their integrity in the exercise of authority. The lesson of good governance requires knowledge which will be supporting and consistent institutional arrangements within the polity.

Measures Adopted to Ensure Good Governance in Local Government Administration in Nigeria

Some measures have been put in place to ensure good governance in local governments in Nigeria. These measures can be grouped into organizational and institutional.



Organizational Measures

This was created in a bid to stem the excesses of both the professionals and elected councilors. The Babangida administration resolved to extend the presidential system of governance to the local government (Bello-Imam, 1996). The reform entails the following among others:

- Separation of the Executive arm from the Legislative arm of local government
- The stipulation that all elected councilors shall henceforth constitute the legislative arm which is to be called the council
- As an executive chairman, the elected chairman of local government council shall henceforth cease to be a member of the local government subject to the chairman's veto which could be set aside by the council's two thirds majority.
- The council shall perform other functions which include vetting and monitoring the implementation of projects and programmes in the annual budget of the local government. The council is charged with policy making control of finance and the oversight function in regard to the executive arm.

These arrangements are aimed at achieving checks and balances in local government administration. This would ensure accountability, transparency and citizen participation. Also the financial transactions of the local government are within the ambit of the treasurer who is a career officer. He is to provide guidance to political officeholders to ensure transparency and accountability in the conduct of the local government's financial operations.

Institutional Measures

According to Abubakar (2010), local government across the nation have well documented statutory and administrative procedures for ensuring due process in the administration of the local government particularly its finances. The financial Memoranda FM provide a detailed framework to guide budgeting, planning, accounting procedures and general financial management in the local government. Some states demand for mandatory clearance from the local government before any expenditure above certain limit can be incurred. Other measures which arose from the application of the 1998 civil service reforms as applied to local governments include;

- The establishment of the Audit Alarm Committee
- The Codification of financial offences and sanctions
- All monthly revenue receipts and expenditures shall be reported to the legislative arm of the local government in the monthly statement of revenue and expenditure.

President Olusegun Obasanjo administration of 1999-2007 focused on the area of corruption emphasizing that good governance could only be achieved when leaders in authority could exhibit the fundamental ethos of good governance - transparency, accountability and civic engagement. It is also the ability of the government to aim its developmental goals towards the common good of the people and their full support of such goals.



CONCLUSION

It can be deduced from the study that good governance includes the capacity to formulate and implement sound policies, and the respect of citizens and the state for the institutions that govern economic and social interactions. At the local government level, good governance has been closely linked to the extent to which a local government is perceived and accepted as legitimate, committed to improving the public welfare and responsive to the needs of its citizens, competent to assure law and order and deliver public services, able to create an enabling policy environment for productive activities; and equitable in its conducts.

RECOMMENDATIONS

The current dilemma of good governance at the local level is largely attributable to the untidy constitutional provisions. In this regard therefore, the following recommendations were advanced:

- 1) The legislative arm made up of Councilors should be allowed by the Constitution to make laws for the local government as well as carry out the necessary oversight functions at that level.
- 2) A four-year term of elected local government officers should be provided for in the Constitution as applicable at the federal and state levels.
- 3) There should be a clearer delineation of the powers and duties of state and federal tiers e.g. over creation of local government areas.
- 4) There should be a clearer delineation of functions of LGC's and state governments.

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