

Constitutional Constraints on the Performance of Local Governments in Rural Development in Nigeria

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Abstract

This paper examines how the local government, the closest to the grassroots, can be strengthened to accelerate rural development in Nigeria. Rural development, the hoped for benefit of constitutional devolution, is increasingly becoming difficult. This paper examines the provisions of the 1999 Constitution to identify how they impede the capacity of the local government to expedite rural development. With the aid of relevant secondary data, the paper uses a descriptive analytical method, with a development (modernisation) theoretical framework, to assess various provisions of the constitution in respect of the establishment, structure, and operations of the local government. The finding reveals that various constitutional provisions hinder the local government's ability to develop the grassroots. The paper suggests reform of the 1999 Constitution, improvement in local government IGR, and effective community participation in rural development administration.

Keyword: Autonomy, Constitution, Local Government, Revenue Allocation, Rural Development

Introduction

The prevailing national underdevelopment and failure of most of the national development programmes call for redirection to local and rural area-centred programmes. Many Nigerians reside in rural areas and the present urban-centred development initiatives widen the gap between rural and urban development, which is one of the reasons for the increase in violence and insecurity across the nation (Paul et al, 2014). While there are other factors attributable to this challenge, this paper intends to focus on a government that is closer to the grassroots and why it is not significantly contributing to the development of rural communities in Nigeria. The outline of the paper is; an introduction, theoretical framework, definition of concepts, constitutional provisions relating to local government, its effects on local government and its effects on rural development, way forward, summary and references.

Theoretical Framework

The divergence in theoretical perspectives on political issues will continue trending as long as postulates remain contextual. Invariably, discourse on local government is not an exception, thus,

Mackenzie (1975) concludes that so far, none of the available theories can be adopted as either a normative general theory or positive general theory, by which we can either infer what local government should be or testable hypotheses that can lead to what it is. However, the views of most literature on the reason for the creation and function of local government tilts towards local development, hence, this study explores development theories, which deal with the process and conditions that influence change. It describes the process of change in agrarian traditional societies, in which human development is constrained, but gradually transforms into modern societies, heralding liberation and unlimited opportunities. Notwithstanding the competing and diverging perspectives on development, the embedded common components include access to organisations, basic needs such as education, primary health, housing, and feeding by the social groups, with the opportunity to express their culture and tradition in their country (Reyes,2021). Theories of development include modernization, dependency, the feminist, world systems and globalization theories, though; this paper focuses on the modernization perspective. The construct and deconstruct of development theories are evolutionary in phases; while the first phase was dominated by structuralist theories emphasizing the preeminence of the state in the development process, the second phase was dominated by the neo-liberalism ascendants that emphasize the preeminence of market in the process. However, the last phase synthesizes both perspectives by proposing the role of the state to be facilitative and not directive, and more importantly complementing the markets instead of replacing them (Harris,1980)

Modernisation theories of development are premised on the basics that, it is a phased process, homogenizing process, a westernisation process, an irreversible process, a progressive process, and a lengthy process (Reyes, 2001).

The theory categorises societies into the traditional and the modern. It posits that the advancement of the former is constrained by its norms, beliefs, and values, which require the adoption of a modern style of living, accumulation of capital and industrialization to transform into the latter. According to Rostow, the processes are; preparation, take-off, maturation, and the period of mass consumption. Thus, it is a necessity to promote the transfer of modern technology and new economic strategy to improve the standard of living in the third world, while not ignoring the fact that the norms, values and beliefs of a society can influence its social change (Gabriel, 2018).

However, the modernization theory is being criticized for proposing a unidirectional process and one model of development, and also, and being defective in emphasising values, since it is not in all cases that the traditional and modern values are mutually exclusive (Reyes, 2001). Nevertheless, the modernization theory of development fits into the discourse on the *raison d'être* for the creation of local government as a subnational state institution for development at the local level. Hence, this paper explores development theory to explain the significance of local government to rural development, and overall national development in relation to the constraining provisions of the constitution.

The Development theory of local government stresses local government as a system for political integration in ethnically plural and diffuse developing societies. Local governments lean on strong local sentiments and local attachments positively to advance national growth (Ola 2007). The basis of the local government developmental school of thought is that local governments are effective agents for improving the standard of living, especially in developing countries (Adeyemo, 2011). As agents of rural development, local governments utilize the funds allocated by Federal and State Governments and their internally generated revenue to improve the lives of the people by initiating development projects within their areas of jurisdiction. These programmes stimulate infrastructural development, which will in turn assist in mobilising the local people to do more for themselves and their communities. Thus, it collaborates with the state and federal governments on national development issues. It is a unit of government, by which national development efforts, resources and benefits percolate to the grassroots (Olowu et al, 1991).

Therefore, for the development theorists, the *raison d'être* of the local government is the development of the localities. As agents of development, local governments serve as a panacea to incessant rural-urban migration and the most plausible means to decongest the urban centres (Ben-Caleb et al, 2021). The functions and responsibilities of local government are targeted at improving the social or economic lives of the grassroots or local people through activities that can facilitate nation-building, and social, economic and manpower resource development, hence, there is the need for constitutional reform to remove various hindrances that are incapacitating the local government as a development institution.

Conceptual Clarification

Constitution

The nature and content of each constitution vary among countries or organisations. However, most definitions include certain characteristics common to all constitutions. The constitution of a state may be defined as a body of rules and regulations, written as well as unwritten, which specifies how the government is organized and its function. It is a legal document containing the principles, which specify the relationship between individuals and their states, and their fundamental rights and obligations. Hence, a constitution embodies the collection of principles, powers of government, rights of the governed, and interrelation between them (Singh n.d).

Furthermore, as a set of fundamental legal-political rules, it binds everyone in the state, including lawmaking institutions, the structure and operation of government, political principles and the rights of citizens. They are based on widespread public legitimacy, harder to amend than ordinary laws (e.g. a two-thirds majority vote of

the national assembly is required in Nigeria), and as a minimum, they must meet the internationally recognized criteria for a democratic system in terms of representation and human rights (International IDEA, 2014). Thus, the composition, structure, power, funding and operation of local government in Nigeria are subject to the provisions of the 1999 constitution of the Federal Republic of Nigeria.

Local Government

Like most concepts in public administration, there is no unanimous agreement among scholars on the definition of local government. However, various scholars define local government (LG) based on their perspective on the reasons for its existence. The United Nations Office for Public Administration (cited in Makinde et al, 2016) describes local government as a political sub-division of a nation, established by law and having substantial control of local affairs including the power to impose levies and mobilises labour for specified purposes. Local government can aptly be described according to its recognized features. A local government operates at the local or grassroots level; operates within a defined geographical area; has relative autonomy or independence; has a range of constitutionally delineated functions to perform; and has its council composed of elected representatives (Ugwuanyi et al, 2016).

In the Nigerian federation, local government is the third tier of government and closest to the grassroots. Local government acts as an intermediary between the government at the centre and the grassroots. It is the platform, by which the people actively participate in grassroots government and the most effective avenue for delivering basic goods and services to local communities (Osakede et al, 2016). The institution of local government administration predates the colonial era in Nigeria, though, its mode of operation and nomenclature differ from one political system to the other. However, the history of modern local governance in Nigeria can be traced to the adoption of the indirect rule system during the colonial era. Since then, local governance has been evolving in different forms and structures depending on the political regime in place.

Rural Development

According to Alanana (2005), rural development refers to a process in which a set of technological, sociocultural, and institutional measures are implemented for the residents of rural areas, to improve their socio-economic status or living conditions, and to achieve a balance between the local and national sectors. The objective of rural development initiatives is to improve the economic and social conditions, with a focus on a specific group of people in a rural area. Ekpe (2006) relates rural development to the provision of physical infrastructure because the provision of socio-economic amenities like schools, hospitals, recreational facilities, good road network, electricity and pipe-borne water is capable of transforming rural communities into modern societies attractive for habitation (cited in Johnson & Ukonze, 2018). Rural development is not a one-time achievement, but a gradual consistent process.

The successive Nigerian governments recognise the significance of rural development to national development; hence, each administration embarks on one rural development programme or the other. Rural development programmes that have been previously implemented in Nigeria include: Operation Feed the Nation (OFN), Green Revolution, River Basin Development Authorities, Agricultural Development Projects, Directorate for National Employment (NDE), the Better Life for Rural Women and the Mass Mobilization for Social Justice and Economic Recovery (MAMSER), and the Directorate of Foods, Roads and Rural Infrastructure (DFRRI).

Components of Rural Development

Rural development traditionally focused on agricultural development and other land-intensive natural resources, as the drivers of economic growth in rural areas. However, changes in global production networks and increased urbanization have changed the character of rural development. Rural development encompasses all sectors of development as a holistic approach to improving the well-being of the rural populace. Today, the elements that constitute rural development include education, employment opportunities, agriculture and farming practices, administration and management, infrastructure, civic amenities, health care, and environmental advancement. The improvement in these areas would improve livelihood in the rural areas, and open opportunities for individuals (Kapur, 2019).

Constitutional Provisions Relating to Local Government in Nigeria

The 1999 Nigerian constitution provides for the creation, structure, composition, finance, administration, and functions of local governments. These provisions, among others, constitute the legal framework for the administration of local governments in the country. Section 7 (1) of the constitution provides for a democratically constituted local government system in Nigeria. Hence, each state government are directed to create local governments following section 8 of the constitution, which provides for the establishment, structure, finance, composition, and functions of such councils.

The functions of local governments in Nigeria are spelt out in Section 7(2) of the 1999 constitution. These include the provision and maintenance of health services, agricultural and natural resource development, provision and maintenance of primary, adult and vocational education, and other functions as may be conferred on it by the state house of assembly.

Furthermore, the constitution realizes the need to fund the local government to be able to perform its statutory functions, hence, Section 162 of the 1999 constitution provides for the financing of local governments. Paragraph 3 specifically stipulates that; any amount accruable to the Federation Account shall be distributed among the federal, state and local governments, according to the terms and conditions that may be prescribed by the National Assembly. In addition, Paragraph 6 of Section 162 establishes for each state a special account refers to as the State-Local Governments joint Account (SLGJA), in which all allocations payable to local governments from the federation account and contribution of ten percent from the state internally generated revenue are deposited.

Another Constitutional provision prescribes the selection process of political leaders of local government councils. Section 3 Part II of the Third Schedule of the 1999 constitution provides for the establishment of the State Independent Electoral Commission (SIEC) and confers on it the sole power to organise, undertake and supervise all elections relating to the existing local government councils in the states.

Regarding the administrative affairs of local government, the legislative powers granted to local government are limited, rather, section 7 of the 1999 constitution empowers the state legislature (State House of Assembly) to enact a law on the administration of local government within their jurisdiction. Hence, local government can only discharge its functions according to the specific law made for the purpose by the state house of assembly.

Furthermore, the way it empowers the state government to establish local governments and determine their structure, composition, finance and functions, similarly, it grants the state government the power to dissolve local councils, in cases involving maladministration subject to the ratification of the house of assembly (Amah, 2018).

Effects Of Constitutional Provisions on Local Governments' Effectiveness

The 1999 constitution of the Federal Republic of Nigeria created fundamental contradictions, conclusions and ambiguity being exploited by other higher tiers of government to decimate the local government and subsequently made their appendages and mere extensions of the State Ministry for Local Governments.

Hindrance to Federal structure and Democratic Process

The constitutional provision that empowers state governments to make laws for the administrative operation of local government also empowers it to dissolve the LG Councils if found guilty of maladministration, thus, subjecting the local governments to the state excesses. This hinders creativity and innovative management of the locality. Hence, it entrenches the dependency status of local governments, rather than being a distinct entity with autonomy to determine its affairs (Amah, 2018). The provision does not only affect the administrative and political autonomy of local governments, but also undermines the federal structure of the country, and disrupts the democratic process of a developing democracy like Nigeria. State governors have been reported to be dissolving local government councils at the slightest opportunity, like the case of Imo

State where the then Governor, Rochas Okorocha dissolved the local government councils and replaced them with appointed Caretaker Committees. This practice is undemocratic and unproductive because in most cases, the state governors manipulate it to direct and control the operations of the local governments (Ugwuanyi et al, 2016).

Limitations to Political Education and Development

The constitutional provision empowering SIEC to organize and conduct local government elections poses a serious impediment to political education, participatory democracy and political development of the grassroots. Political Participation engenders political education because, it enlightens the masses about the role of political debate, the selection of representatives, and the nature of policies, planning and budgets in a democracy. Local government also provides training and apprenticeship in professional political careers for the most active and involved participants, by serving as an outlet for competent and public-spirited persons within the locality to render social services to the community. As a training ground, the experienced persons transmute to leaders who can take up responsibilities at the state and national levels (Sikander, 2015).

However, the interference in the political autonomy of local government by the state governments truncates the political development process at the local level. The SIEC, which is the only constitutionally recognized body with the power to conduct local government polls, has become a tool for the state government to perpetrate electoral fraud, by manipulating its activities and ultimately the result of elections (Ugwuanyi et al, 2016). State governors impose a candidate on the people and often the councillors and chairpersons that emerge do not reflect the preferences of the people they are to govern. Thus, it is not uncommon that the results of local government elections give one hundred per cent victory to the ruling party, as was the case of Enugu State under Governor Chimaroke Nnamani between 1999 and 2007. The ruling party; the Peoples Democratic Party, (PDP), won in all the local governments, with the connivance of the Enugu State Independent Electoral Commission (ENSIEC) (Abutudu, 2011). The recent, the year 2022 local government election in Oyo State demonstrates how state Governors dictate the form of the election would be. The ruling party (Peoples Democratic Party) was the only major party that participated and won all contested positions. Besides, the government refused to organize elections for offices in all the Local Council Development Areas (LCDAs) as provided by enabling laws that established them, instead, the Governor handpicked Care-Taker Committees to oversee them.

Underutilization of Personnel

Local government is obliged to utilize and manage its personnel effectively in carrying out its functions and ensuring effective service delivery to the grassroots. However, the scenario is different because local government personnel administration is inefficient due to the defective constitutional provision and defective legal empowerment. This provides the State governments through their Local Government Service Commissions (LGSCs), all over the country, the opportunity to influence the LGs' personnel matters (Imhanlahimi & Ikeanyibe, 2009). Although the LGSCs are meant to oversee the administration of LG personnel, the political interference from the states and the influence of ethnicity, favouritism and nepotism in the appointment and promotion of LG personnel continue to hinder the efficiency of the LGSCs (Onyishi et al, 2012). Inadvertently, this has incapacitated local government from functioning effectively, personnel administration is plagued with redundancy, while the grassroots are denied the expected social services.

Lack of Financial Autonomy

The 1999 Constitution provided for the establishment of a special state-local government joint account (SLGJA) in a bid to forestall possible manipulation and mismanagement of the Local Government finances by various State Governments and local government chairpersons. However, the Joint Account has become a fraudulent instrument aimed at looting the public treasury, rather than serving as a means to facilitate rural development through cooperative governance of public funds as envisaged by the Constitution (Umezurike & Ogunnubi, 2016). The interference in the finances of local governments erodes their financial autonomy. Rather than being trustees of the Account and ensuring reasonable oversight as envisaged by the constitution, the state governments have managed to turn the Joint Account into a tool, through which the local government councils are reduced to mere appendages of the state governments (Ugwuanyi et al, 2016).

The Unnecessary delay in releasing allocations to local governments is another mode of interference with the financial autonomy of local governments (Ayogu et al, 2018). State governments often use this method to coerce local government chairmen. The interference in the local government autonomy by the state governments has become so pronounced that in 2010, 31 out of the 36 state governors tampered with local government funds through the instrumentality of the SLGJA (Ukiwo, 2010).

Poor Infrastructure and Ineffective Service Delivery

The interference in Local Government financial autonomy affects available funds for infrastructural development and the ability to deliver essential services due to the effect of the constitutional provisions. In Borno state, local governments barely had enough to pay salaries of the staff and execute infrastructural development projects between March 2002 and March 2003, where 48.4% of N13.3 billion allocation to the local governments was improperly deducted at source by the state government (Dlakwa, 2004). Another scenario was the case of Rivers State where the total allocations meant for the 23 local governments between 2007-2013 cumulated to N234,055,440,087.16, and the deductions made culminated to N31, 210, 844, 740.51 (Agbani and Ugwuoke, 2014). The implication of interference in the fiscal mechanisms of local governments is that the available funds are insufficient for the local governments to implement development projects and effectively management of its affairs.

Local Insecurity

Financial constraints hinder the local government's ability to provide security for the rural populace. Where there is inadequate infrastructural development in rural areas, the crime rate is bound to rise and the security of lives and properties cannot be guaranteed because, the redundant unengaged youths would resort to social vices and violent crimes to augment their survival (Zubairu, 2020). The infrastructural gap renders the rural areas inhabitable for the youths and the working population. In developing countries like Nigeria where a huge part of the population resides in rural areas, rural underdevelopment leads to incessant rural-urban migration due to the lack of basic amenities and socio-economic opportunities to sustain the working population (Johnson & Ulonze, 2018). Consequently, the rural-urban migration also induces insecurity due to urban congestion, and pressure on amenities and infrastructures.

Encroachment on Local Government Responsibilities

Section 8 of the 1999 Constitution empowers every state to ensure the creation of local governments and to facilitate a law, which would determine the establishment, structure, composition, finance and functions of the councils. Hence, the affairs of local governments are subject to the laws made by the state house of assembly (the only constitutionally recognized state legislative body). However, contrary to the prescription of the constitution, the state governments with access to SLGJA, have usurped the power of local governments in providing primary health services and primary education within their jurisdiction.

Effects on Rural Development

As the foregoing expositions indicate, the provisions of the 1999 Nigerian Constitution on local governments pose huge restraints to the efficiency of local governments. The main rationale for establishing local government is to bring the government closer to the grassroots. However, the reality on the ground shows that their performance on rural growth and development is low. The reason is that development activities involve huge funding, which presently is greatly affected by the defective constitutional provisions.

The essentials for local government to contribute significantly to rural well-being include the freedom to recruit and train competent personnel to drive the process; financial autonomy to prioritize developmental needs within their jurisdiction; and the capacity to provide the infrastructure that can facilitate economic empowerment. Others are grassroots political development through the mobilization of community leaders for participatory democratic governance; and the provision of security architecture to make the environment habitable and conducive for overall rural development.

The Way Forward

The provisions of the constitution ambiguously constrain the performance of local government, hence the need for intervention.

1. Constitutional Reforms: There is an urgent need to reform the relevant constitutional provisions to prevent subsequent interference in local government administration and to guarantee the political, financial and administrative autonomy of the local governments. Thus, the reformed constitutional provisions should replace the SLGJA with direct payment of the federal allocation to the respective local governments' accounts. In addition, local government elections should be organized by the INEC, just like the federal and state elections. Furthermore, the adoption of the Caretaker Committee for local government administration should be abolished to prevent the state governments from disrupting the democratic process by installing their puppets.
2. Increasing the Internally Generated Revenue (IGR): Since finance remains one of the greatest tools through which the federal and state governments erode the autonomy of local governments, more sources of revenue should be created to increase the internally generated revenue to finance their activities, especially, payment of salaries and rural development initiatives.
3. Bottom-Top Approach to Rural Governance: in the past, many rural development efforts in Nigeria were based on the top-down approach and this probably accounts for the inability of target beneficiaries to benefit from the initiatives. Community participation is essential to integrate rural development; hence, the rural populace should be involved and integrated into the planning and implementation of rural development projects, to achieve Effective Rural Transformation.

Conclusion

The paper examines how the provisions of the 1999 constitution of the federal republic of Nigeria constrain local government contribution to rural development. It is established that grassroots development is central to national development and particularly, effective human development in Nigeria. The findings, however, reveals impediment to the local government's power and resources to perform the rural development programmes. Going forward, these unwholesome issues need to be addressed to reverse the trend of rural underdevelopment and to boost overall national development. Therefore, the paper recommends a holistic constitutional reform.

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