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THE PATHOLOGY OF LOCAL GOVERNMENT
IN WESTERN NIGERIA AND
PROPOSALS FOR ITS CURE

by

James B. Ajila

A thesis submitted to Carleton University
in partial fulfilment of the requirements
for the degree of Masters in
Public Administration

School of Public Administration

Carleton University

Ottawa, Canada

April, 1971

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Graduate Studies acceptance of the thesis
"The Pathology of Local Government in Western
Nigeria and Proposals for its Cure"

submitted by B. James Ajila, B.A., D.P.A.
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ABSTRACT

In a developed Western, uncolonialized society, the success of local government is generally based on three basic criteria -- its distribution capacity; its coordinative capacity in relation to the central authority, and its participatory capacity. For a developing ex-colonial society there is a fourth -- the capacity to reconcile tradition with modernity or with Western values that are desirable and modern. The unwillingness to consider this last criterion has, very often, rendered unfruitful many good efforts to develop viable local government in the emerging nations. Western Nigeria constitutes the focus of this study in relation to these four criteria, and the reasons for the failure of its British system of local government during the period between 1952 and 1966. Basic to this failure was the operation of the local councils under a system of party politics. To satisfy the four criteria mentioned, the "Non-partisan Council-Manager" model has been recommended.

ACKNOWLEDGEMENTS

"Oh God, where do we go from here? We have used our ballots as preached, but to no avail," lamented my mother following the rigging of the Western Nigerian Regional Elections of 1965.

Many thanks to the above unlettered lady whose comment inspired my thoughts and perhaps my conviction that an efficient and effective local government constitutes one of the basic solutions, if not the most important, to the social, economic and political disillusionments of the illiterate mass of Western Nigeria.

Substantially, I would like to thank Dr. Afolabi Ojo, Head of the Department of Geography, University of Ife, Western Nigeria, under whose devoted supervision the questionnaire to some local councils in Western Nigeria was distributed, completed and collected for this study. Apart from this, Dr. Ojo's encouragement, and sympathy for my domestic ordeals, assisted in giving this study an alert disposition. My gratitude goes to Mr. T. Olanipekun -- the Secretary of Ilesha Urban District Council at the time of this study -- whose prompt responses to my letters of inquiry on many aspects of the Region's local government, illuminated most of my ideas. I am greatly indebted to Dr. D. C. Rowat -- my supervisor -- who patiently read the hand-written draft of this thesis. Most of his suggestions have invaluable promoted the consistent trend and precision of my ideas. I should also thank many of my friends, particularly fellow Nigerians in Ottawa. I must have bored them many times with my arguments as to the efficacy of the proposals made in this study. Their recollection of many events in Nigeria aided in making the information in this thesis very factual.

Lastly, I am deeply grateful to my wife -- Mojisola -- who worked day and night to finance the commitments attendant to this study. I very much appreciate the typing dexterity of Mrs. P. Dalgetty which has made the ideas indelible, and I thank Mrs. F. Barclay -- the Secretary to the School of Public Administration -- for her supporting services.

If in spite of all the supports enumerated above my readers perceive inadequacies in this work, I alone should be indicted.

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INTRODUCTION

The success of local government in any developing, ex-colonial country, regardless of the form or type it may take, depends upon the satisfaction of four basic criteria -- its ability to provide basic services efficiently and effectively for the people within its jurisdiction; its ability to reconcile desirable traditional administrative norms with desirable new values attendant to modernization; its ability to effect a harmonious and coordinative relationship with the higher authority -- the National, or Regional, or State or Provincial government, and lastly its ability to effect the support of the local people and involve them in managing their local affairs. We shall refer to these four criteria, respectively, as the distribution, reconciliation, coordination and participation standards for judging local government.

From my personal experience in Western Nigeria until 1966, and from the comments and dissatisfaction of other writers on the operation of local government in Western Nigeria, particularly between 1952 and January 1966, it can rightly be said that Western Nigerian local government, during the period mentioned, did not meet the above four standards satisfactorily. Hence it has been suspended since January 1966.

The view presented above is not peculiar to Western Nigeria alone, but may also be applied to the other two Regions -- Northern and Eastern -- upon which the first Nigerian Republic

was based. This can also be fairly said of the Mid-Western Region, which was created from the West in August 1963. Nor can the Federal Capital -- Lagos -- be absolutely absolved from this judgment.* The reports of various Commissions of Inquiry into the affairs of many local government operations are concrete testimonies.**

I think also, that it may not be too cynical to remark that political institutional decay in Nigeria's First Republic, 1963 to January 1966***, was due to a failure of leadership. This was because the pioneering political leaders did not provide the right attitudes under which the British political

*See Map A for these divisions, on page 10.

**A few but very important reports are:

- A) Eastern Nigeria: 1) Report of the Commission of Inquiry into the working of Port Harcourt Town Council February 1955 by Floyer, Ibakwe and Njemanze. 2) Report of the Inquiry into the Allocation of Market Stalls at Aba, March 1955. 3) Report of the Inquiry into the Administration of the Affairs of the Enugu Municipal Council, 1960 Vol. 1 and 2 by Perkins.
 - B) Lagos: 1) Report of the Commission of Inquiry into the Administration of the Lagos Town Council, 1953 by B. Storey. 2) Report of the Tribunal of Inquiry into the Affairs of Lagos City Council by A. G. Saville, 1966.
 - C) Western Nigeria: 1) Report of the Commission of Inquiry into the Administration of the Ibadan District Council Dec. 1955 by E. W. J. Nicholson. 2) Report of the Commission of Inquiry into the Civil Disturbances which occurred in certain parts of the Western State (see summary of Political and Constitutional Development in W/Nigeria, p. 8) of Nigeria, December 1968 by O. Ayoola -- a very relevant Report to the problems of Western Nigerian Local Government.
- No Reports are available from Northern and Mid-Western Nigeria.

***Nigeria received Independence in October 1960 and became a Republic in October 1963.

institutions they accepted, could operate. Their concern, it can rightly be said, lay within the realm of "power" and, "prestige".

To achieve power in the Western style, meant the mobilization of the masses toward democratic ideals and modernizing fantasies. For Nigeria, this process, regrettably, turned out to be over-mobilization of expectations. Consequently, problems that were undermined emerged with full force. Tribal and intra-tribal hostilities stimulated the quick use of political power and opportunities as spears for a new tribal and intra-tribal warfare. In all instances, the ordinary people at the localities suffered.

Fundamental to the decline of local government, particularly in Western Nigeria, was the effect of the power struggle at higher levels of government -- Regional and Federal. The lamentable aspect of the struggle was that it was in many cases far from being political; it was in the main "personal".

Political conflict became personality conflict because those in power confused attacks on their policies with attacks on their persons. Consequently it was easy to abuse parliamentary conventions by the use of the "majority power". This majority power was transferred to the local government councils where councillors were divided into government and opposition.

Local government, particularly in Western Nigeria, and by virtue of its proximity to the people, as used ferociously

to coerce popular support for dwindling regimes at the Regional level. When this failed, it became a means of punishing the people. Services would no longer be extended, and those being enjoyed would be deliberately curtailed in the localities. It is not too difficult to understand the type of pathological vices that may germinate under this condition. Bribery and corruption such as collusion and embezzlement; nepotism; thuggery; official absenteeism; mismanagement, and all kinds of abuses were common. As two observers put it

... local government ... [reached] the point of being a conspiracy against the public, so riddled [was] it with bribery, nepotism, politics and corruption.¹

Thus if there is any political institution in Western Nigeria and indeed in Nigeria, about which there is a unanimous opinion as to its inefficiency and ineffectiveness, that institution is Local Government. Ironically however, popular skepticism never allows any cohesive opinion as to the precise formula through which this institution would be able to discharge its responsibilities to meet the basic needs of the peoples in their respective localities.

The purpose of this thesis is to assist in finding suitable approaches to an efficient and effective local government in Western Nigeria. The complex nature of Nigeria limits the scope of this endeavour to Western Nigeria, where perhaps the British partisan council-committee system of local

¹R. Wraith and E. Simpkins, Corruption in Developing Countries (London: George Allen and Unwin Ltd., 1963), p. 20. - on Nigeria, particularly Western Nigeria.

government, reached its greatest impropriety. Moreover, this Region (now a State since 1967) is selected because of its relative homogeneity. The experience of the writer -- a native of the Region in question -- was the decisive factor in making this choice.

One of the major considerations in this work is to investigate the appropriateness of the British local government system to the conditions of the people of Western Nigeria -- the Yoruba people -- at the time it was adopted in 1952, to the time it was suspended in January 1966. While structures or patterns of an institutional system may not in general be deficient, they may however facilitate some tendencies toward deficiency. In the views of many who have observed the system since 1952, it was not a practical approach to the solution of the social and economic problems of the people, particularly when local government was allowed to operate on a parliamentary basis in line with the parties at the Regional level.

The system, then, lacked imagination on the part of the pioneering leaders who adopted it. Apart from their unwillingness to appraise their Yoruba tradition critically so as to blend desirable old values with the inevitable modern management norms, the leaders lacked the full comprehension of the various political mechanics and attitudes evolved by their British protagonists. Invariably a local government system

*Since the military coup, no form of local government has been in operation. The Military Government for the Region has appointed Inspector/Divisional Officers as sole administrators of the councils.

that operates well in its original environment failed to perform effectively and efficiently in its new milieu. One main reason made the system fail ultimately in Western Nigeria -- its operation under a regime of party politics.

The satisfaction of the four objectives of local government mentioned in the opening paragraph, constitutes the aim of this thesis. For this reason the first chapter is a brief reassessment of the philosophy of local government and its role in the process of economic, social and political transformation of the developing societies, particularly using Western Nigeria as an example.

Chapter Two provides a historical analysis of Western Nigerian Local Government in two phases -- the pre-colonial administrative tradition of the Yoruba people and the colonial administration. The first may help in identifying some valuable traditional concepts of administration. The second observes how the colonial influence affected the trend and destiny of Western Nigerian Local Government.

Chapter Three examines Western Nigerian local government from 1952 to January 1966. The attempt here is to assess certain things -- why the British system was adopted, the operation of the system and its failure to meet the four standards already outlined above.

Chapter Four will first examine the views of some eminent Western Nigerian scholars and administrators on reform proposals, and then present a comprehensive proposal to cure the pathology and to meet present needs. This new proposal is

the "Non-Partisan Council-Manager" system of local government. It will be considered fully in relation to its origin and development, and, by way of illustration, its operation in a particular Canadian municipality will be described. An attempt will be made to appraise the system critically.

The last chapter -- five -- will consider the applicability of the proposed scheme to Western Nigeria, with special emphasis on the four criteria of a good local government in a developing, ex-colonial country.

The conclusion will briefly review the situations covered and will examine how the present Military Regime may be of help in promoting viable local government not only in Nigeria but throughout the country.

NOTE ON SOURCES OF MATERIAL

Generally, the knowledge upon which this study was conducted, came substantially from the few relevant books, from periodicals, and from personal experience in Western Nigeria till September 1966, and in Brandon, Manitoba between 1966 and 1969 where I took my undergraduate studies.

At the time this study was begun, certain relevant documents were ordered from Western Nigeria. These, and particularly the recent Ayoola's Report on the Farmers' revolts, have been very valuable in substantiating many personal experiences and ideas from other writers and observers on Western Nigerian Local Government.

Since distance did not permit field research for this study, a questionnaire was mailed to about twenty carefully selected

district councils in Western Nigeria. The structure of the questionnaire was general and open, that is there was nothing on, say, financial management or specific identification of personalities who were perhaps involved in causing the failure of local government. It concerned such things as: the history of a local government council from when it was first established through its series of dissolution to January 1966; why it was suspended or dissolved; the nature of its reconstitution, and the success or failure of the present management.

It was difficult to get the questionnaire attended to. My partial success was due to the effort of Professor Afolabi Ojo, at the University of Ife, in Western Nigeria, who distributed the questionnaire and followed it up by making sure that they were filled. He helped finally to collect about fifteen back. The secretaries or clerks of these councils filled the questionnaires. Despite the paucity of reliable information which these replies contained, they have been very valuable and illustrative. See Appendix D.

These sources are indicated in the footnotes, appendices and the bibliography.

RELEVANT CONSTITUTIONAL AND POLITICAL DEVELOPMENTS

From a historical perspective this study conveniently relates to three periods:

1. Precolonial Administration till 1914.
2. Colonial Administration -- 1914 to 1950/52.
3. Post colonial Nationalist Administration in Western Nigeria, 1950/51 to January 1966. These need further details.

1. Precolonial Administration - Pre 1914

There was nothing like Nigeria until the Berlin Conference of 1885, when an artificial collection of territories around the Rivers Niger-Benue was given to the British. The name Nigeria did not appear until 1897.¹

From the early part of the 19th century to 1900, the European and particularly English traders were establishing commercial bases all over the country. The traditional administration of the Yorubas and other ethnic groups existed vis-à-vis the European influence until the annexation of the territories was made. From 1850 to 1900 may be termed the period of annexation and commercial rule.

In 1900, Britain took over direct responsibility for Nigeria from the Trading Companies, divided it into three protectorates and then amalgamated them in 1914. The traditional system of administration ceased in Western Nigeria due to misinterpretation by the proponent of Indirect Rule - F. D. Lugard.

2. Colonial Indirect Rule (Native Authority) System 1914-1952

After 1914, the traditional pseudo national units became local administrative units. Indirect Rule created the Native Authority system of local government throughout the country, with the Oba or traditional ruler of each community as the sole Native Authority.

In 1939 Nigeria was divided into three Regions to

¹See C. K. Meek, "The Niger and the Classics: the History of a Name", Journal of African History, Vol. 1 (1960), pp. 1-17.

correspond with the 'Y' structure of the Niger-Benue Rivers.
See Map A below.

MAP A. Nigeria: Regions and Regional Capitals until 1967¹

¹Federal Ministry of Information, The Struggle for One Nigeria (Lagos, 1967), p. 4.

In 1946, the Richards Constitution gave each of the original three Regions -- North, East and West -- a Legislative Council which became Regional Assembly later -- an institutional similarity with a Canadian Provincial Legislature. The Central Legislative Council remained in Lagos. Thus by 1947, the Nigerian Federal pattern emerged.

In 1951 the MacPherson Constitution implemented the 1946 provisions. It also transferred the Native Authority Administration to each Regional Authority. The nationalist administration began.

3. Post Colonial - Nationalist Government in Western Nigeria
1951-1966

This period witnessed the adoption and operation of the British system of Local Government in Western Nigeria. It was a period of political struggles which ended with the military coup of January 1966.

In 1952 the Western Region Local Government Law was passed.

In 1957 the Region received self-government status within the Federation, so also the East, but the North not until 1959. In 1960 Nigeria became independent and in 1963 became a Republic. In 1963 Mid-Western Nigeria was carved out of Western Region (see Map A).

In January 1966, the Military took over throughout the Federation and on May 27, 1967 Nigeria was divided into twelve states as shown in Map B below.

Political Developments in Western Nigeria 1951-1966

1951-1966 constituted the period of the Action Group Party regime (AG). The opposition then was an older party -- the National Council of Nigerian Citizens (N.C.N.C.).

The A.G. was led by Mr. O. Awolowo who became the first Premier of Western Nigeria, 1951 to 1959. The N.C.N.C. was founded by Dr. N. Azikiwe, an Eastern Nigerian, a nationalist and in the same period the Premier of Eastern Nigeria.* This party was very strong in the West under Azikiwe party lieutenants who are Yorubas.

As the Nigerian Independence was to come in 1960,

*Actually Dr. N. Azikiwe became Premier of Eastern Nigeria in 1952.

MAP B: Nigeria - The New Twelve States and their Capitals¹

Table 1: Population of the States in Nigeria

<u>States</u>	<u>Capital</u>	<u>Area</u> (square miles)	<u>Population</u>
Lagos	Lagos	1,381	1,443,000
Western	Ibadan	29,100	9,488,000
Mid-western	Benin-City	14,922	2,536,000
East-central	Enugu	11,548	7,469,000
Rivers	Port-Harcourt	6,985	1,545,000
South-eastern	Calabar	10,951	3,381,000
Kwara	Ilorin	28,672	2,399,000
North-western	Sokoto	65,143	5,734,000
North-central	Kaduna	27,108	3,878,000
North-eastern	Malduguri	105,085	7,793,000
Benue-plateau	Jos	39,204	4,230,000
Kano	Kano	16,630	5,775,000

¹ Nigeria Yearbook (Lagos), 1970, p. 85.

Awolowo, like Azikiwe too, moved to Federal Politics. The Vice President of the A.G. - Mr. Akintola was made the Premier by his party in 1959, a position he held until he was killed during the Military Coup of January 1966.

1962 - January 1966 was a period of political crisis throughout Nigeria but it was substantially triggered by the Action Group Crisis of Western Nigeria in 1962. By 1962 the A.G. had become a popular party among the Yorubas of Western Nigeria.

The 1962 Crisis was a leadership and ideological crisis between the leader of the A.G. - Mr. Awolowo, who was now in Federal politics as the leader of the Opposition in the Federal Parliament, and the Premier of Western Nigeria - Mr. Akintola - the vice president of A.G. The crisis divided the Party. Akintola formed a new Party, the United People's Party (U.P.P.) in 1962.

The crisis led to the declaration of a State of Emergency -- May-December, 1962 -- in Western Nigeria by the Federal Government. After the Emergency, with the backing of the Federal Government now, Akintola and his faction formed the Regional Government without a fresh election.

In the meantime, Awolowo was charged with treasonable felony, tried and eventually sentenced to ten years' imprisonment.

A majority of the Yoruba were not pleased with the crisis and particularly with Akintola's regime. In 1963, Akintola's coalition party UPP/NCNC formed a new party -- the

Nigerian National Democratic Party (NNDP).

In late 1965 there was a Regional Election. It was rigged by Akintola's government. The result was political chaos which culminated in the Military Coup of January 1966 in which Premier Akintola was killed along with three other leaders in the Federation -- the Prime Minister, the Northern Premier -- leader of the P.M.'s Party and supporter of Akintola -- and the Federal Minister of Finance. These developments seriously affected the smooth operation of local government in Western Nigeria, as will be observed later.¹

¹For more details see:

- a) J. P. Mackintosh, et al., Nigerian Government and Politics (London: George Allen and Unwin Ltd., 1966).
- b) R. Sklar, Nigerian Political Parties (Princeton; New Jersey: University Press, 1963).
- c) M. Vickers, The Nigerian Federal Election of 1964-65 (A thesis submitted to Carleton University, 1966).

CHAPTER 1

THE THEORIES AND PURPOSE OF LOCAL GOVERNMENT

The justification for 'Local Government' is essentially based on three concepts: that the locality where the individual lives is fundamental to the all-inclusive community -- the 'Nation State' --with which he is associated; that for its own administrative convenience, the nation state must decentralize its authority and responsibilities in order to reach the individual in his locality, and that the individual should participate in the management of his local affairs.

According to Degun:

A local government . . . unites people within a defined area in a common organization whose functions are essentially complementary to those of the central government and ones that are in the interest of the local residents to conduct in order to satisfy essentially community needs.¹

From this comprehensive statement of what local government is, the three concepts mentioned above can be seen very clearly. They can be called, for short: individual territorial locality; administrative convenience; and individual participation.

Underlying these three concepts is the fact that governments are created to provide those services that will give their citizens 'good life'. In our contemporary modern world, 'good life' is generally considered as a product of social,

¹A. A. Degun, "Developing Viable Local Government in Western Nigeria", Administration, University of Ife, Vol. III, No. 3 (April, 1969), p. 175.

economic and political development -- the three aspects of modernization. This systematic linkage of the theories of local government with the idea of ^{the} good life and the problems of modernization can help us to understand the relative importance of good local government to the overall progress of the developing nations.

Implicit in the concept of the fundamentality of the local community -- village, town, or city -- to the nation state is the fact that local government is rooted in the history of every state. This caused Banfield to remark that " . . . any given state is a community of communities."¹ In other words the local community is a natural element in the creation of the artificial, all-inclusive community -- the nation state.

This 'natural element' idea of a community is reinforced by liberal concepts such as: natural right; individual liberty; and self government. These were the basic ideals which the fathers of the American Revolution associated with the philosophy of 'home rule', which in turn was associated with local government. Home rule expresses a belief in the worth of the individual and in the confidence that the individual can rule himself. To further explain this, Syed declared that:

The individual is the central concern of the doctrine of local autonomy, for it aims at preserving his

¹E. C. Banfield, Urban Government: A Reader in Administration and Politics (Free Press of Glencoe, 1961), p. 8.

inherent and sovereign right to govern himself. The right is sovereign not only because it is natural but also because its exercise leads him along the path of virtue; it imparts to him manliness and self confidence; it teaches him the lessons of co-operation and comprehension of the balance of forces in society, his sense of right and wrong.¹

This concept of home rule is but the ideal.

Internal security, material proficiency, monopoly of government power, central monetary directives, exclusive control of foreign matters and many more, have made the central national government assume absolute control over the various communities within the 'Nation State'. Local government, as a local community management, is therefore mainly an administrative agency -- a unit of government under the national level in unitary states such as in Britain, or under the State or Regional or Provincial level in Federal systems such as in the United States of America, or in the first Republic of Nigeria or in Canada respectively.² Therefore administrative convenience is unequivocally the reason why a nation state or units of a Federal nation state, has smaller units called local government or its equivalent, local administration. These smaller units are not sovereign, even including the Regions or Provinces within a Federation. The constituent units of these types are only sharing some common powers. They are therefore not independent states but merely organs of the

¹A. Syed, The Political Theory of American Local Government (New York: Random House, 1966), p. 50.

²F. H. Alderfer, Local Government in Developing Countries (New York: McGraw-Hill, 1964), p. 3.

government of the all-inclusive nation state.¹

In most of the developing nations the creation of sub-units in geographical areas for the purpose of local government is relatively easy because there is the presence of territorial attachment of the people to their tribes and ethnic groups.

These primordial units make natural administrative divisions easy to achieve. They form areas where common interests and loyalty can be recognized, aggregated and therefore satisfied. This is why the Permanent Secretary to the Ministry of Local Government in the Western State of Nigeria has recommended the abolition of the existing divisions in that State. Instead, he recommended the setting up of "all-purpose district councils that will coincide as much as possible with traditional areas or areas in which peoples' local loyalties reside."²

The third concept for the justification of local government is the idea that people should participate in the management of their local affairs. This seems logical because it is the people themselves who can know better their immediate needs. Any policy that would affect the daily life of the people must be their concern. If the central government finds it important to tax the citizens for its revenue, it is also important that the government should identify the wishes of the ordinary person with the whole process of development. Emanating from this participatory concept is the hope that the people

¹A. Syed, op. cit., p. 8.

²Degun, "Developing Viable Local Government in Western Nigeria", Administration, Vol. III, No. 3 (April, 1969), p. 180.

would be politically educated at the grassroots and consequently would make the operation of democracy at the higher level of government easy and intelligible.

The Functions of Local Government

Therefore, from this vantage point, local government, when considered within the context of territoriality, administration and democracy, is undoubtedly very functional to the success of any government. This is why local government is designed, as it is often said, to administer basic services to the people continuously from their cradles to their graves. These local services can be categorized into five: a) Health and Sanitation Services -- good water supply, street cleaning and sewerage, maternity homes and dispensaries, ambulance services, public slaughter houses, local markets, cemeteries, and so on; b) Public Works -- roads and bridges, prevention of soil erosion and so on; c) Recreational Facilities and Social Services -- public parks, places of entertainment like a community arena, child welfare, prevention of juvenile delinquency, counselling, and many more; d) Educational Services -- assistance to primary schools, pre primary education, public libraries, adult education, family life education for the local women, local information and publicity centre and related activities; and e) Maintenance of law and order -- security services during the day and night for the protection of people and property, and for guidance.¹

¹Most of these functions are clearly listed in Part IX of

by a single political authority to the extent of making units as a tier or tiers of government. There was a hierarchy in the ranks of the Yoruba Obas but it was cultural. Junior Obas paid homage to their superiors and where there was territorial proximity, this homage became constant and ritualistic, and territorial acquisition could be made by the superior Oba upon his junior. Significantly this had caused a lot of friction in the past. The point being made here is that a relationship of a ritualistic nature did exist, but not political as to have a State and local government relationship. Precisely, each Oba or King was the embodiment of his own small pseudo-nation state.

Apart from being a ritual dynasty, the Obaship was characterized by a Royal lineage. Each town Obaship originated from one of three historical possibilities -- from the first founder of the town, or from the first recognized leader of the pioneering group, or perhaps from the last military hero who was accepted as the saviour of a group. Once the Obaship was established, it became a hereditary and sacred institution. From here came the idea of a Royal lineage.

There was however an exception to the above hereditary system. This was the promotion ruling system in Ibadan -- the capital of Western Nigeria.* This promotion followed an hierarchy of chieftaincies, and it is automatic at the death of the senior in rank.¹

*This is still the same. I use past tense here to describe pre-colonial administration, even though the Obaship remains the same.

¹See D. Forde, The Yoruba-Speaking Peoples of South-Western Nigeria (London: International African Institute, 2nd Ed. 1962), p. 19.

voluntary services are particularly needed in such areas as social welfare to cater for all forms of human needs -- family education, domestic services, counselling broken homes and poverty-stricken ones, caring for the physically handicapped and so on. Local government can assist voluntary organizations committed to these services either by helping them to raise funds or by giving them meaning.

Rural labour is an asset in many developing countries. This asset could be used profitably through local government directives, for the construction of certain public services. For example, it is customary in many communities in Nigeria to find social organizations that engage in specific community projects such as the construction of city halls in their names, or the building of maternities as happened in Ondo, Western Nigeria, where the local people built their hospital by self help about three years ago,¹ or the construction of local feeder roads. The problem with these self help projects is that in many instances, they are left half completed. Local government in this situation can coordinate more interests and assist in the completion of these projects.

Feeder roads are of high economic value to the communities because they link the farms with the urban centres where there are markets. In most cases ward chiefs gather their male subjects together to construct feeder roads linking their farms with the town or to construct street roads. Women organizations

¹See, Western State of Nigeria: Report of the Commission of Inquiry into The Civil Disturbances which occurred in certain parts of Western State of Nigeria in . . . Dec. 1968 (Ibadan, March 31, 1969), p. 103.

on their own help to clean the streets and market places. These are areas for local government to assist. Here again Wraith's observation is illustrative. According to his report on Community Development in Nigeria, "a good many roads and buildings have been built in the first flush of enthusiasm only to fall into neglect." He mentioned that it was often more exciting "to put up a building than to repair the roof . . . more satisfying to cut a road through the bush than to fill in the holes after the rains."¹ Wraith therefore emphasized that local government should effectively play a part in community development efforts of the people. Even though, he concluded, local government may not be

always as good at taking the initiative as the age-grades, the unions or village volunteers, but they are better equipped because of their permanence and their statutory powers, to repair, maintain or extend what has been created by the work of enthusiasts.²

Apart from putting finishing touches to the voluntary works in the community, local government may stimulate the creation of volunteer groups where peoples' response would otherwise be ambivalent. The council may create more functional committees in which both councillors and public-spirited citizens can fuse interest for community development. The Council can achieve this by contacting religious, social and business organizations in its area. The Council members assigned to each organization or functional community would

¹Wraith, op. cit. p. 97.

²Wraith, ibid., p. 97.

serve as liaison between the local Council and the committees, thereby providing an effective two-way communication and feedback. As commented by Khosha, functional committees of the type described here often create "a plural society in which a network of voluntary agencies would relieve the municipal authorities of some of their onerous responsibilities."¹ Thus, by making the citizens part of their local government, many may be encouraged to become political representatives through local elections. Democracy at the grassroots may therefore be possible through this process.

In addition to the above positive results, it is important for the citizens to give financial support to their governments by paying their taxes. Active involvement as described earlier, will help the citizens to appreciate the efforts of their government. It is this appreciation that often generates the willingness to support a government. Lack of this support, mainly reflected through general apathy and ignorance, often plunges many of the emerging nations into a state of political instability.

If the identification of local government with community development is imperative, can this be said of a country's national development programme? I think it can. National development programmes need support from below since these programmes, as commented by Alderfer, aim at those inherent trends in modern society -- "urbanization, . . . national control, . . .

¹J. N. Khosla, "Urbanization in the Developing Countries", IULA Newsletter (July/August, 1969), p. 8.

welfare state, . . . higher standard of living, and . . . democracy."¹ For the general success of national development programmes, it is important for the central and local governments to communicate with each other even at their planning stages because it is the local government that can effectively solicit rural support for the programmes. In this way mutual confidence would not only reign between the central and local government but also between these two levels of government and the citizens at large.

These then are the areas of influence for local government in the developing countries, and particularly in Nigeria where the population problem is producing cause for alarm.

Western Nigeria is particularly the focus of this study, and many citizens of this area who witnessed the operation of local government between 1952 and January 1966, will agree that the Region's local government operation was unsatisfactory. During this period, the British partisan council-committee system was operated. One of the major questions we shall try to answer in the succeeding chapters is the appropriateness of the British model to the conditions of people in Western Nigeria of 1952, and after. One recognizes the unavoidable impact of colonialism on the society of the time and after. This recognition motivated the issue of whether there was no other method of local government to be evolved in 1952. As it turned out,

¹F. H. Alderfer, Local Government in Developing Countries, p. 227.

Western Nigerian local government based on the British model failed. By a proper examination of the Yoruba traditional administration, the impact of colonial administration and the post colonial operation of local government, it is my hope to point out the development and nature of the pathological problems of local government in Western Nigeria, particularly between 1952 and January 1966, and finally to present some proposals that may be helpful.

CHAPTER II

WESTERN NIGERIAN LOCAL GOVERNMENT TO 1952

A. TRADITIONAL ADMINISTRATION

General Introduction

The Federal Republic of Nigeria, with its 55.5 million people, constitutes the most populated country in Africa.¹ This population is very heterogeneous. It comprises about three hundred ethnic groups. Each of these groups is associated with a distinct language and within each language unit there are many dialects. Thirty-four of these groups are recognized as major ethnic groups. Three of these, however, are the most prominent. These are the Hausa-Fulani in the northern section of the Niger-Benue rivers, the Yoruba in the West and the Ibo to the East of the River Niger. These are clearly illustrated in Map 1, page 27.

From the table below Map 1, it can be seen that the Yoruba people (called henceforth Yorubas) are the second largest group in Nigeria. They are culturally the most sophisticated group in the country. The Yorubas are probably the most urbanized people in all Africa. Out of the thirty-eight principal cities and towns in Nigeria, the Yorubas have

¹Nigeria, Federal Ministry of Information, Nigeria Handbook 1970 (Lagos, Nigeria, 1970), p. 22. This and subsequent population figures are based on the 1963 Census.

MAP 1: Major Ethnic Groups in Nigeria.

Table 1: Population of the Major Ethnic Groups¹

<u>Ethnic Group</u>	<u>Total</u>
Hausa-Fulani.	11,652,745
Yoruba	11,320,509
Ibo	9,246,388
Kanuri	2,259,091
Ibiobio	2,006,489
Tiv	1,393,649
Ijaw	1,088,885
Edo	954,970
Annang	675,004

twenty-three. The least populated town among the twenty-three is Akure with 71,106 people while the most populated is Ibadan -- the capital of Western State -- with 627,379 people.² A few of these Yoruba towns are shown in Map 2, page 29.

¹Ibid., p. 22.

²Ibid., p. 26.

Origin of the Yorubas

While the origin of the Yorubas is largely legendary, prominent historians are relatively unanimous on one conclusion, namely, that between the 7th and the 10th centuries A.D., the Yorubas migrated to their present position from Upper Egypt through the Sudan.¹ According to Dr. Biobaku, the great Oduduwa -- claimed to be the Father of the Yorubas -- led one of the migrated groups to Ile Ife.² Intra-tribal warfare between these pioneering groups did not permit the Yorubas to associate as a unit. Hence the Yorubas remained units of kingdoms and each calling itself a different name such as the Oyo, Ife, Ijesha in Oyo and Ibadan Provinces; the Ekiti, Ondo, Owo, Ilaje in Ondo Province; the Aworo, Egbado, Egba in Abeokuta Province and Lagos area; and the Ijebu in Ijebu Province. The map on page 29 illustrates the location of each of these groups within the provinces.

In spite of their independence the groups possess cultural similarities particularly in the major language -- Yoruba -- though there are many dialects spoken within it. The Yorubas dress alike; they have similar rituals, and a similar monarchical administrative tradition. With the advent of colonialism, education and commerce, traditional hostilities among the Yoruba groups gradually declined. The final and most

¹For more details consult W. Bascom, The Yoruba of the Southwestern Nigeria (New York: Holt, Rinehart and Winston, Copyright 1969); S. O. Biobaku, The Origin of the Yorubas (Lagos, 2nd Print 1960); S. Johnson, The History of the Yorubas (Lagos, Nigeria, 6th Print 1969).

²Biobaku, The Origin, p. 26.

MAP 2: Major Urban Centres in Their Original Provincial Divisions¹

Population of the major cities and towns²

Ibadan	627,379	Ede	134,550
Ogbomosho	319,881	Ife	130,050
Oshogbo	208,966	Oyo	112,349
Abeokuta	187,292	Iseyin	95,220
Ilesha	165,822	Owo	80,413
Iwo	158,583	Ondo	74,343
Ado-Ekiti	157,519	Akure	71,106 ²

¹J. Grant, A Geography of Western Nigeria (Cambridge, 1960), p. 47. (Map adjusted)

²Nigeria Handbook, 1970, p. 26.

important integrative factor was the anti-colonial movement of the educated elite. Today, Yoruba is comprehensively applied to cover every sub-group even though people still identify themselves with the home groups which are closely related to their spoken dialects. An important illustration of the Yoruba cultural similarity is the long-standing recognition of Ile-Ife by all the Yorubas as their 'cultural and artistic centre'.¹ These similarities are vividly summarized by Dr. Biobaku. As he puts it, the Yorubas

possess certain essential characteristics in common: they are farmers who dwell in towns; their indigenous religion is polytheist but they recognize a supreme deity; they are an artistic people whose skill was once of a high order.²

The Yoruba Traditional King or Oba

It was observed earlier that the Yoruba settled in groups and that they did not apply the name Yoruba to themselves until very recently. However, it was mentioned that they were culturally homogeneous. A special aspect of this homogeneity was their traditional administrative system. Fundamentally all Yoruba cities, towns and villages were organized under sacred Kingships.* Thus there was no time when the Yorubas were ruled

¹Biobaku, The Origin of the Yorubas, p. 29.

²Ibid., p. 9.

*This pattern still exists with each town having its own Oba or King. The position of this Oba has not substantially changed from the original paternalistic nature. He remains as the Father of the town even though the position has received colonial shocks and embarrassments from the educated political elite of the post colonial era.

by a single political authority to the extent of making units as a tier or tiers of government. There was a hierarchy in the ranks of the Yoruba Obas but it was cultural. Junior Obas paid homage to their superiors and where there was territorial proximity, this homage became constant and ritualistic, and territorial acquisition could be made by the superior Oba upon his junior. Significantly this had caused a lot of friction in the past. The point being made here is that a relationship of a ritualistic nature did exist, but not political as to have a State and local government relationship. Precisely, each Oba or King was the embodiment of his own small pseudo-nation state.

Apart from being a ritual dynasty, the Obaship was characterized by a Royal lineage. Each town Obaship originated from one of three historical possibilities -- from the first founder of the town, or from the first recognized leader of the pioneering group, or perhaps from the last military hero who was accepted as the saviour of a group. Once the Obaship was established, it became a hereditary and sacred institution. From here came the idea of a Royal lineage.

There was however an exception to the above hereditary system. This was the promotion ruling system in Ibadan -- the capital of Western Nigeria.* This promotion followed an hierarchy of chieftaincies, and it is automatic at the death of the senior in rank.¹

*This is still the same. I use past tense here to describe pre-colonial administration, even though the Obaship remains the same.

¹See D. Forde, The Yoruba-Speaking Peoples of South-Western Nigeria (London: International African Institute, 2nd Ed. 1962), p. 19.

In all other Yoruba towns the hereditary system operated in the royal patrilineal clan. A clan may have more than one ruling house called Idile Oba. This occurred as a consequence of polygamy which characterized the Obaship. Where there were more than one ruling houses, the Obaship did not pass from the immediately deceased to his son but to another lineage.¹ The election of a new Oba was performed through an electoral college, called the Council of King-makers. This Council consisted of, as in Oyo, seven chiefs from the non-royal clans in the community.² As members of the non-royal clans, these chiefs represented the interest of the community. Their major concern, according to Bascom, was to select the best candidate: and the qualities which [were] most important [were] good character, unselfishness and willingness to listen to advice.³ The system thus presented a sacred rulership which was elected democratically.⁴

The Yoruba Traditional Administration

The Oba reigned but had no absolute power. He ruled through his Council of Chiefs. These Chiefs were appointed by the King, on their merits, particularly on the basis of their past contribution to the progress and stability of the society.

¹See W. Bascom, The Yoruba of the Southwestern Nigeria, p. 31.

²See D. Forde, The Yoruba-Speaking Peoples..., p. 20.

³W. Bascom, op. cit., p. 32.

⁴P. C. Lloyd, "Sacred Kingship and Government Among the Yorubas", Africa: Journal of International African Institute, Vol. XXX (July, 1960), No. 3, p. 229.

Most of the town chieftaincies were hereditary as in the British lordship system, while the lesser chiefs were not. The town chiefs were in grades. Those in the upper hierarchy were involved in the overall day-to-day activities of the town. The lesser nobles or chiefs managed the affairs of their respective wards. The ward chiefs then were the traditional public counterparts of our contemporary city councillors who were appointed on their individual merits.

The Oba presided over his Council of Chiefs and only acted when advised by the Council. Both legislative and executive functions were performed by the Oba in Council. Ward chiefs aggregated the interests of their people and presented their wishes to the Oba in Council. In certain cases the Oba, or the King, would send his 'gong beaters' to every nook and corner of the town, announcing new regulations or any current development, thus supplementing the efforts of the ward chiefs.¹ By these media -- ward chiefs and 'gong-beating' -- the Oba could assemble the town people or occupational guilds such as the hunters, craftsmen, commercial women and so on, for special meetings in the Oba's palace. A

The administration of justice was also decentralized. In this case the extended family unit (agbole) was basically responsible for the resolution of conflicts within the family. If the family head failed to settle an issue, which was very uncommon due to family respect and loyalty, it moved up to the

¹See Bascom, The Yoruba..., p. 40.

ward chief, and through the hierarchy of chiefs to a Council of Chiefs -- the highest court of appeal. When sitting as a court, the Oba did not participate but he would be informed of the court's decisions, particularly on cases that touched the general security of the pseudo-nation state.

The Oba had no standing army. His chiefs were responsible for raising the militia through the wards, just as they were responsible for meeting the Oba's expenditures.

As the Father of his small nation, the Oba symbolized the unity of his people. He featured prominently in all important annual traditional festivals, dispensing his blessing on all his people. The whole system was a very simple form of what Biobaku called a 'monarchical democracy'.¹ This can be seen in diagram 1 below.

The traditional administration was therefore one with considerable checks and balances. The chiefs decided issues; the nominal Oba who was sacred, appointed the chiefs; the Oba's expenditure and army rested in the hands of the chiefs; the Oba could contact his people directly or through their occupational and age groups; the chiefs handled everyday problems in their wards and also aggregated the interest of their people. A good Oba reigned for life but a bad one was either asked to abdicate or to commit suicide. If he refused to do so, he would be mobbed and beheaded. As mentioned by Lloyd:

The Oba's protection was his sacred right to rule. He did not stand above the customary law of his people [a

¹Biobaku, The Origin of the Yoruba, p. 30.

Diagram 1: The Yoruba Traditional Titular Democracy*

*This pyramidal structure, which I designed, symbolizes the all-inclusiveness of a Yoruba traditional community -- a form of small nation-state in which all the people in the town were regarded as members of the same family. Note the broken horizontal line which divides the people from the ward chiefs. This indicates a fused society in which both the royal and non-royal lineage families live and it also shows that anybody could be made a lesser chief upon merit. The broken vertical line indicates open ascension of lower chiefs through the hierarchy of chieftaincies to the Council of Chiefs, particularly among the hereditary non-royal lineages. The Obaship is limited to the royal lineages.

situation which still holds] the law, ancient and supreme, stood unquestioned. His commands were valid, in the sight of his people, so long as they were within the laws.¹

¹P. C. Lloyd, "Sacred Kingship and Government Among the Yorubas", p. 233.

But how far did this type of traditional administration meet the four criteria outlined in the introductory first paragraph -- distributive, reconciliatory, coordinative and participatory capacities of a local government?

Basic to any answer here is the fact that local government, as we know it today, did not exist in the traditional era of the Yorubas because local government by definition is a tier of government which recognizes a superior level of authority. This terminal authority is specifically the source of local government's powers. The traditional society just observed, was essentially autonomous. Therefore in the first instance, the criterion of coordination between levels of authority is irrelevant. Secondly, the traditional society had not developed two factions -- traditional and modern elites -- to reconcile until European influences -- through colonialism, missionary and commercial establishments -- created them. However, the traditional system satisfied the criteria of distribution and participation as far as the standards of the time were concerned. In the main, the family unit was self-sustaining. Moreover, social needs were by then very minimal. Participation in the traditional times was positively achieved and it remains up till today one of the traditional administrative methods that fascinates many observers. Margery Perham -- the well known English historian on British colonial policy -- gave a remarkable impression of the whole traditional system. She said in 1934 that:

Our slowly increasing knowledge of African society shows us that despotism was the rare exception: that many chiefs were 'constitutional' in a sense not far

removed from that in which we employ the word to describe our own King; that they were largely dependent upon popular approval; that they acted with and through councillors, and that as an additional check, authority was widely diffused among the constituent family-cells of which society was constituted.¹

The above tradition however changed with the advent of the British Colonial rule. It is to the nature and impact of this rule that we shall now turn.

B. COLONIAL ADMINISTRATION

The Advent of the British Rule in Nigeria

Commercial adventure, private or public, was fundamentally the agent that brought British rule to Nigeria as much as it did to other ex-colonial territories in Africa and Asia. European trade along the coasts of West Africa dated back to the 15th century, and it was made possible by a series of Portuguese explorations in their attempts to reach India. In 1553, for example, it was recorded that an English Captain, Windham, and his crew reached Benin -- a town south-west of the Niger and a few miles from the Atlantic Coast.² Windham's return to England with valuable spices set the commercial chain in motion. For about three centuries after, the British and other Europeans, particularly the French, the Dutch and the Danes, traded not only in material goods, but also in human cargoes.

¹M. Perham, Colonial Sequence 1930-1949 (London: Methuen & Co. Ltd., 1967), pp. 102-103.

²O. Arikpo, The Development of Modern Nigeria (London: Penguin Books Inc., 1967), p. 26.

The British abolition of slavery early in the 19th century shifted the interest of the commercialists to purely material goods in the hinterlands of Nigeria. The new endeavours met with a series of challenges from the Africans and from the French traders. However, the British traders gradually made their way inland.

The Encroachment of British Influence on the Yorubas

When the individual British trader could not by himself alone face the problems of the Yorubas and the French, he decided to form a company with other British entrepreneurs. This move seemed inadequate to penetrate into the country. The traders then became patrons to missionary activities so as to penetrate into the minds of the people. These were the tactics that were generally referred to as "The Bible and the Plough" philosophy.¹ Before the end of the mid-nineteenth century, missionary efforts of people like Thomas Birch Freeman, Henry Townsend and many others had taken roots in Badagry, Abeokuta and Ijebu-Ode. These missions, and not the British Government, produced the educated elite which later mounted anti-colonial nationalism.²

Generally, the British Government did not initially venture to undertake costly expeditions overseas, but it did agree to protect its nationals who were engaged in

¹J. F. A. Ajayi, Christian Missions in Nigeria 1841-1891: The Making of a New Elite (Evanston: Northwestern University Press, 1965), p. 17.

²For more details, see ibid.

their trades. This the Government did by providing naval patrols and some consulate offices along the coasts of Nigeria. In 1853 a British Consulate was opened in Lagos -- the first Yoruba town to be officially occupied by the British.¹ From here Yorubaland gradually came under the British authority.

With increasing domestic and commercial problems in Lagos, the British Consul -- Campbell -- annexed the City in 1861. This action was a mixture of intrigue and coercion.² King Dosumu -- the then Oba of Lagos -- claimed that the annexation was "exactd under duress."³ A British House of Commons Select Committee four years later attacked the action as "a strong measure of which not only the wisdom may be questioned but the alleged justification also."⁴ This new development in Lagos also generated deep hostilities against the European missionaries and traders at Abeokuta. The missionaries were temporarily expelled and many traders humiliated. However, pressured by the merchants and the fear of Yoruba eventual uprising, the British Consuls decided to go all the way. This decision was aided by the Yoruba Civil War of 1877, the exaction of tolls upon European goods in transit by the Yoruba chiefs,

¹O. Arikpo, The Development of Modern Nigeria, p. 30.

²Ibid., p. 31.

³M. Perham, Native Administration in Nigeria (London: Oxford University Press, 1937), p. 12.

⁴Ibid., p. 13.

and the infiltration of the French merchants into the hinterlands -- the source of British trade. In 1879 all the British companies merged to form a larger unit -- the United Africa Company -- under George Taubman Goldie. It was Goldie who eventually pressured the British Government to establish a decisive position in Nigeria. This came about at the Berlin Conference of 1884-85.¹

The Berlin Conference partitioned Africa among the European powers, and Nigeria passed to Britain. In 1886 Goldie's Company received a Royal Charter and became the Royal Niger Company, and in 1890 Britain and France agreed upon their territorial boundaries. From here the structure of Nigeria emerged.² Before the end of the 19th century, Britain took possession of what is now Nigeria.

As for the hinterlands, British officials approached their policy by diplomatic arrangements with the Obas, and where there was no mutual agreement, force was applied. As Sir Walter Egerton put it, coercion was found necessary "to punish or even depose" the Obas.³ This of course was true in many districts such as at Ilesha in 1905 when the Oba was deported to Benin.⁴ This was a great inroad upon the traditional Obaship institution.

By December 1899, Nigeria emerged under three

¹See M. Crowder, West Africa Under Colonial Rule (London: Hutchinson, 2nd ed., 1970), pp. 45-64.

²Ibid., pp. 116-122.

³M. Perham, Native Administration in Nigeria, pp. 19-20.

⁴Ibid., p. 20.

administrative authorities. Lagos and district became one administrative unit and was directly under the British Colonial Office. The coastal areas along the Niger River became the Niger Coast Protectorate and were controlled from the British Foreign Office. The area north of the Niger-Benue was under the Royal Niger Company. Each authority placed its areas under the whims of its officials -- Governors, Consuls and company officers.

The Emergence of Colonial Integration of Nigeria

On January 1, 1900, the British Colonial Office assumed direct control of the three administrative units mentioned above.¹ However, the country was divided into three Protectorates, in line with the original three units -- Northern Protectorate for all areas north of the Niger-Benue valleys, and Southern Protectorate for the southern half of these valleys, but Lagos was singled out as the third and was named the Colony and Protectorate of Lagos.² A Governor was assigned to each Protectorate, and was given the power to shape the destiny of his own section. It was from here that Nigeria's development took incompatible dimensions which later became problems for political integration under the nationalists.

In the meantime two Governors were assigned to the three Protectorates. A veteran and an officer-employee of the

¹For more details see M. Crowder, West Africa Under Colonial Rule, Chapter 3 - The British Occupation of Nigeria, pp. 116-139.

²Ibid., p. 132.

Goldie's Company -- Frederick Lugard (later Lord Lugard) -- was assigned to the Northern Protectorate. Sir Walter Egerton was appointed as Governor for the Southern and the Lagos Protectorates with the understanding that he could later merge the two together. This was achieved in 1906 but Lagos remained as Capital and the seat of the Southern Governor. He was assisted by an Executive and a nominated Legislative Council.¹ Between 1900 and 1914, British policy in the South, through its Governor, was one of consolidation of power. Generally, the traditional life continued to change. First the Yoruba traditional political pseudo-nations, which were by themselves systems, became sub-systems within a larger system -- the Protectorate. Secondly, the enlarged system implies a shift of ultimate power from the Oba to the Colonial Power. The traditional terminal loyalty was thus affected. In the Northern Protectorate, Lugard came up with a precise administrative method which was to affect the future of local government in the whole country. Before considering Lugard's indirect rule it is essential to see how the Southern Protectorate, particularly the Yoruba Western Section, was administered before 1914.

It may be correct to regard the British Administration in the South, between 1900 and 1914, as quasi-autocratic in character. If the Oba was willing to cooperate, all was well; the Colonial masters would rule through him. If the Oba should hesitate, the alternative was to rule without him. Hence I

¹For more details see M. Perham, Native Administration..., p. 16.

imagine this type of policy as quasi-autocratic. According to Perham, the "constitutional process was . . . not only of reducing the powers" of the Obas, but also of setting up "alongside them a new and dominating structure resting upon European control."¹ Thus, as circumstances warranted it, the British Officer would be authoritarian particularly when he failed to come to friendly arrangements with the Obas. Such was the position with the deported Oba mentioned earlier.

This new development was indeed repugnant to the Yoruba traditional administrative system. This mixed system of administration went on until Lugard imposed Indirect Rule on the whole country in 1914.

The Evolution and Nature of Indirect Rule in Nigeria

Like his counterpart in the South, Lugard was faced with overwhelming administrative problems in the Northern Protectorate. Apart from putting an end to the mass slavery and other inhuman practices of the Fulani Muslims and the Middle Belt pagans respectively, Lugard was confronted with the problem of maintaining law and order in an expansive territory filled with^a teeming population. If he had the spirit to face these ordeals, Lugard was short of personnel and money. Under these frustrating conditions, Lugard found that an authoritarian regime would be nothing more than a futile exercise.

Lugard carefully observed the autocratic traditional

¹Ibid., p. 19.

administration of the Fulani Emirate. He found that the Emirs -- who were like the Obas in the South but despotic -- were very powerful and that their subjects were very obedient. He found that the administration of justice and the execution of the Emir's policies reached the localities and all the people through the hierarchy of chiefs within each Emirate. Gradually, Lugard came to the idea of making each "Emir or any of the paramount chiefs" an effective ruler or controller of the local people. Each ruler would, according to Lugard, be assisted by the traditional adjudicative council called the Alkali Court. It was through this structure that Lugard decided to rule, and this he called "Indirect Rule".¹

Lugard's autobiographer -- Perham -- aptly described the "Indirect Rule" as:

A system by which the tutelary power recognizes existing African societies, and assists them to adapt themselves to the functions of local government . . . it is normally built round three aspects of government, judicial, executive and financial.²

Why no legislative aspect? This is very obvious -- colonialism by nature does not permit the subjects to make policies but to carry out orders and to keep law and order intact.

Ruling through the people in this way was a magniloquent philosophy to Lugard, though he copied the technique or perhaps the concept from South East Asia, particularly from India where

¹See Sir F. D. Lugard, The Dual Mandate in British Tropical Africa (London: William Blackwood & Sons, 1923), p. 200.

²M. Perham, Colonial Sequence 1930-1949, pp. 92-93.

it had been in operation "as far back as the eighteenth century."¹ Crocker mentions also that indirect rule was applied by the French in their East Indian Empires and by the Dutch in the East Indies.² However, it was Lugard who gave the system a philosophic recognition, thereby making indirect rule a popular colonial administrative philosophy. Lugard documented his experience and application of this rule vividly in his "The Dual Mandate."³

Lugard based indirect rule on three rational principles: a democratic evolution of the African societies in line with the European and the American tradition; a progressive acceleration of the Africans to independence under their indigenous rulers; and a comfortable British trusteeship of a paternal nature.⁴ The operation of an ideal is naturally difficult to carry out to the letter. This was the case with Lugard's ideals which he did not for himself carry out in actual practice, nor did his successors. The operation of the system will be considered shortly.

Between 1906 and 1912, Lugard was away from Nigeria. He returned in 1912 to merge the North and the Southern Protectorates. This amalgamation was carried out in 1914 and Lugard became the first Governor General. Lugard divided the Southern

¹W. R. Crocker, Nigeria: A Critique of British Colonial Administration (London: George Allen & Unwin Ltd., 1936), p. 213.

²Ibid., pp. 213-214.

³See Sir F. D. Lugard, The Dual Mandate.

⁴Ibid., pp. 194-197.

Protectorate into nine provinces, in line with the eleven in the North, and because of the successful operation of the indirect rule in the Northern provinces since its introduction there in 1900, Lugard decided to introduce the system in the South.¹ It remains to be shown whether the superimposition of the indirect rule on the traditional monarchical democracy of the Yorubas, or on the chiefless tradition of the Ibos in the East, was a wise decision.

The Colonial Native Authority System

We have seen that the indirect rule was successful in the North, where the Fulani Emirates did provide the system with suitable conditions -- strong and authoritarian Emirs. When Lugard decided to operate the native authority system among the Ibos in the Eastern Provinces, he was unable to find an institution similar to that of the Obaship of the Yorubas, or that of the Emirate of the Fulanis. Lugard therefore ordered the creation of chiefs by "warrant" in the chiefless society of the Ibos. By this, any "man of influence" became the Native Authority.²

In all the three cultures where Lugard instituted the indirect rule -- the Hausa-Fulani in the North; the Yorubas in the South-West; and the Ibos in the South-East -- the Native Authority was not really an "authority". The Emir, the Oba and the Warrant Chiefs had no right to private militia; the British

¹See the Amalgamation Report in A. H. M. Kirk-Greene, The Principles of Native Administration in Nigeria (London: Oxford University Press, 1965), p. 45.

²See Perham, Native Administration..., Chapter 13, pp. 201-205.

resident made the ultimate policies which the Native Authority had to carry out; the authority had no right to appropriation of property; it had no power to impose taxation except to serve as tax collecting agent, and its position remained at the will of the Governor. According to Lugard, "in the interest of good government, the right of confirming or otherwise the choice of the people of the successor to a chiefship and of deposing any ruler for misrule or other adequate cause, is reserved to the Governor."¹ This then was the beginning of the post-colonial subjugation of the traditional rulers, particularly the Yoruba Obas, to a political authority from above.

To meet colonial administrative expenditure, Lugard introduced in 1917 the Native Revenue Ordinance in some parts of the South, particularly in Yorubalands, to correspond with the financial practice in the North, where direct tax had been introduced since 1906.²

In 1919 Lugard retired from Colonial Africa with the satisfaction that he had done his best. The future of his principles was in the hands of his successors. If Lugard was happy that the Native Authority was successful in the North, where the right circumstances made this possible, he would not be happy to hear that the system was unsatisfactory to both the Yoruba and the Ibo societies of the South. In the one case, Lugard was in too much haste to use the Obas as he did the Emirs,

¹Sir F. D. Lugard, The Dual Mandate, p. 207.

²See G. O. Orewa, Local Government Finance in Nigeria (Ibadan: Oxford University Press, 1966), pp. 3-8.

thereby failing to comprehend the nature and operation of the Yoruba traditional administration. In the other, Lugard knew very well that there was nothing like an Emir or an Oba, but assumed adamantly that the Native Authority must work among the Ibos. It is to the impact of this colonial administration on the Yoruba traditional society that we shall now turn.

The Impact of Colonial Administration
on the Yoruba Traditional Society

Insofar as Lugardian indirect rule was practicable in Yorubaland, it was essentially a "direct" administration. First, the philosophy was a misconception of the true nature of the "monarchical democracy" of the pre-colonial Administration. Secondly, both Lugard and his successors were unable to operate the system ideally because of the nature of colonialism, itself, which did not facilitate a devolution of authority to the native rulers absolutely. Thirdly, in many cases, colonial administrators -- residents and lesser district officers -- were not of the right calibre. As noted by Crocker:

Indirect Rule became a formula as hieratic and as dead of creative development as an outworn theology. In fact a theocratic oligarchy closed the canon, refusing any addition to their scriptures, "the interpretation of which was their own monopoly," and Indirect Rule degenerated . . . into a systematic glorification of a number of able but unscrupulous careerists, . . .¹

Many observers of indirect rule tend to regard its post-Lugardian operation as a perversion of the principles attendant to the system. A comparison of diagram II below with that of

¹W. R. Crocker, Nigeria: Colonial Administration, p. 215.

the pre-colonial Yoruba administrative structure, on page 35 above, will indicate the subjugation of the Oba.

Diagram II: Structure of "Indirect Rule" in Yorubaland.

Indirect Rule of the Colonial Government, perverted in its operation or not, was fundamentally a conflict generator infused into the dynamic administrative tradition of the Yoruba people. Perham has provided the essence of the indirect rule when she remarked that the brilliancy and economy of the system, made it "a perfect shock-absorber for the movement of European

impact upon a highly organized African society."¹ As a novelty, the indirect rule produced many effects both positively and negatively. We shall try to assess both of these in turn.

Merits of Colonial Administration

The success of any foreign domination, such as Colonialism, generally depends upon the maintenance of law and order in the governed societies. As mentioned earlier, the Yorubas lived in "pseudo-nation" units without a sense of coming together in spite of their cultural similarities. Colonial power was characterized by centralization and this facilitated the integration of the Yorubas under one terminal authority -- the British Crown. In the process of this integration, Yoruba intra-tribal hostilities gradually diminished.

Fundamental to indirect rule was the preservation of native rulers for the success of colonial suzerainty. Therefore, whether intended or not, the indirect principles of administration respected this valuable tradition of the Yorubas -- the Oba. Granted that the Native Authority, which made the Oba a sole administrator type, altered the position of the Oba in relation to his people and general pre-colonial administrative setting, it did preserve the Office of the traditional ruler which the French colonial policy failed to do in French :

¹M. Perham, "Lord Lugard: A Preliminary Evaluation", Africa, Vol. XX, No. 2 (April, 1952), p. 237.

West Africa. In an age when peoples all over the world are seeking the source and character of their cultural identities, the Yoruba people could have become discontented if their traditional Obaship and all its ramifications had been wiped out by the British.*

In the area of health, British influence generally assisted in bringing the people's standard of health to a reasonable level compared with pre-colonial days. Success in this area was due to the efforts of the missionaries in the main. Native Authority hospitals and dispensaries were built to cure sicknesses and particularly to provide modern delivery services for the women. In the southern provinces, for example, there were, in 1934, a total of forty hospitals, of which the Native Authorities controlled seven.¹

Even though the missionaries were mainly responsible for the education of the natives, the British Colonial Government became increasingly involved in the 'thirties. For example, by 1934, government schools in the Southern Provinces numbered sixty-three, with about 19,011 pupils. Compared of course with the efforts of the missionaries with 3,044 schools for 178,004 pupils, the government effort was very modest.² This educational progress constitutes one of the most valuable

*The French method of "assimilation" deeply eroded African culture in the French colonial territories of West Africa.

¹M. Perham, Native Administration in Nigeria, p. 296.

²Ibid., pp. 286-287.

contributions of colonialism, however not without some significant negative impact upon the traditional society of the Yoruba which we shall consider shortly.

The importation of British administrative techniques to all levels of public operations -- departmental organization of both the higher level of government and the Native Authority -- has remained a valuable cornerstone for both the central and local government civil services in Western Nigeria as well as throughout the country. A very important part of this contribution is the establishment of well-organized financial administration of all the levels of government through the series of Native Revenue Ordinances.¹ Despite these advantages, the Native Administration derived from the principles of indirect rule, produced some serious conflicts within Yoruba traditional society which posed grave dangers for the future of local government in Western Nigeria.

Negative Impact of Colonial Administration

The adverse effects of the British Colonial administration on the Yoruba tradition, as well as on other ex-colonial societies, were caused by a mixture of ignorance and omniscience on the part of the colonial administrators. This orientation was in turn a product of a particular frame of mind with which the British, whether as administrators or as private businessmen, entered Africa -- a notion of an infinite superiority over the Africans. It was this type of feeling that never allowed the

¹See G. O. Orewa, Local Government Finance in Nigeria, pp. 3-8.

imperialist agents to accept that they were very ignorant of the indigenous ways and traditions of the Africans. This particularly did not permit Lugard's imagination to perceive that the Yoruba traditional Obaship was significantly different from its Northern Emirship counterpart, upon which the indirect rule was based. In the same manner, this air of superiority did not permit Lugard and his successors to recognize other valuable traits of Yoruba culture. The feeling of superiority created the hatred which developed between the colonial administrators and the educated indigenous minority; hence the latter were excluded for a long time from the Native Administration scheme. In practice then, indirect rule produced many contradictions; it became pretentious; it created conflicts within Yoruba society and consequently it degenerated into racism. To the whole country -- Nigeria -- colonial administration produced potential disintegrative results.* These charges demand more analysis.

In the pursuit of the ideals of indirect rule, Lugard was in search of one single factor -- an African ruler. This he found in the Yoruba Oba, but he failed to observe that by tradition Oba rule was nominal. Lugard disregarded the role of the real traditional authority, the Council of Chiefs, and such infra-political structures as the ward chiefs, the social and occupational associations. Moreover, by making the Oba what

*For more on the disintegrative impact of indirect rule on Nigerian stability, see L. Dare, "The Impact of the British Occupation on Post-Independence Political Instability in Nigeria", (Carleton University, Research Essay (M.A.), 1969).

he was not, and by making the people believe that they were being ruled by their own traditional authority, the colonial system was fundamentally misleading. As suggested by Bretton, the indirect rule "was never as indirect as is commonly represented; it was indirect only as long as the traditional authority accepted the dictates of the colonial regime."¹ It was this manipulative aspect of the indirect principles that made colonial administration a propellant of conflict in the Yoruba society. The Oba's nominal power became arbitrary and autocratic. The Oba thus grew into an "over-night personage relieved of all the traditional checks and endowed with new powers."²

The Yorubas became disenchanted as the Oba grew increasingly dependent upon the British officials for his status and mainstay. The traditional loyalty of the people for the Oba decreased. His old authority, according to Perham, tended "to drain away from below" as the British poured "new authority from above."³ Local hostility against the Oba emerged particularly in those communities where the British influenced the making of Obas from colonial stooges. In Ijebu-Ode in 1933,⁴

¹H. Bretton, Power and Stability in Nigeria: the Politics of Decolonization (New York: Praeger, 1962), p. 32.

²O. Ikime, "Reconsidering Indirect Rule: The Nigerian Example", Journal of the Historical Society of Nigeria, Vol. IV, No. 3 (Dec., 1968), p. 428.

³M. Perham, Colonial Sequence 1939-1949, p. 101.

⁴See O. Awolowo, Path to Nigerian Freedom (London: Faber and Faber Ltd., 1947), p. 67.

the British flaunted the tradition of the people, by imposing a candidate from the maternal lineage as the Oba, instead of the well-established convention which stipulated that only the son born to a King while on the throne can be asked to be a new King.¹ In 1935 at Efon, in Ondo Province (see map on page 29 for some of the these places), the illiterate candidate to the throne was acceptable to the British Resident of the area as against the literate candidate and an ex-civil servant, popularly accepted by the local people.² Many situations of this nature occurred in many localities.

From the above situations, it is right to mention that the British administration was disintegrative to the Yoruba traditional political pattern. By making a puppet out of the Oba, the indirect principles eliminated the traditional internalized loyalty of the Yorubas to their political system. By discrediting educated Africans who were part of the same cultural polity with the Obas and their illiterate compatriots, calling them all sorts of names and claiming that their influence would be "sinister" or "very antagonistic"³ to their tribes, the indirect administration dislocated the common value orientation of the Yorubas. In other words, the colonial system "malintegrated", as political theorists would put it, the Yoruba political system

¹P. C. Lloyd, "Sacred Kingship and Government Among the Yorubas", p. 227.

²O. Awolowo, op. cit., pp. 67-68.

³Lord Lugard's opinion of the educated Africans in his "Amalgamation Report" in Kirk-Greene, The Principles of Native Administration in Nigeria, p. 47.

"to the extent that political exchanges [were] not regulated by a normative culture."¹ Therefore, the British administration was repugnant to the traditional Yoruba system and vice versa. In this type of situation the one with effective authority dominated the weaker, regardless of its numerical support. It is therefore unfortunate that the alien unpopular norms had to reign supreme where they were, in actual sociological reasoning, repugnant to the traditions of the Yorubas.

British Indirect Rule was disintegrative to Nigeria as a whole because of the different interpretations of the principle by the Residents. This consequently led to inconsistent and incoherent policies in the different sections of the country. British colonial policy on education was disheartening particularly in the North, where education was virtually restricted because of its impact on the indirect rule.* The deliberate British attempt not to blend the "incongruous dualism"² -- illiterate majority and the educated minority -- thereby making it difficult for the enlightened to shape with minimum effort their own indigenous society, illustrates lack of imagination on the part of colonial administrators. Perham's reflection on this potentially dangerous development

¹C. Ake, A Theory of Political Integration (Illinois: The Dorsey Press, 1967), p. 4.

*For a fuller examination of colonial policy on education see M. Perham, Native Administration in Nigeria, pp. 278-289 and pp. 357-360.

²Ibid., p. 359.

is illustrative here. According to her, British indirect rule created

an immediate injury to the tribal institution, it [introduced] a form of government which, however convenient to [the British] . . . [was] going to block by far the most promising line of future progress . . . By strengthening and broadening councils . . . [the British government can] encourage the expression, in a form more suited to changing conditions, of the old corporate or democratic spirit of African society.¹

To conclude then, Lugard's philosophy was not a dynamic innovation in the sense of being flexible to change when social, economic and political awareness of the Yorubas demanded it to be so. For example, by the middle of the 'thirties, a considerable number of educated Yorubas was available to supply the "native" personnel needed for effective local administration. These educated people, according to Crowder, were "anxious to climb the ladder to the upper deck," but to the administration the "educated African was a worse evil than the primitive savage."²

The above incongruous development did not receive any substantial attention from the colonialists until 1934 when Governor Cameron officially attempted to allow Native Administration to reflect the wishes of the educated. Accordingly, he recommended that:

In place of the alternative of governing directly through administrative officers and using the chiefs merely as our mouthpieces . . . there is the other

¹M. Perham, Colonial Sequence, 1930-1940, p. 103.

²M. Crowder, West Africa Under Colonial Rule, p. 199.

method of trying, while we endeavour to purge the native system of its abuses, to graft our higher civilization upon the soundly rooted native stock . . . establishing it into lines consonant with modern ideas and higher standards.. . .¹

In the same address, the Governor described the "native stock" as "men of some education"² who could make Native Authority effective.

Governor Cameron's ideals were frustrated by World War II. The Indirect Rule system, though with minor changes, such as the gradual inclusion of the educated and the abandonment of the original idea of making the traditional ruler a sole Native Authority, continued until the passage of the Western Nigerian Local Government Law in 1952 by the anti-colonial nationalist government. It is important to know the general changes that took place in the country before 1952.

British Colonial policy in Nigeria received new dimensions after World war II. Partly as a result of pressure at home and partly due to the anti-colonial nationalist movement in Nigeria, the British government decided to give way gradually to the native people. The Indian experience was very important in bringing about this withdrawal of Britain from foreign lands.

In 1939, as observed in the summary of political and constitutional development, Nigeria was divided into three Regions according to the location of the predominant cultural units -- Hausa-Fulani in the Northern, the Yorubas in the

¹Kirk-Green, The Principles of Native Administration in Nigeria, p. 197.

²Ibid., p. 212.

Western, and the Ibos in the Eastern Regions, In 1947 the Richards Constitution provided for each Region a legislative council which became Regional House of Assembly through the Macpherson Constitution of 1951.*

As for Local Government reform, it must be accepted that the British involvement in Nigeria brought about the concept of tiers of government to the country, particularly to the South. In the Yorubaland, the enlargement of the traditional society during colonialism produced a new political entity in which the traditional pseudo-national units became sub-systems. Hence there came the need for coordination among the levels of government which arose from the new order -- Native Authority as a sub-system (local government) to work jointly with the British Colonial Central Government (the new all-inclusive system). Thus by the late 'forties, Nigeria had emerged as a Federation with three Regions designed to work out their own local government reforms. However, the initiative for reform officially came from the colonial power as a response to anti-colonial pressures.

In 1947, a general dispatch was issued by the then British Secretary of State for the Colonies -- Mr. Arthur Creech Jones -- to all Colonial Governors in Africa. In this dispatch, the Secretary recommended the development, in the colonies, of a "local", "efficient" and "democratic" system of local government based on the British model. As he put it:

*See the Summary of Political and Constitutional Developments, pp. 8-14.

. . . local because the system of government must be close to the common people and their problems; efficient because it must be capable of managing the local services in a way which will help to raise the standard of living; and democratic because it must not only find a place for the growing class of educated men but at the same time command the respect and support of the mass of the people.¹

This recommendation did not receive a substantive response in Western Nigeria until after the arrangements made by the Macpherson Constitution of 1951, in which Native Authorities within each Region became the responsibility of each Regional Government. What then was the position of the Yorubas in their Western Region by 1950? The situation indeed was a complex one as far as local government was concerned in relation to its distributive, reconciliatory, coordinative and participatory capacities.

Western Nigerian Local Government by 1950

The four capacities mentioned above were at stake in 1950 mainly because local government reform became secondary to the question of Nigerian Independence. Secondly, there was increasing demand by the nationalists within each Region for self-government, particularly in the West and the East which produced the leaders of Nigerian nationalism. To use the time for local government reform was to miss national priorities. Consequently, when reforms were made in the local government by the nationalists, they were hurriedly performed. Yet it

¹Kirk-Greene, The Principles of Native Administration in Nigeria, p. 238.

seems that the problem of local government is to the national political system as the foundation is to a building.

First in our consideration here was the need for welfare programmes in the localities by 1950, when Yoruba society was in the transition period from the traditionally fused to the diversified. There were then different interests due particularly to the influence of European commerce and education. New manufactured products were changing the tastes of the people. Self-contained subsistence farming was giving way to commercial farming. It was the time when people needed good roads, hospitals, more schools and particularly improved sanitation in the urban areas. In all practicality, well-planned policies were needed to modernize the communities so as to extend the benefit of modernization -- the "good life" -- to the ordinary man. In short, by 1950, the issue of the distribution capacity of local government was at stake.

Secondly, by 1950, the disintegrative impact of colonial administration demanded solution. We have observed how some desirable traditional administrative values had been tampered with by making the Oba autocratic, thereby creating conflicts in a seemingly conflictless society. The position was worsened by the impact of education which created a dichotomy between the traditional illiterate mass and the literate minority, whose value orientations had changed. Here the reconciliatory capacity of a new political order was essential. It would be at stake unless the local government to be evolved could meet the

situation effectively. D

Thirdly, since there was in 1950 a clear understanding that the Regional Government was to take charge of its local units, some coordination between levels of government became imperative. The new system that would emerge in the 'fifties must be adequate to create a harmonious Regional-local government relationship which would facilitate well-planned and comprehensive local development programmes with minimum conflict. Here then, the coordinative capacity of a local government was at stake.

Lastly, self-government meant the involvement of the people. The local government to be evolved must reach the people at the localities and should educate them to meet the challenges of the new order. Colonialism was not meant to develop democratic participation of the Africans. It was designed to extract absolute obedience since positive political participation of the natives, in a sense, would mean the liquidation of foreign authority. No one would expect the colonial masters to accommodate active political participation of the natives when they knew very well that it would be dysfunctional to their original intent -- commercial exploitation. In the 'fifties, on the other hand, Western Nigerian government would be Africanized or Yorubanized. The basic issue of political participation at all levels of government was posed. How should the people be politically educated, not just coerced by propaganda under gross ignorance, so as to approach issues positively? This then was the issue at stake in 1950 -- the participatory

capacity of a local government.

From the above, we can see the grave problems facing the Yorubas in Western Nigeria. Local government and the society generally had been undermined. The Yorubas could not revert to their old methods of pre-colonial days in the face of modern stimulus. Western Nigeria by 1950 needed a good local government system that would mount all resources available to provide the four aforementioned criteria. The situation demanded the ingenuity of good leadership. Chapter three, then, will look at Western Nigeria's modern or post-colonial local government. An attempt will be made to see whether its operation met satisfactorily these four standards of local government in a developing country -- distribution, reconciliation, coordination and participation.

CHAPTER III

LOCAL GOVERNMENT IN WESTERN NIGERIA SINCE 1952

General Zeal for Reform in the Eastern and Western Regions

It has been observed that in 1951 the MacPherson Constitution created a breakthrough in colonial policies toward Nigeria and particularly in relation to the position of local government which up till then was called local authority. The 1951 order precisely identified each of the three ethnic groups with a specific Regional government. Each Region was asked to shape the destiny of its own local government system. For the Northern Hausa-Fulani Region, there was no immediate desire to change the existing local authority or Native Authority system, which of course was originally designed to suit their cultural background. For the Western and Eastern Regions in the South, 1951 was a landmark in their zealous efforts to do away with the Native Authority system.

The Ibos in the East were the first to denounce the Native Authority system, which was alien to their background. We noted earlier that the Ibos had no Obas or Emirs to provide the basis for Lugardian indirect rule. In May 1950, a year before the MacPherson Constitution, the Eastern Nigerian nationalist-controlled government established a new Local Government system as a consequence to the Gibbons' Report of 1948.¹ Though

¹See P. J. Harris, Local Government in Southern Nigeria (London: Cambridge University Press, 1957), p. 10.

it was a radical change from the Native Authority system, the new system was the British model including its structural divisions into County, Urban and Rural District Councils. Election was made direct to the local or rural councils but indirect to the District and County Councils through the rural councils. Even though the three-tier system was unintelligible to the people generally, and though the adoption of the British partisan council committee system was potentially imbued with abuses, the Eastern attempt was a breakthrough. European officers were gradually replaced by Africans.¹ The way was opened for other Regions to follow.

Reform in Western Nigeria and Awolowo's Predicaments

Like its Eastern counterpart, the Yoruba reform of local government in Western Nigeria was championed by the educated elite. Apart from ending colonialism, the nationalist reform was designed for two major reasons -- the desire to limit the growing autocracy of the Obas and the desire to evolve a popular political party. Mr. Awolowo -- who received many chieftaincy titles later and who led the Yorubas to self-government -- could be regarded as the architect of these two objectives.

First, according to him, the Obas were the "bones of contention" whose "servile adherence to everything the white man does"² was a barrier to the political anticipation of the

¹For more details see J. P. Mackintosh, et al., Nigerian Government and Politics (London: George Allen and Unwin Ltd., 1966), pp. 213-214.

²O. Awolowo, Path to Nigerian Freedom, p. 75.

vanguard of nationalism -- the educated minority. He wrote in 1947 that:

The fear [was] growing fast that Chiefs [were] being maintained as buffers between the progressive forces in the country and the British Government.¹

Awolowo therefore suspected that the elimination of the Obas might, according to him, "not only not endanger administrative efficiency, but might even render political advancement more rapid."²

Awolowo's belief in the efforts of the educated vanguard of nationalism was strong, but he did not suggest how this vanguard would educate the masses in order to prepare them politically for the emerging new order.

At the same time Awolowo was faced with the same obstacles which confronted the outgoing colonial administrators -- namely: a preponderant illiterate majority still loyal to the traditional rulers; lack of finance, and lack of qualified personnel. These problems considerably moderated Awolowo's action against the Obas, particularly when the society was strongly emerging with dual loyalties -- loyalty to the traditional rulers and loyalty to the anti-colonial vanguard, with the scale tilted considerably in favour of the traditional rulers. Awolowo therefore made up his mind, like the British Colonialists, to woo the Obas for their political support in order to win that of the masses. If, after all was said and done, an Oba should hesitate to give him his allegiance, the government-to-be would not hesitate to

¹Ibid., p. 65.

²Ibid., p. 65.

take steps, not too dissimilar to the authoritarianism of the British administrators. The problem of obtaining the allegiance of the traditional rulers was closely linked with Awolowo's quest for a viable political party which would capture popular legitimacy in Western Region. The other bone of contention here was the presence of a strong opposition party -- the National Council of Nigerian Citizens (N.C.N.C.) -- led by a non-Yoruba, Dr. Azikiwe -- an Ibo -- from Eastern Nigeria.*

The period between 1949 and 1951 was essentially used by Awolowo to consolidate his political party -- the Action Group -- which was formed officially in April 1951. Before this time the NCNC -- founded in Lagos in 1944 -- had become popular in most metropolitan Yoruba communities, such as in Lagos, Ibadan and Ilesha. This party was a threat to the Action Group. The determination of Awolowo was to limit the political incursion of the Ibo-led NCNC in Yoruba communities of Western Nigeria. The narrow victory of the Action Group in the first Regional elections of 1951, with 45 seats as against the 35 of the NCNC into the Regional House of Assembly¹, convinced Awolowo that stronger measures must be taken to guarantee the future of his Action Group party in Western Nigeria. Though this was a limited victory, for Awolowo -- who now became the Premier

*For the growth, development and operation of the major parties in Nigeria, see Mackintosh, et al., Nigerian Government and Politics. And also, see the Summary of Political and Constitutional developments in Western Nigeria on pp. 8-14 of this thesis.

¹See J. P. Mackintosh, Nigerian Government and Politics, p. 429.

66-

of Western Region and Minister of Local Government -- it was decisive enough to push through his local government reform for the Region. Regardless of the type of local government that the new African-controlled government would establish for the Yorubas of Western Nigeria the four criteria which by now we are familiar with -- distribution, reconciliation, coordination and participation -- must be met before the local government can be regarded as satisfactory.

The New Local Government

In 1952, Awolowo's Government presented its first bill to the Western Regional House of Assembly. The proposed law was to establish a new local government system based on the British model. Why this choice?

Fundamental to the adoption of the British system was political expediency. The British system was handy and the leaders were literally familiar with its operation in Britain. Presumably it was, to the pioneering leaders, a convenient channel through which the influence of the party in power -- which by then a fragile party -- could percolate to the local level. Hence the decision to involve Regional parties in the operation of the new local government.

The Eastern Regional example of 1950 observed earlier was a very influential factor in the Western Region's adoption of the British model.

The new system was ultimately accepted perhaps because of the nationalist emphasis on bringing about the British Parliamentary system of government both at the Federal and

Regional levels of government. These pioneering nationalists had been schooled in the English political tradition and therefore naturally preferred the British model to any other. It was perhaps the belief that the British local government system would play a complementary role to the higher levels of government as in Britain. Was this a right decision? Would the system operate to meet our four criteria effectively? These and many other questions faced the future of Local Government in Western Nigeria by 1952. Before we evaluate the effectiveness of the system we should first observe the provisions of the 1952 law and the nature of the system it provided.

The provisions of the new local government law were formulated essentially by Awolowo. The law was fundamentally a statutory recognition of its anterior Native Authority Ordinances of the British Colonial Administration. However, there was a significant difference. Local Government thenceforth became the responsibility of the indigens themselves. Apart from this, the bill possessed little originality, particularly in its emulation of the three-tier structure evolved in the Eastern Region and its adoption of the partisan Council-Committee system of the British. In introducing the Bill, the Minister of Local Government -- Mr. Awolowo -- declared:

. . . the aim of this law, . . . is to confer . . . local self-government on our existing Native Authorities. By local self-government is meant, quite simply, a system of local government wherein local councils make, accept responsibility for, and implement their own decisions subject only to such control as may be exercised by the people through their own regional Government.¹

¹Western Region of Nigeria, Western House of Assembly

The bill was hailed by the government Action Group party as the epitome of self-government, the harbinger of life more abundant for the common man and the cornerstone for the construction of a democratic society. In his support for the bill, a prominent member of the House declared that:

the purpose of this bill is principally the demonstration of local administration and its institution . . . increased happiness, joy, freedom for all and life more abundant for the people of the Western Region.¹

The bill was passed, but in less than a decade of its enactment, the law had been manipulated to demonstrate, contrary to the above jubilant optimism, the dangerous tendency of majority oppression which is inherent in the British partisan council-committee system of local government. This tendency could be viewed from two possibilities. First, a majority party controlling the entire local affairs may use administrative machinery to oppress the opposition and to distribute benefits such as contracts, office positions and so on with discrimination. Secondly, there is a terrible danger of Regional Government's hostility to, or over accommodation of a local government's activities depending, in the main, upon the party lineage of such a local government. For an inexperienced polity, these are grave dangers. According to one observer in 1953, the new law indicated "signs of hasty preparation and a failure to analyse the situation fully." He went on to say that there was

Assembly Debates, Official Reports, First Session (Ibadan, July, 1952), Part 1, p. 97.

¹Ibid., p. 153. Statement made by Mr. J. A. O. Odebiyi.

no "clear picture" as to the "future of the Kings and Chiefs" except that they will probably continue to muddle along as before.¹

In all its intents and purposes, the 1952 Law was a law of political consolidation for the Action Group and particularly for its leadership. As soon as Regional Self-Government was achieved in 1957, the 1952 law received some amendments which, however, were minimal.* The 1952 provisions substantially remained in operation particularly as to the structure and functions, which we shall now consider.

The 1952 Law created a three-tier structure of local government but where necessary it provided a two-tier or one-tier structure. The three-tier structure consisted of Divisional Councils, District (Rural or Urban) Councils, and Local Councils. In some areas there were two tiers -- Divisional and District (Rural or Urban) Councils, or Divisional and Local Councils. Where one tier operated, it was called ^{an} All-Purpose District

¹p. C. Lloyd, "Kings, Chiefs and Local Government", Part II, West Africa, No. 1876 (Feb. 7, 1953), p. 106.

*The 1957 Amendment made it impossible for a member of the House of Assembly to be a councillor at the same time -- a situation which operated in the past when Regional Legislators were elected from the Native Authority Council. A Local Government Service Board was established to unify the staffing procedure of local government. For the structure and functions there was no change. See P. Harris, Local Government in the Southern Nigeria, pp. 141-240, for the 1952 Law, and Western Nigeria, Local Government Law [cap 68], 1962 for the 1957 and as amended by Nos. 5, 8 and 40 of 1958; No. 12 of 1960; No. 7 of 1961 and No. 5 of 1962.

Council.* This structure is presented in the diagram below.

Diagram III: The Structure of Western Nigerian Local Government.

The all-purpose councils emerged because of inter-local jealousy. Some communities were against the idea of being subordinate to other communities, particularly in divisional areas where the three tiers were complete. Added to this were the misunderstandings and financial crisis emanating from the tax levying and revenue sharing arrangements between the levels of councils. The idea of the all-purpose structure was to solve these inter-local problems. Hence we find that the Local Government Law nowhere mentioned "All-Purpose" District Council as such.** Table II below shows the present number of each type of councils. The figure for the all-purpose and district councils is combined because of lack of adequate information on each.

*For more explanations see L. F. Blitz (ed.), The Politics and Administration of Nigerian Government (London: Sweet and Maxwell, 1965). The diagram is adopted from p. 129.

**See Section 3 of the Local Government Law, Appendix A, p. 161, and the actual Law, pp. 393-396, Section 276, "Third Schedule".

Table II: Type of Councils in Western State since 1955*

Council	(1) 1955	(2) 1964	(3) 1970
Division Councils	18	8	6
All-Purpose District Councils or ordinary Rural District Councils	79	83	86
Local Councils	89	29	19
Urban District Council	3	3	3

*Figures exclude all councils in the Mid-Western Nigeria and Lagos, which were within the Western Region before these were created as new States in 1964 and 1967 respectively.

- Sources: 1) For 1955, see Orewa, Local Government Finance in Nigeria, p. 22.
 2) For 1964, see L. F. Blitz, The Politics and Administration of Nigerian Government, p. 140.
 3) For 1970, figures were obtained through correspondence with the Secretary of Ilesha Urban District Council -- Mr. Olanipekun.

Every council-type had corporate status. However, the Councils were categorized as superior or subordinate depending upon the functions they performed independently or by delegation from a higher council. This arrangement is still in existence, though the functions are being performed by the officials.

The functions of the councils are listed in Appendix A. The All-Purpose Council, as its name implies, can perform any of the functions independently. A Divisional Council coordinates certain activities for several Urban, Rural and Local Councils within a given division. Delegation of functions from one level to another distinguishes the district council from the local

council. Section 72 of the Law reads:

72 (1) Subject to the provisions of the Instrument, a council which is superior to another council having authority over part of its area may delegate to that council, with or without restrictions and conditions, --

- a) any of its powers conferred under Section 66; or
- b) any powers to enforce any by-law made by the council.¹

And in

72 (4) . . . a Divisional council shall be superior to a District and a Local Council, and a District Council shall be superior to a Local Council.²

The composition of councils was by both election and nomination. Elections were direct to the councils except to the Divisional level. The representatives to the latter were elected among the councillors in the lower councils. In all the councils the number of elected members by law should not be less than three times the number of non-elected traditional members.³

The senior traditional ruler of the district or city, such as the Oba, was the ex officio President of the

¹Local Government Law [Cap 68], p. 317.

²Ibid., p. 317. Also see Appendix A.

³See Part V - Composition of Councils and Elections, p. 283 of the 1957 Local Government Law [Cap 68].

Council.* This was an honorary position. The executive head was the Chairman who, usually, was the leader of the party with a majority of elected members in the council. The council's activities were usually performed by the various committees created for specific functions. Such committees included the Finance Committee, which is mandatory; Establishment; General Purposes; Health; Education; Works and Development Committees.

The functions of a local government council, as provided in the Law, are very cumbersome.** They can generally be divided into five huge areas: Health and Sanitation; Public Works; Recreational facilities; Education and the Maintenance of Law and Order.**

As shown in the appendix, the responsibilities of a council are vast enough to demand a strong executive direction in the form of an expert who would not only coordinate the functions of the various council's departments, but who would be the torch-bearer to the semi-educated, inexperienced councillors. Such an expert would assist in prescribing short and long range planning, in supervising the operations of the council to assure the taxpayers that their money brings maximum returns. Though each council has a secretary and a treasurer, in line with the British system, the secretarial and financial duties of these officers are overwhelming enough to —

*Ibid., p. 285.

**See Part IX of the Local Government Law: Functions of Councils in Appendix A, pp. 168-175.

warrant an expert -- say, a manager. In this way, the "system of guided local government development in a developing country,"¹ prescribed by Orewa could have been achieved from the outset. This lack of experienced internal direction to local council operations constituted one of the major problems we shall attempt to solve later.

Each council can make by-laws for the effective performance of its local duties. However such by-law cannot be effective until approved by the "approving authority" -- the Minister of Local Government.² This provided the inherent danger of the Minister refusing to sanction the by-laws of a council controlled by a political party opposed to that of the Minister. This leads us to the Regional government's control mechanism over the Councils.

The control of the Councils between 1952-1966, was crucial to the success of the party in power at Regional level. The Law put the central control over the Councils in the hands of the Governor in Council; which in actual practice represented the Cabinet, a body of politicians from the same party; and in the hands of the Minister of Local Government and Chieftaincy Affairs.* For example, the Governor in Council was, by law, the authority empowered to ultimately approve or refuse

¹G. O. Orewa, Local Government Finance in Nigeria, p. 153.

²Part X "By-Laws", p. 320 of Local Government Law [Cap 68] Section 80 - "approving authority . . . means . . . the Minister."

*With the passage of the Chiefs Law Cap. 19, in June 1957, the Minister of Local Government was also given Chieftaincy Affairs.

the establishment of a Council; to amend the enabling instrument of a council; to revoke the instrument; and to suspend or dissolve a council.¹ In a parliamentary system where the party with majority can numerically command Parliament "to make and unmake", these powers pose some danger of an abuse of government's authority. In a rudimentary political system such a danger is great. Once the law was set in operation in Western Region by the Action Group Government, it unavoidably became an instrument which any ruling party could make use of for its own advantage. Inevitably, when the Action Group gave way to the UPP/NCNC Coalition in 1962 (later these parties emerged as one in 1963 and became the Nigerian National Democratic Party (NNDP)), the same weapons used by the Action Group became available to the NNDP and this party used them to influence the whole operations of the local councils.

The Regional control of local government between 1952-1966 was basically through financial channels. The period was substantially characterized by inconsistent financial directives from the Regional government to the local councils. By the nature of the local government system evolved, which made party ~~politics operate in the local councils as in the Regional Government,~~ it turned out that every change in party fortunes at both levels influenced the financial positions of the

¹Ibid., Part III - Instruments, pp. 279-281.

Councils.* Two aspects of the financial situation at the local level concern us here. The first is the Regional tax structure which, during the civilian regime, pressed the ordinary man hard. The consequent problem was the repercussions which the frustration of the local people brought upon the local government, partly because of its proximity to the people, but more so because in Western Nigeria, local councils are the collectors of the Regional Government's direct and other taxes from the non-salaried local people -- farmers, artisans, traders, local contractors and so on. These people form the majority of the local dwellers. A comparison of the Western Nigerian tax structure with other parts of the whole country is given in Appendix B. If checked carefully, the Yorubas have been paying more taxes to their government than any other group in the country. They, lamentably, receive little government services. They are the only group paying a "development tax" without development. Their local rates are the highest in the country and they are also the only group paying water rate. The Western Nigerian Income Tax is the highest in the country. Most of the adult taxpayers are non-salaried with very unstable incomes which in many cases are below £300. They also have large extended families. As we can see in the comparative table in Appendix B, there are no tax exemptions for family people earning below the above income. The tax burden is therefore too

*The financial relationship between the Regional and local governments in Western Nigeria is well treated by Orewa in his book, Local Government Finance in Nigeria, and see his lecture on The Problems of Local Government Finance in Western Nigeria, July 19, 1963, at Ibadan, Western Nigeria.

heavy on the poor people who constitute the majority of the Region's population. This unjust structure and the general failure of the local government to provide adequate local services culminated in the Farmers' revolt of 1968*.

Closely related to the above is the second problem of financial management of the councils which, between 1952-1966, was generally regarded as discouraging. This is the particular problem which concerns us here. For example, Orewa pointed out that between 1956 and 1962, there were over 912 cases of actual theft of local government money.¹ Of these cases, 721 were disclosed by the efforts of government auditors from records. These were, of course, very small in number compared to many cases of fraud that could, by design, miss documentation. One reason for this situation was the opportunity which the inexperienced but greedy members of council committees had for managing money. If there had been an internal executive direction through a manager, some measure of probity on the activities of the councillors and the treasurer could have produced better financial management in the councils.

The above was the nature of the local government evolved in 1952 by the Western Nigerian government under Mr. Awolowo. This system operated till January 1966 when the Military suspended all civilian governments at all levels. Since 1966,

*See Report of the Commission of Inquiry into the Civil Disturbances . . . of Dec., 1968, quoted on page 2 above.

¹See G. O. Orewa, Local Government Finance in Nigeria, p. 135.

sole administrators have been managing the affairs of the councils. What then were the pathological problems that never allowed the system to function satisfactorily? These we shall now examine.

The Pathological Problems of Western Nigerian Local Government

In retrospect, we can now observe with some clarity the process of muddling through into which the Western Nigerian Local Government evolved. Despite the past critical interpretation of the Action Group Government of Mr. Awolowo for bringing about the British Council Committee system of local government, one is inclined to believe that the system was introduced with some sincerity and hope. When, however, the master-subject relationship which existed between the British and the Yorubas gave way to self-government, a new relationship between the Yoruba-led government and its own people emerged. This new relationship was to make state-management difficult for the pioneering politicians because the masses were expecting a practical manifestation of the political promises of the nationalist vanguard; they were expecting rapid social and economic development which unfortunately was needed but was not forthcoming. Added to the situation was the fact that the new elite had no foreign government to blame for their failures to meet the demands of the people. In short, there emerged a face-to-face relationship which both the government and the governed had to operate. On the whole, was the adoption of the advanced British partisan council-committee system, with all its ramifications, a.

practical approach to achieve the four criteria we are familiar with -- effective distribution of services, effective reconciliation of desirable traditional values with modern ones; effective coordination between Regional and Local governments and effective local participation? In my own view the system installed in 1952 was not a pragmatic approach and was therefore unsuitable.

The reasons for the above view can be clearly seen when one considers the impact of three things on the councils, and invariably on the local people. Two of these are directly related to the system created in 1952, and the third, the system was unable to restrain. These are: a) the instrument (the Law) and the structure set up in 1952; b) the impact of Party politics incorporated into the system; and c) corruption, which the system could not resist.

a) The Effects of the Operating Instrument

The immediate and penetrating pathological result of the passage of the Law of 1952 was the use of the provisions in the law as instruments of central political power. In the first instance, the law clearly portrayed the intent and ambition of the 1952 ruling party -- the Action Group. In a parliamentary system, every student of political science understands who uses the power of the Governor in Council. This we have indicated earlier as the Cabinet -- the leaders of the party in power and precisely the ruling elite in the party who occupy the executive. Whether this authority arrangement is advisable in a developing nation, where there is no long-standing

experience, is debatable. Where the premier is almost a charismatic leader, he can easily become a totalitarian by using the power of the Governor in Council to control the local councils. No propositions or by-laws of the councils were to be effective unless approved by the Governor in Council. Even if the procedures for the establishment of a council were followed, such as local enquiries, and presentation of local requests, the Governor in Council could amend, or revoke the enabling instrument; change the name of the council; alter its status, and adjust its composition.¹ In an embryonic political system, such as that of Western Nigeria in 1952-1966, these powers were inherently full of discretions, which any power-seeker could use indiscriminately where party hostility existed.

The fear of party tyranny in the use of the Governor in Council provision, was clearly raised by the NCNC opposition party at the time -- 1952. The late Mr. Adelabu -- the leader of the Opposition in 1952 -- opposed the law on the ground that it contained

some certain threats if the Regional Authority wishes to use it to interfere into the affairs of . . . local councils, if control happens to be in the hands of a political party opposed to them. It is possible under this Bill for interference to come because the powers of the Regional Authorities are more or less discretionary and they are not likely to be used without political bias.²

¹ See Part III of 1957 Local Government Law (Amendment) [Cap 68].

² Western Nigerian House of Assembly Debates 1952, Col. 166.

Discretionary use of political office by the party in power characterized the Nigerian politics from the late 'fifties till the military coup in January 1966. This "power" was forcefully demonstrated at the local-level. A local government council had to declare unflinchingly its loyalty to the political party ruling at the Regional centre. It should help the government party to win the people to its side. A council controlled by a party opposed to the government party found itself in a dilemma. Hesitation to declare loyalty was often met with hostile reprisals. The Ibadan District Council which was controlled by the NCNC in 1955, was the first to taste this political hostility. Ironically, Ibadan was the home of the leader of the opposition who, as noted above, criticized the Law. In September, 1955, a little over a year after the Ibadan City Council was established under the NCNC, it was faced with a Commission of Inquiry.*

The justification for this inquiry was, as a matter of fact, very weak since it pointed to minor incidents of corruption which could have been overcome without dissolution and an expensive Commission of Inquiry. The Chairman of the Commission -- Mr. Nicholson -- expressed the view that the tenure of the new Council was too short for it to have reached perfection. There

*The Council was established on November 20, 1953, but started to operate on April 1, 1954 after its first local election of March 1954. The NCNC party won. It had 56 out of the 73 seats in the Council. In September 1955, the Action Group Government ordered the Commission of Inquiry. Ibadan is the capital city of Western Nigeria. See Western Region Nigeria: Report of the Commission of Inquiry into the Administration of Ibadan District Council by E. Nicholson, 1956; also see Map 2 on p. 29 above for the position of Ibadan.

was no "allowance" Nicholson commented, "made for the initial difficulties with which⁰ the Ibadan District Council was faced."¹ One therefore tends to believe that political hostility motivated the action of the Government. According to Nicholson:

The Government were not, . . . without fault themselves in their relations with the Ibadan District Council. It must have been galling for them to find the capital city in the hands of their political opponents, but I think it was their duty to try to reach a working arrangement such as exists between Her Majesty's Government in the United Kingdom and the London County Council. Instead, the Government, or the Action Group, which holds the reins of Government, used their Press for bitter attacks on the new Ibadan District Council, and were threatening it with dissolution before it had got on its feet.²

This type of hostility between the Regional and local authorities on account of party differences takes no time to hatch out pathological offsprings. In a society such as Western Nigeria where intra-tribal jealousy and extended family problems are common ways of life, there is a fertile ground to misuse political power.

The Western Nigerian leadership crisis of 1962* and the

¹Ibid., Nicholson's Report, p. 128.

²Ibid., pp. 122-123.

*In 1959 Awolowo, who had been Premier in the Region since 1951, moved to Federal politics and made Akintola his party deputy - the Premier. In any advanced system, a party convention ought to choose a new Premier as it has recently occurred in Ontario, but the choice of Akintola was closed. The 1962 crisis was between these two men, and the party decided to remove Akintola as Premier. He refused. His intrigue with the ruling party at the Federal level -- which was opposed to Awolowo - led to the trial and imprisonment of the Action Group leaders and Akintola was imposed upon the people without a generally election after the Emergency. For more details

subsequent trial and imprisonment of the Action Group party leader -- Awolowo -- intensified the more abusive use of the local government law and the power of the Governor in Council. The new political developments stimulated a spontaneous crystallization of popular hatred for the Regional Government. As the latter became more conscious of the decline in its hold of popular legitimacy, the local-regional government hostility increased.

In February 1963, the NNDP Government, which was the imposed party of Akintola, issued a circular to all councils warning them of immediate dissolution, if they should refuse to support the new regime.¹ This of course was implemented throughout the Region before January 1966. Local councils were deprived of their regular elections as provided by the Regional Constitution. In 1964 there ought to have been local elections as scheduled, but Akintola and his men dared not take the stand for fear of the councils falling into the hands of the popular Action Group party, thereby being humiliated by the grass-roots. Hence, all councils were turned into management committees of NNDP-nominated stooges. This situation occurred at Ilesha Urban District Council where party politics were very potent. The handling of this particular council, as well as others, recalled the fear of the Opposition Leader.

see Summary of Political and Constitutional Development, pp. 8-14, and the accompanying references.

¹See J. P. Mackintosh, et al., Nigerian Government and Politics, pp. 508-521.

quoted earlier on page 82. In the reply to the questionnaire on the history of this particular council, the following was given by its present secretary:

From 1963 to 1964 when the NCNC/UPP were in power at the Regional Centre, they injected their members to serve as the management Committee of the Council. When the NNNDP came to power towards the end of 1964, The Management Committee was dissolved and replaced with an NNNDP committee of management.¹

From the replies to the questionnaire in Appendix D also, ten local government councils have been selected from various parts of the Regions to illustrate the extent to which the management and tenure of a council were determined by the wind of political change in the Regional Government. The gist of this Regional Government's political influence on these councils is given below:

Management History of Ten Local Government Councils

COUNCIL	FIRST ESTABLISHED AND FIRST PARTY IN COUNCIL	A.G. Government 1951-1962		NPP/NNNDP 1962-1966	
		DISSOLUTION	HOW RE-CONSTITUTED	DISSOLUTION OR NEW ORDER	HOW RE-CONSTITUTED
Abeokuta District Council	6/10/55(A.G.)	1961	Sole Administrator	1964	Non-elected Caretaker Committee (NNNDP)
Ado-Ekiti District Council	1954(A.G.)	1959	Elected Council (A.G.)	1962	"

Continued on next page.

¹For a resumé of the history of this Council see Appendix.C - a short summary sent by the Council's Secretary.

Continued from page 86.

Ekiti Western (Efon) District Council	15/4/55(A.G.)	1961	"	1963	"
Ife District Council	1955(A.G.)	1961	"	1963	"
Ijebu-Ode District Council	14/5/55(A.G.)	1961	"	1963	"
Ijebu-Remo District Council	1/8/53(A.G.)	1961	"	1963	"
Ilesha Urban District Council	12/4/55(NCNC)	1958	Non-elected Management Committee (A.G.)	1962	"
Ogbomosho District Council	1955(A.G.)	1961	Elected Council (A.G.)	1962	"
Owo District Council	4/6/55(A.G.)	1961	"	1963	"
Oyo Southern District Council	1955(A.G.)	1961	"	1964	"

The above helps to confirm the earlier view that Party hostility from the government itself did more damage to the institutionalization of local government on the British pattern. This is particularly so between 1962 to 1966 when the NPP/NNDP party was in power.

The brain behind the perversion of the power of the Governor in Council during this period was a brilliant lawyer and Vice Premier to Akintola -- Mr. Fanikayode. Fani, as he was called, became associated with the gesture of a firm fist thrown into the air, symbolizing "Power!".

If the law was misconstrued deliberately for the use of power, the structure of the system evolved in 1952 was also used in certain cases for political advantage. The merger of districts to form divisions did not produce good feeling in many localities. By 1952 when the Local Government Law created the structure, there existed some considerable respect for the various grades of Obas in which the junior Oba paid homage to the senior one. The three tiers into which local administration was divided, dislocated traditional relationships. Territories of some superior Obas were suddenly merged with those of his junior in rank or with those of Obas not on friendly terms. It is therefore questionable whether the structural arrangements were for political reasons or for administrative convenience. The failure of the structure, as noted earlier, tends to point to the former.

Closely related to the structural and legal arrangements is the Chiefs Law which was passed in June 1955.¹ The law classified the traditional rulers into "minor" and "recognized" chiefs. While it provided that local traditional procedure in the selection of a new chief or Oba should prevail, the law, however, gave unlimited discretionary powers to the Minister of Local Government and Chieftaincy Affairs, and to the Governor in Council to "approve or refuse to approve a declaration"² made by the local chieftaincy committee. As it turned out,

¹See Western Nigeria, Ibadan, The Chiefs Law, Cap 19 (June 20, 1957). This replaced the 1955 Law with little change.

²Ibid., Section 7 of the Chiefs Law, p. 252.

between 1955 and 1966, the political loyalty of candidates to the throne played a considerable role in the final approval of the choice of the local Chieftaincy Committee by the government. The local Kingmakers themselves became politically biased, while the local councils that paid the Oba's salaries, used this channel to coerce many traditional rulers to toe their political line.

Examples of the above misuse of power abound. In 1950, for example, the Alafin of Oyo (or Oba of Oyo) was deposed because of political antagonism to the ruling Action Group Council of the town.¹ When the NNDP took over the control of the Regional Government in 1963, the same weapons were used against politically recalcitrant Obas. The Regional Legislature had been in two chambers since the beginning of self-government in the 'fifties -- House of Assembly (equivalent to the Commons) and the House of Chiefs (much like the Lords in Britain). The latter, however, became a house for party patronage. In fact, all Obas appointed into this chamber were recognized as faithful members of the ruling party. When the 1962 crisis came, the members of this chamber were in danger of intimidation by the NNDP. For example, in 1963, the Oba of Ishara, Chief Rotimi Williams, and Chief Gbadamosi, were expelled from the House of Chiefs.² This situation did not help reconciliation, neither did it help in bringing harmony to many

¹See J. P. Mackintosh, Nigerian Government and Politics, p. 431.

²Ibid., p. 431.

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localities. In Ekiti Division, the salaries of the traditional rulers were withdrawn. At Iseyin in Oyo Province, the Oba was completely banned. Some Obas, on the other hand, declared their allegiance for fear of economic sanction on them but in most cases at the expense of their own security in their localities. For example, in 1964 the Oba of Owo declared that he was supporting "the Government of the day to prevent" his "salary from being reduced."¹ About a year and a half later, his town people drove him out. The government used its powers on one hand, while the people at the localities used theirs on the other..

Another aspect of the structure of councils is the provision of the law that there should be three elected members to one appointed traditional ruler. This was perhaps a wise provision but like all other provisions it was perverted. It became a skillful channel of injecting loyal party chiefs to boost the strength of the Regional party if it happened to be in the opposition in any of the local councils. If the strength of the governing local party could not be sapped through this device, the central (Regional) authority would find the means of getting that council into one inquiry or the other by the use of the power of the Governor in Council. Once this was successfully achieved, the government would use the same power to dissolve the "unfortunate" local assembly and, instead, give the council a caretaker committee of loyal party

¹Ibid., p. 519.

men.

Thus we see how the use of both the legal and structural provisions of the local government evolved in 1952 affected the operation of local government till January 1966. The Obas and the society at large were put at the mercy of the party in power at the regional level, and at the mercy of the half-educated political stooges at the local level. For their own benefit, the traditional rulers had to dance to the tune of the educated vanguard who happened to be in power. It was a situation which willy nilly sucked the Obas, as Bretton put it, "into the vortex of secular politics. They have become," Bretton continued, "objects in the power struggle;" the politicians have taken legitimacy, and therefore could "endow a chief with prestige and influence, or assure his ruin."¹

From the above pathological situation, we may rightly conclude that the very important local government operating instruments -- law and the structure -- which were needed to create a harmonious blending of tradition with modernity, were not addressed to their proper tasks. This failure constituted one of the major causes of the 1968 revolts of the Yoruba peasants. The Report on these disturbances indicated the dissatisfaction among the traditional rulers who were "not allowed to participate positively in their local affairs" and whose "traditional dignity had been reduced."² Though this was in

¹H. Bretton, Power and Stability in Nigeria, p. 34.

²Western State of Nigeria, Report of the Commission of Inquiry into ... Civil Disturbances ... of Dec. 1968, p. 110.

1968, the grievances had roots in the days of the civilian regime.

b) The Environment and Impact of Party Politics on Local Government in Western Nigeria

If by its structure and legal provisions the adaptation of the British system of local government to Western Nigeria coerced the local people and their traditional rulers into the whirlpool of political confusion, its commitment to party politics was an ideological luxury in a state of poverty. Local government is essentially a convenient administrative arrangement to spread government services so as to make the day-to-day living of the local people comfortable. The need for a dynamic local government in the developing nations has been stressed in Chapter One. It should be put in mind that, by 1952, Western Nigeria, as well as other parts of the country, was showing signs of future domestic problems. The phenomenon of urbanization was by then designating the towns as potential centres of revolutionary outburst. Unless needed services in these centres were provided, much unrest lay ahead.

In 1955, the Action Group government rigorously embarked upon a compulsory, mass, primary education scheme to reduce illiteracy. Today, the streets are filled with the half-educated who would not like to go back to the land but who are not fit to undertake city employments that demand higher skills. Here is a problem which the Western Nigerian government can solve mainly by evolving a dynamic local government system.

Added to the situation by the 1950's was the increasing

problem of modernization, particularly its concomitant phenomenon -- the revolution of rising expectations. Commercialism and education were gradually producing economic and social classes in a relatively classless traditional society. In this type of delicate transitional society, one would expect any form of local government to address itself to community development rather than to party agitations. The Action Group Government of Mr. Awolowo took the latter approach in search of party solidarity at the grassroots. Thus the government party of 1952 was seeking popular legitimacy in a poverty-stricken society. Hence local government was put at stake.

In 1952, the majority of the masses were not properly informed of the new political changes at the local level. In fact most were not informed at all. Thus people were just voting at elections to various levels of government -- Federal, Regional and Local -- without understanding what they were doing or who they were doing it for. It was a symbolic situation of democratic façade. The masses rushed to the polls at incredibly short spaces of time; they shouted party slogans without understanding what they meant.

Equally, prospective councillors did not understand their responsibilities to their societies. An observer at the time and a good scholar of Western Nigerian political development, P. Lloyd, mentioned a classical case of ignorance on the part of the new councillors. He wrote that some of these "public spirited" men believed that "they will replace chiefs as court judges -- remunerative offices -- while others, seeing how those

elected to the House of Assembly at once have large salaries, fine cars and new houses, hope that councillorship will yield similar dividends."¹

One of the explanations for this type of grandiose expectation is the fact that the majority of the councillors belonged to the less formally educated people -- elementary school leavers and secondary school drop-outs. These people have retired from further learning but they were affluent adolescents who liked the daily entertainment in the cities. They despised, on the other hand, farm life and the blue-collar world. Hence they were attracted by local politics not for dedicated service but for the anticipated "dividends". When political confusion came from the Regional government, these people became party stooges for profit. As soon as they made some money in the form of bribes, embezzlement and collusion, they or their wives quickly turned to some business like trading or contract enterprise. Unfortunately their number is increasing tremendously.

Moreover, the highly educated -- the higher school and university graduates -- found local politics to be too low for their calibre. Hence these people flooded the Regional and Federal politics. The Nigerian experience has indicated that many of these people were only affluent aristocrats who liked to be on top for ever even if the foundation of the society was in decay. This attitude too has no immediate

¹P. C. Lloyd, "Action Group and Local Government", West Africa, No. 1916 (Nov. 14, 1953), p. 1066.

end.

Tables III and IV below were computed from the answers to the questionnaire from the ten councils whose management history was shown earlier on pp. 86-87. These tables illustrate the educational background of and the type of occupations done by the last elected councillors of these ten districts

Table III: Education of Councillors in Ten Councils*

Council	Last Election	Total No.	University or Equivalent	Teacher Training			Secondary School	Elem. School	Illiterate
				Gr. I	Gr. II	Gr. III			
Abeokuta District Council	1958-1961	60	3	-	2	4	25	25	-
Ado-Ekiti District Council	1961-1962	33	-	3	16	3	-	10	1
Ekiti Western (Efon) District Council	1961-1963	28	2	-	11	6	-	9	-
Ife District Council	1961-1963	56	3	-	2	2	-	47	2
Ijebu-Ode District Council	1961-1963	72	5	3	5	2	-	22	35
Ijebu Remo District Council	1961-1963	32	-	-	-	-	4	28	-
Ilesha Urban District Council	1964**	46	3	-	2	-	-	30	11
Ogbomosho District Council	1961-1962	60	1	1	7	-	1	35	15

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Owo District Council	1961-1963	75	2	2	8	8	32	18	5
Oyo Southern District Council	1961-1964	51	12	2	4	3	-	5	21
	Total	513	31	11	57	28	63	229	90

*Brief explanation of the Educational qualifications.

- 1) University or equivalent - Means university graduates or people with professional training with university diplomas.
- 2) Teacher Training - There are three grades here:
 - a) Grade III teachers - those who have completed two years college course in teaching after their elementary school.
 - b) Grade II - those with four years college course in teaching after their elementary school.
 - c) Grade I - those with long-standing teaching experience after Grade II teachers' diploma and with at least one year special teaching course in a university or a professional institute.
- 3) Elementary School is equivalent to Canadian elementary school up to grade 6 or 7.

**Figure for Ilesha was for 1964 - Non-elected NNDP Care-taker Committee.

Table IV: Occupation of Councillors in the Ten Councils in Table III

Council	Total No.	Occupational Background*						
		Law-yers	Teach-ers	Busin-essmen	Petty Traders	Arti-sans	Far-mers	Oth-ers
Abeokuta District Council	60	1	9	46	3	1	-	-
Ado Ekiti District Council	33	-	16	8	-	-	1	8
Ekiti Western (Efon) District Council	28	-	19	3	6	-	-	-
Ife District Council	56	3	4	7	6	-	20	16

Continued on next page.

Continued from page 96.

Ijebu Ode District Council	72	5	10	30	20	2	5	-
Ijebu Remo District Council	32	-	-	4	10	3	15	-
Ilesha Urban District Council	46	2	3	14	17	1	-	9
Ogbomosho District Council	60	-	8	3	10	10	21	8
Owo District Council	75	-	20	6	-	13	11	25
Oyo Southern Council	51	2	20	6	10	3	10	-
Total	513	13	109	127	82	33	83	66

*Brief explanation of occupational types.

Lawyers and Teachers are easily classifiable in relation to the educational background of councillors in Table III.

- 1) Businessmen - This category is difficult to divide into specific business. However, they were mostly contractors and produce buyers for cocoa, palm kernels and coffee; some of them may be classified as petty traders.
- 2) Petty traders included local retailers in all sorts of commodities - agricultural or manufactured.
- 3) Artisans included the tailors, washermen, craftsmen and so on.
- 4) Farmers - these were mostly commercial farmers - cocoa planters.
- 5) Others are very difficult to classify since they included petty contractors, petty traders and those who engaged virtually in nothing else but local politics.

The information in the above tables must be correlated in order to understand the danger of having too many half-educated (over sixty-two per cent) and almost jobless people as councillors in a partisan local government system, where decisions were generally based upon a simple "parliamentary" majority. This danger will be clearly understood when corruption in the councils is discussed later.

The teachers must be praised at least for their initiative in serving as councillors. They were perhaps the only group that hesitated to use the councils as beds of roses. Unfortunately, they were hated most by the NNDP regime in the Region during the period between 1964 and 1966. This was because of their efforts to develop political virtues in their school pupils and more importantly for serving as a link between the illiterates and the politicians. Their efforts therefore were not allowed to take deep roots among the people.

It may thus be argued that lack of literacy prevented political awareness. However, if for a moment we recall how the traditional Obas sent their palace boys to use gongs in disseminating current affairs in the pre-colonial days, or how the social and occupational groups were used as a traditional forum for interest articulation, or how the town chiefs were themselves agents for interest aggregation, we shall see that the argument of lack of literacy has no great importance. The new political vanguard of 1952 had some valuable traditional means at its disposal to educate the masses, but like the colonialists it overthrew, it failed to employ these means. Hence the masses were ignorant and the approach of 1952 perpetuated their ignorance. Ohonbamu has said that an "illiterate citizen" in Nigeria generally, "finds it difficult to follow or understand politics; and given the vote is only giving him the right to choose his own executioner."¹

¹Q: Ohonbamu, The Psychology of the Nigerian Revolution (Stockwell, 1969), p. 45.

The first part of this remark is relevant to our present situation. The second part, that the "illiterate voter" chooses his killer by voting, one may regard as an emotional opinion, though Ohonbamu may be right in the light of the results of the Nigerian politics of the 'sixties. Literal education is not an absolute necessity for the understanding of political responsibilities and rights. Apart from wooing the masses for popular legitimacy, it is the moral and political responsibility of the modernizing political elite to educate the masses through their own sincere leadership attitudes. The onus of change rests not upon the recipients of that change, but upon those influencing the change.

It is often argued also that the British system was a political tradition imposed on an alien milieu. This line of reasoning was taken by Cowan who viewed the 1952 Local Government Law as a "legislative fiat" which placed upon a people "a system of councils, whose form, powers and structure were based on an English model developed over many years in a social and cultural background totally alien to the African environment in which it was expected to work."¹ This is of course a factual assessment of the Western Nigerian situation, indeed of the whole country. The British system of local government originated gradually to cure certain ills and made out well without party politics at the outset. But it gradually evolved partisanship. The case for Western Nigeria was different.

¹L. G. Cowan, Local Government in West Africa (New York: Columbia University Press, 1958), p. 268.

The leap taken by Britain in 1834, through the Poor Law Amendment Act and its corollary -- the 1835 Municipal Corporation Act, was an error-correcting landmark. Like the 19th century European communities of the Industrial Revolution, most Yoruba communities of 1952 were ghettos. Even in the present communities in the Region, housing, sanitation, sewerage, clean water supply and many basic welfare services, leave much to be desired. These are the problems which the system of 1952 did not pragmatically concern itself. Instead the Government injected party politics into the management of the local communities.

The point I have been trying to make is that, regardless of the democratic philosophy behind the use of party politics, it is important to consider the socio-economic conditions of a polity, so as to measure the degree of partisanship to be imposed upon it.

The impact of party politics is that it affected the Regional-local government relationship to the extent that the higher authority made abusive use of power to oppress the local councils when they failed to follow the Regional ruling party. Indirectly or directly, the punishment of the councils caused damage to the local people because it affected the orderly dispensation of local services.

Party politics in the local councils perverted the operation of the Local Government Law. On the other hand, the law permitted the incorporation of party politics. The whole issue, then, was one of a circular causation which made the

inordinate ambition of the political elite paramount. It was this ambition that led to an angry and deplorable use of extra-constitutional measures at all levels of government such as the rigging of both the Federal and Western Nigerian Regional elections of 1964 and 1965 respectively. It was this ambition that shifted emphasis from the distribution of amenities to that of punishment. Dudley, in his editorial article on political victimization with special reference to Western Nigeria, declared that:

. . . emphasis shifted to the punishment of communities which have voted, or seem likely to vote, wrong; withholding of licences, closing of markets, vexatious persecution, over-taxation and so on . . . much of this is the work of over-zealous local authorities, but it could hardly happen if it were firmly discountenanced by the Regional Government.¹

Dudley concluded that these practices were "unjust", that the use of party "thuggery" caused "much suffering", and that the whole situation, very often, put the unfortunate citizen in between "the thugs and the local government police" which together the ruling party made use of.²

Western Nigeria is now in a fix, because solutions to these problems are not easy. Seeing the prejudicial orientation of his own handicraft, Awolowo, in his new book -- The People's Republic -- prescribed, among other things, that the "Regional Legislature or Government should not have the power

¹B. J. O. Dudley, "Victimization", Nigeria Crisis and Criticism: Selections from Nigerian Opinion (Ibadan: University Press, 1965), p. 29.

²Ibid., p. 29.

to suspend or dissolve a Local Government Council in any circumstance, during the Council's statutory term of office."¹ This however implies that even if a council degenerates to corruption or ineffectuality, it should go ahead to finish its "statutory term". This of course would be worse than the situation we are trying to amend. If there are well-defined procedures, the people of a district where their council does not at any time meet popular expectations, should be able to appeal to the Legislature, not to a Governor in Council, to dissolve such a council, so as to save the people from the hands of a corrupt local power. From here we shall move on to consider the pathological problem of corruption in Western Nigerian local government.

c) The Problem of Corruption in Western Nigerian Local Government

The intensity of corruption in Western Nigeria between 1952 and 1966, at both the Regional and local levels of government was perhaps the most distressing problem facing that Region. In fact the whole country is infested with this cruel practice, which in the main affects the ordinary man. Mr. Tokunbo summarizes the situation thus:

. . . since independence all efforts to establish a just and efficient administration have been frustrated by corruption. . . . You bribe to get your child into a school, you pay to secure a job and you also continue to pay, in some cases, to retain it; you pay ten per cent of any contract obtained; you

¹O. Awolowo, The People's Republic (Ibadan: Oxford University Press, 1968), p. 263.

dash the tax officer to avoid paying income tax; you pay the hospital doctor and nurse to get proper attention; you pay the policeman to evade arrest.¹

And, I may add, you also pay the court judge to secure injustice.

Tokunbo has not exhausted the deplorable situation. His list indicates that in most cases, the rich, the influential and in fact, the educated people (who form the political elite) are not the victims of corruption but the poor man, who would like to get his children to school, or who would like to secure treatment or suitable employment for his children. The climate of corruption is therefore partial, with the illiterate majority suffering at the hands of the literate minority. As one scholar puts it:

The illiterate man entangled in the toils of a literate government is under a disadvantage for which practically nothing can compensate him, but wealth can help [in the form of bribery to get his demands met].²

At the level of local government, corruption affects adversely only the poor citizens; hence Wraith declared that as far as the Southern Regions of Nigeria were concerned, local government became "a conspiracy against the people".³ The previous analysis of how party politics created an

¹M. Tokunbo, "The Challenge of the Public Service (Nigeria)", Administration, Un. of Ife, Vol. II, No. 2 Jan., 1968), p. 75.

²M. McMullen, "A Theory of Corruption", Sociological Review, Vol. 9 (1961), p. 190.

³R. Wraith and E. Simpkins, Corruption in Developing Countries (London: George Allen & Unwin Ltd., 1963), p. 19.

unenviable Regional-local government relationship, will help to explain the accuracy of Wraith's remark.

First, there is what Wraith called the "apparently cynical manner"¹ with which the Regional politicians went about state-management. This was the double-dealing political tactics in which, on one hand, the politicians would promise the people "life more abundant" but on the other, once elected, they began to "line their pockets" with public money; the abundant life passed to their families. Cases of imprudent spending of public monies for personal and party advantages abound in the series of Reports undertaken by Commissions of Inquiry.* When the top was imbued with corrupt practices, the lower level of government had no good example to emulate.

The emoluments of the Regional politicians in government were too great in relation to the general standard of living among the poor masses in the Region. Hence, as we noted earlier from Lloyd's observation on page 93, the councillors were expecting local government to provide "similar dividends" -- fabulous salaries, car allowances and other benefits. When these were not forthcoming, the councillors

¹Ibid., p. 198.

*The two most important Reports are:

- 1) Federation of Nigeria: Report of Coker Commission of Inquiry into the Affairs of Certain Statutory Corporations in Western Nigeria 1962 (Federal Min. of Information, Lagos, 1963).
- 2) Western State of Nigeria, Proceedings of Tribunal of Inquiry into the Assets of Public Officers and Other Persons in Western Nigeria, Oct., 1967, Vols. I-III.

helped themselves with whatever⁸ they were able to get from the local councils; when political crisis confused roles, honesty of purpose was absent.

Local government corruption took various forms which we may categorize as three -- bribery; combine; and embezzlement. The most vicious before 1966 were the last two, which I think need further explanation.

Like commercial or industrial combines, what one may call "corruption syndicates" were organized in Western Nigerian local councils. The councillors and council officials, say the secretary, or the treasurer, or the rate and tax collector, in most cases, colluded to defraud their local councils. If the council happened to be filled with party puppets appointed by the party in power at the Regional level, the collusion was total.

Unholy unions of this nature often manifested themselves when there were contract awards. Orewa pointed out one skillful way in which the councillors and officers operated contract awards. The officers, in collusion with the councillors, would issue "false completion certificates."¹ In 1963 for example, "a contractor received the full contract price of £600 (about \$1,800 Canadian) for a job which he had not started, on the basis of such a false certificate."² Orewa continued that the racket permeated every aspect of the work of the council including "the purchase

¹G. O. Orewa, "The Problems of Local Government Finance in W. Nigeria", A lecture delivered in July 19, 1963, at Ibadan, p. 9.

²Ibid., p. 9.

of drugs, and dressings, office equipment, printed materials and stationery which were bought at exorbitant prices, presumably on the understanding that the extra "profit" made by the suppliers would be shared by them and some council members and staff."¹ Orewa finally concluded that these irregularities were possible because of the "existence of an unholy alliance between some council members and staff and some dishonest contractors."² In all these, the victims were the poor who needed services for their welfare, and who paid their taxes for these services. Hence I agree with Wraith that local government in the pre-coup Western Nigeria was, in many cases, a conspiracy against the public.³

The other type of corruption was of the individual help-yourself variety -- embezzlement. There are enough cases of this to require a special book. Very recently, sometime in 1970, the Ayoola Local Government Staff Assets Tribunal was set up to investigate cases of embezzlement among the local councils. It was revealed that a Local Government Forest Guard on £216 (or \$648 Canadian) a year, "managed" to save £36,000 (\$108,000) within six years.⁴ The revolts of the farmers, noted earlier, were mainly the result of this type of clear

¹Ibid., p. 10.

²Ibid., p. 9. See also Orewa, Local Government Finance in Nigeria, pp. 136-137.

³Wraith and Simpkins, Corruption in Developing Countries, p. 19.

⁴The Nigerian Morning Post [Lagos], May 5, 1970.

misappropriation of local revenue. The Commission of Inquiry into the farmers' disturbances, reported that the Secretary of Oyo Southern District Council caused £3,500 (\$10,500) to be paid to a wrong channel; that the Treasurer of another council escaped when he could not account for £2,050 (\$6,150); that three tax clerks at Oyo District Council made away with £8,000 (\$24,000); and many similar cases throughout Western Region.¹ In light of all these, the Commission remarked that the "demoralizing effect of such a situation on the public mind in relation to unwillingness to pay taxes and rates was only too obvious."²

Moral condemnation of fraudulence in Western Nigeria is as ubiquitous as corruption at every place and at all levels of human endeavour. Orewa lamented the unsuccessful bids to reduce corrupt practices in the local government. The courts he mentioned are full of "clever lawyers" -- the aloof aristocracy³ -- who save "the fraudulent council member or employee from the shackles of criminal conviction for his embezzlement of funds."⁴ Thus it seems that the Yorubas have

¹Western State of Nigeria, Report of the Commission into the Civil Disturbances ... Western State ... December 1968, pp. 89-99.

²Ibid., p. 93.

³Bretton's description of the Nigerian lawyers -- "an aristocracy, privileged, prestigious and valued by the rulers as a support group". See H. Bretton, Power and Stability in Nigeria, p. 103.

⁴G. Orewa, Local Government Finance in Nigeria, p. 148.

reached a dead end when they are exploited openly but with no legal machinery to provide recompense.

From the foregoing pathologies - the misuse of the local government legal and structural provisions, the adverse effect of party politics and corruption - one may conclude that the Western Nigerian British type of local government between 1952 and January 1966 did not adequately meet the four requirements - distribution, reconciliation, coordination and participation - set out earlier. In fact many Western Nigerians would say it failed. It failed to curtail corruption. Wraith put it rightly when he commented that:

The adoption of the British local government, with ultimate powers in the hands of elected councillors, but shorn of the restraints of British convention, compromise and mutual respect between elected and paid officials amounted to an open invitation to corruption, an invitation eagerly and incredulously accepted.¹

Corruption was not the only reason why the system failed. In fact corruption came as a product, among other things, of political disorder resulting from inordinate ambitions.

The adoption of the system was particularly unimaginative especially its operation on party politics. The Local Government Law provided that the composition of the Council Committees must be based upon 'the proportions in which the political parties are represented on the Council'² and that

¹Wraith and Simpkins, Corruption in the Developing Countries. p.20.

²Western Nigerian Local Government Law [Cap 68] 1957, p.302.

the Minister "may give directions to the council requiring it to appoint such number of the members of the respective minority parties to the committee as he shall think fit."¹ Even though there was no specific Regional order that a local council should operate on government party and opposition party, this was implied in the Law. The ruling party in the Regional government did not prevent the trend of a dichotomy of local councils into government and opposition. In fact, the Regional government encouraged this development. Resulting from this was the disharmony between the Regional and local governments. As far back as 1956 the Government had been warned of the adverse effect of partisanship on the operation of local government by a well-known Nigerian authority on Local government -- Mr. N. Akpan. He wrote in his "Epitaph to Indirect Rule" that:

. . . if local government administration is tied to national political parties any unhappy relationship between the parties on a national basis is bound to have unpleasant repercussions on local government administration. . . . Where the [Regional] government is controlled by one party and a local body by another, . . . [it] might be difficult in such a situation to expect [a] very cordial relationship to exist between, say, the Minister of Local Government and a local government body controlled by the Opposition Party."²

This of course was not taken into account by the Regional government. To the party in power at the Regional level, local government represented the channel through which power could be effectively demonstrated. And it was achieved under the

¹Ibid., p. 302.

²N. U. Akpan, Epitaph to Indirect Rule, p. 167.

camouflagic suzerainty of a "Governor in Council" - a discretion-laden power.

Thus we see that local government in Western Nigeria did not effectively and efficiently provide local services and did not produce a Regional-local government coordinative relationship. We have also observed that it failed to reconcile the traditional values of the society with the modern ones. Its participatory effect was partial and in many cases of negative value in that the councils were in the hands of the minority local politicians who found the political atmosphere of the time congenial to their own inordinate ambitions. Once in the councils, they used their time for corrupt practices and for victimizing their opponents. Wraith, who witnessed many local councils in operation, commented that:

The power of the majority party [pervaded] every aspect of a council's life and work, even to the extent of compelling the council's employees to join the party under threat of dismissal.¹

Outside the council, participation in local matters had little meaning because the society was already poisoned by the attitudes of the politicians at all the levels of government -- Federal, Regional and Local. The issue now is to find solutions to the pathological problems of Western Nigerian Local government. The next chapter will examine some curative suggestions.

¹R. Wraith, Local Government in West Africa (London: George Allen and Unwin Ltd., 1964), pp. 60-61.

CHAPTER IV

THE REFORM OF WESTERN NIGERIAN LOCAL GOVERNMENT

Proposals of Some Nigerians

One of the central themes of this study is to provide some guidelines for the future of local government in Western Nigeria. Before a concrete formula is provided it is perhaps necessary to consider the suggestions of well-meaning Nigerians who have been very familiar with the whole pathology which was discussed at length in the last chapter.

In the replies from the fifteen secretaries of councils in Western Nigeria to the question in my questionnaire whether the management of local government by the elected councillors was more effective and efficient than the present management by an appointed sole administrator, all but one supported the present management.* The typical reason for this general opinion is that there is now fair administration because the operation of a council is entirely devoid of "political intimidation". The present Secretary of Ilesha -- Mt. T. Olanipekun -- wrote that "Party politics in Local Government has done more evil than good particularly in Western Nigeria." He concluded that "It is not advisable that party politics be extended to local government," but he expressed his dilemma as to whether this would be democratic.

*See question 4 of the Questionnaire sample - Appendix D.

In the intellectual circle, over-zealous reformers have given valuable suggestions for new approaches to Western Nigerian local government. In many cases, however, these suggestions tended to risk the liberal concepts of participation from the local people. For example, Dr. Mabogunje once commented that "elected councils are far from being the answer" to the salvation of local government in the State. He condemned the racketeering in which the educated councilors were engaged and which was not expected of public spirited men. His conclusion was against the continuation of party politics in the local councils because the society can no longer afford the wastage of local revenue in view, according to him, of the "massive" task of transforming a moribund subsistence economy to one that is active and constantly growing."¹ Perhaps Mabogunje was right, but does this mean a total abolition of the representative character of local government in Western Nigeria? There should be some means of resolving this issue.

Opposed to Dr. Mabogunje's view is Chief Awolowo's, which supports the representative principle through local elections. According to his Article 19 of The Peoples' Republic,

Elections to Local Government Councils should be conducted every three years and at least three-fourths of the members of any such council should be direct-

¹ A. L. Mabogunje, "Local Government For What?", Nigerian Crisis and Criticism ... Nigerian Opinion, p. 32.

ly elected by the registered voters in the area of the council.¹

Here Awolowo has preserved the original proportion in the Local Government Law regarding one traditional ruler to three elected members by his "three-fourths" quota. He has not provided any justification for this. Perhaps one reason may be that he would like to see more people in the council who are not politically committed to party lines.

One big issue in Awolowo's proposal is that he did not specify how elections should be conducted -- whether on party lines or not. There is every assumption that he meant a return of party politics to the local government. However, faced with indiscriminate use of Regional power over the local councils, as practiced in the past, Awolowo recommended a type of local autonomy in which the "Regional Legislature or Government" should not be empowered to suspend or dissolve "in any circumstance" a local council during its "statutory term of office."² Here again Awolowo was faced with the proper type of Regional-local relationship that should exist. Perhaps this dilemma can be solved through the adoption of the proposals we shall try to recommend later.

Orewa has suggested two alternatives that may be used to cure some of the problems facing Western Nigerian local government. The first of these, according to him, is "to take what might be regarded as a conservative step of making

¹O. Awolowo, The Peoples' Republic, p. 263.

²Ibid., p. 263.

literate traditional rulers who have definite jurisdiction over the whole or part of a council area, chairmen of councils and of their major committees."¹ Orewa's line of reasoning here is that in all likelihood, the traditional rulers would not engage in what he called "irregular expenditure of funds" because they would "fear to lose their thrones."² This may be true if only there are no party lines in the council, at least parties which are local branches of the Regional ones. However, Orewa did not mention whether there should not be party politics. Moreover, Orewa excluded the illiterate traditional rulers. Are these rulers different from their lettered counterparts? If Orewa's suggestion was a step in blending tradition with modernity, certainly it is a partial step in the right direction.

The second suggestion made by Orewa is the adoption of "elected local authorities" but that "effective supervisory powers" should be given to the "Regional Government administrative officer in the field." Such powers would make them the chairmen of local councils' tender boards, and would give them the full authority to approve the appointments, promotions and discipline of junior council employees.³ The concern of Orewa in this suggestion was to eliminate what he called the "dishonest oligarchy" in local councils. This

¹G. Orewa, Local Government Finance in Nigeria, p. 152.

²Ibid., p. 152.

³Ibid., p. 152.

of course is appreciated. The government administrative officer is for a division in which, in many cases, more than three or four local and district councils may be found. The administrator's visits to these councils would be highly irregular and therefore he would probably often be out of touch with many important local government activities. In my view, there should instead be a central executive officer for each council who will furnish the council with consistent administrative and coordinative supervision.

The Ayoola Commission of Inquiry into the Farmers' revolt of 1968 gave four suggestions which are relevant to local government improvement. These are:

- 1) 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 and which are not, and thereafter Government should decide on measures for ensuring that only Councils viable and capable of fulfilling their statutory obligations remain.
- 2) Government should make provisions for the setting up of an Advisory Council consisting of Local men of repute in each Division to assist the Sole Administrator in Local government administration.
- 3) The Ministry of Local Government and Chieftaincy Affairs should exercise more effective supervision on the finances of Local Government Councils possibly by creating an Inspectorate Section specially vested with that assignment and making regular checks on Local Government Accounts.
- 4) Government should consider the possibility of appointing a Public Complaints Commissioner on the same basis as the Parliamentary Commission in Britain (otherwise called Ombudsman) whose duties would include the spotlighting of public grievances, receipt of complaints of a public nature, the investigation of such complaints and the recommendation of quick remedies to Government.¹

¹Western State of Nigeria, Report of the Inquiry into The Civil Disturbances ... Dec. 1968, pp. 113-114.

The first three of the above recommendations have partially been fulfilled by the present Military Government. There are now twenty-five Inspectorate Divisions in the Western State, each under an Inspector/Divisional Officer.¹ There are, however, 113² local council units. This means that each Inspector/Divisional Officer has, in certain cases, more than four local or district council units to make policy for, and administer those policies, while again supervising the councils' operations and Accounts. These are colossal tasks for the Sole Administrator, as the Inspector/ Divisional Officer is generally called.

In some localities, people are finding the present Sole Administrator system unsuitable because it lacks the representation of popularly accepted public men in its advisory committee. The reply to question (d), page 4 of the questionnaire (see Appendix D) from Ijebu Remo District Council indicated that the people of this area are not pleased with the present representative structure of their council even though the management is better off than before. In the opinion of the respondent officer,

the administrator is the only person with authority. The Advisory Committee is merely a 'Yes-men' Committee. The members have no independent say in the administration of the Council.³

¹Information from Mr. T. Olanipekun, Secretary of Ilesha Urban District Council.

²A. Degun, "Developing Viable Local Government in Western Nigeria", p. 177.

³Reply from the Secretary of Ijebu Remo District Council.

From the above we can see that the present position of local government in Western Nigeria is still generally unsatisfactory in meeting the four criteria of a good local government.

It is interesting to know that the Ayoola Commission recommended what Dr. Rowat called the "Citizen's Defender"¹ -- the Ombudsman for Western Nigeria. This suggestion needs deep consideration by the government and its adaptation to the state demands special study. Ghana has recently adopted the Ombudsman scheme.

Another reformer-Public servant is Mr. Degun, the present Permanent Secretary to the Ministry of Local Government in Western Nigeria. Mr. Degun is concerned, like anybody else, with the efficiency of local government in the state. In his view the present Inspector/Divisional Officer should continue to serve as "the administrator or manager of the council(s) in his division with full executive powers to oversee all the functions of the council(s)."² We have already seen that this suggestion would be inadequate since the administrator has many councils to oversee. Perhaps it would be better to give each council a "manager" and let the Inspector/Divisional Officer carry on with his supervision and auditing of councils for the Regional government. Mr. Degun mentioned nothing about the representative nature of the councils..

¹See D. C. Rowat, The Ombudsman (London: George Allen and Unwin Ltd., 2nd edition, 1968).

²A. Degun, "Developing Viable Local Government in Western Nigeria", p. 179.

While his suggestion is illuminating, it has not however provided a precise solution to our problem.

Lastly, Dr. Adedeji -- the Director of the Institute of Administration, University of Ife in Western Nigeria and the editor of the Institute's "Administration" -- presented six special problem areas in Western Nigerian local government for our consideration. These are: the need for a viable structure of local government; the need for an adequately empowered chief administrator to "make the decisions involved in developing a comprehensive work programme and directing and coordinating the various staff activities"; the need for good staffing; the problem of adequate revenue; the issue of giving the councils adequate powers and responsibilities; and the problem of evolving a coordinative state-local government relationship.¹ However, he did not include two of our four requirements: local participation and the reconciliation of traditional and modern values. Our next consideration is the proposal that I think would help in solving to a great degree most of the problems we have so far considered.

The Proposed Curative Scheme

In reiteration, the four requirements that a local government in an ex-colonial, developing nation should possess are:

¹A. Adedeji (Editorial Comment) in the Administration, Vol. III, No. 3 (April, 1969), Special Issue on Local Government in Nigeria, pp. 171-173.

1) the capacity to distribute local services efficiently and effectively,

2) the capacity to reconcile desirable traditional values with modern but inevitable values,

3) the capacity to generate harmony between the Regional (or central) and local government, and

4) the capacity to enlist local interest so as to encourage the people to support and participate in their local government.

This thesis is basically committed to the quest for the above standards in Western Nigeria. Judging from the proposals made by the Nigerians in the preceding pages of this chapter, efficient and effective local government constitutes the central concern of many people. It is equally our major concern in this thesis; hence I am suggesting "A non-partisan Council-Manager System" of local government for Western Nigeria. In the light of the growing problems in Yoruba communities, and especially the negative impact of party politics and corruption on Western Nigerian Local Government, as observed earlier, I think this proposal will be very appropriate, for that state. Before attempting to justify its adoption for Western Nigerian local government, I shall first discuss the origin, nature and operation of this scheme elsewhere.

2) The Origin and Development of the Council-Manager

That moral indignation against the abuse of political office is one of the precipitators of reform in any society, is

an undeniable fact. This was particularly demonstrated in the United States during the early decades of this century, when the city governments were infected with corruption and incompetence as in the Western Nigerian region of the 'fifties and 'sixties.

In his "The Shame of the Cities", Lincoln Steffens projected vividly the intensity of the "spoils system", "bossism", machine politics and "graft" that characterized the American local government of the time. Steffens, while condemning the ubiquity of corruption in private life, shifted the mismanagement of the public money onto the politicians and their party machines. According to him:

The grafters call for cheers for the flag, 'prosperity' and 'the party', just as a highwayman commands 'hands up' and while we are waving and shouting, they float the flag from the nation to the party, turn both into graft factories, and prosperity into a speculative boom to make 'weak hands' as the Wall Street phrase has it, hold the watered stock, while the strong hands keep the property.¹

To illustrate, Steffens concentrated on some cities. In St. Louis, Missouri in 1902, a new councillor was reported to have banked \$5,000 in his first sitting, whereas he was unable to purchase his bus ticket the day previous.² In Pittsburgh, 1903, a paving contract of \$3,517,731 went to the contract firm of the City's boss.³ Steffens mentioned many

¹L. Steffens, The Shame of the Cities (New York: Hill and Wang, 11th edition, 1967), pp. 8-9.

²Ibid., p. 24.

³Ibid., p. 119.

more examples of this situation which he called a "boodling system" in which the cities' politicians were reckoning, openly, on making "\$1,000,000 . . . a fortune apiece . . . someday."¹

Steffens' inquisition started a chain of muckrakers, many of whom were engaged in search of a new order which would "foil the spoilsmen and the city machine" and instead create a "politician-free democracy."²

The system of local government that the civil reformers were against is the Mayor and Council system. Specifically, the reformers objected to three characteristics attendant to this system during the time: the long ballot for the election of several administrative officers; the power of the council to make direct administrative appointments, and the power of the Chairman of the Council -- the Mayor.* The reformers decided to cut short the ballot so as to make elections more intelligible to the voters; to eliminate party politics from local government; and to provide a non-partisan expert who would give local administration an effective central executive direction.

The outcome of the quest above was the evolution of the

¹Ibid., pp. 83-84.

²J. P. East, Council-Manager Government: The Political Thought of Its Founder, Richard S. Childs, (U.S.A.: The University of North Carolina Press, Copyright 1965), p. 71.

* See J. E. Pate, Local Government and Administration: Principles and Problems (New York: American Book Company, Copyright 1954), p. 181 for the characteristics of the Mayor Council System.

idea of the "City Manager" government, and its inventor was one Richard Spencer Childs.* Childs based this new scheme on three fundamental principles: "the dichotomy of policy and administration", the principle of "open government", and the idea that a local council must function as "a collective unit" if it wants to solve local, common, community problems.¹

In order to achieve the above aims, Childs proposed a short ballot system to reduce the long list of local offices to manageable size so that the ordinary voter would know whom he was voting for. Secondly Childs proposed the elimination of political parties in local government so as to eliminate corruption and local disintegration.² To Childs then, the major national parties were dysfunctional to viable local government because they did not address themselves to pressing local problems but to the inordinate ambitions of their members. According to Childs, national parties at the local level would always conceal bad characters who used the parties for their own advantage. Party organization, Childs continued:

. . . obscures the individual candidate, impairs his freedom to adjudicate problems 'on the merits', impairs the voter's freedom to choose among the various candidates, and [the Council-Manager] results in a technically imperfect model.³

*See J. P. East, Council-Manager Government.

¹Ibid., pp. 81-82.

²Ibid., p. 23.

³Ibid., p. 66.

The first draft of the Council-Manager model was presented to the New York Ballot Organization in 1910, though something of the Manager scheme had been implemented in 1908 in the City of Stanton, Virginia, where an administrator -- an expert -- was hired by the Mayor to be a "general manager" of his Council.¹ However, it was in Sumter City - Carolina - in 1912, that the Council-Manager plan was officially inaugurated.² By 1966 over 2,000 Municipalities (units of local government like District Councils in Western Nigeria) had adopted the system in the United States and about 82 in Canada.³ The spread of the system in North America is due to its business-like management concept. It is also operating in Ireland and in several continental European countries such as Finland, Germany, Norway and Sweden in somewhat different forms, but the basic concept of effective and efficient management of local services is paramount.*

¹Ibid., p. 76.

²Ibid., p. 77.

³T. J. Plunkett, Urban Canada and Its Government: A Study of Municipal Organization (Toronto: Macmillan, 1968), p. 37.

*The Irish system, for example, is the County-Manager. Though it is not the ideal American type, it maintains the same basic principles of an elected policy-making body, and an appointed administrator, called the County Manager. This expert is appointed by the Central Government for life on the recommendation of the Local Appointment Commissioner. See N. Akpan, Epitaph to Indirect Rule (London: Frank Cass and Company Ltd., New Impression, 1967), pp. 148-150.

To describe how the council-manager operates, I shall specifically use the Canadian adaptation of the system and with a special reference to Brandon Municipality in Manitoba, where I had the opportunity to witness the system in operation. I studied in this city, and in 1969 I made some visits to the Municipal officials -- the Manager and the Clerk, and I attended two meetings of the Municipal Council. Certain factors have inspired my proposal to use Canadian experience.

Canada, like Nigeria, is a Federal country. It has similar orientations toward the British political institutions and particularly the Parliamentary system of democracy. Moreover, the Canadian adaptation of the American Council-Manager has commendably taken a selective approach. For example, in the Canadian Municipalities under the Council-Manager, there are larger councils whose members are elected in most cases on the ward system. More important is the Canadian recognition that there is never a clear-cut division between policy-making and policy administration as the U.S. advocates of the system proposed in their original model charter. The Canadian system is seldom operated on party politics nor do the councillors "openly or officially work together as party groups in council."¹ Crawford mentioned that in the Canadian councils there "is no 'Government' in power and no 'Official Opposition' . . . and there is nothing comparable to the executive and the

¹K. G. Crawford, Canadian Municipal Government (Toronto: University Press, 1958 edition), p. 55.

cabinet of the senior government."¹ This was not the case with Western Nigeria, as we have seen.

Thus, as commented by another Canadian authority on local government, the approach to the Council-Manager plan is not "drastic" in this country.² Hence Canadian municipalities have evolved the system in different forms such as the council-city Commissioner as in Edmonton, Alberta, which may either be a single Commissioner or a board of Commissioners. Generally in Canada, the Council-Manager has been moderated to suit the needs of the communities, but keeping in mind the strict adherence to the efficient management principle of the manager plan. In the same cautious manner, one should bear in mind the nature of the Yoruba society, its past problems and the need for efficient and effective local government before adapting the Council-Manager to Western Nigerian needs. In the meantime let us observe the Brandon Council-Manager form of local government in relation to its Charter, the structure of its operation and how the system is made responsive to community needs.

(IV) The Council-Manager in Operation - Brandon Example

Brandon Council-Manager government was established in 1962 by a Charter granted to it by the Provincial Legislature. Prior to this time, the Municipality was operating on the

¹Ibid., p. 55.

²D. C. Rowat, The Canadian Municipal System (Toronto: McClelland and Stewart Ltd., 1969), pp. 6-15.

Mayor-Council Committee system. The Charter can only be withdrawn by the Provincial Legislature.

In the Province of Manitoba, where Brandon is, there is a general provincial Municipal Act.* Under this Act, the power to dissolve a current council is vested in the Lieutenant-Government in Council upon the advice of the Minister for Municipal Affairs. Before the Minister gives his recommendation for such an action to the Lieutenant-Government in Council, certain conditions are required: "two-thirds vote of the Council in question and three-fifths vote of rate-payers voting; or if population is below the minimum for incorporation."¹ These are similar in certain respects to the suspended system in West Nigerian except for the plebiscite clause in which the local ratepayers have to decide by voting whether their council should be dissolved. We shall try to suggest some practicable control provisions for Western Nigeria in the next chapter.

The structure of Brandon's council-manager system basically has:

*Provincial Legislatures in Canada are similar to the Parliament of Western Nigeria. There are two types of Municipal Acts - General Act, and specific Act which sets up a Charter for a particular Municipality upon its application, following laid down procedures. The granting of a Charter depends largely upon the viability of the council area and the population must be over that of a city. A city in Manitoba must have more than 10,000 people. Brandon has, in 1969, over 30,000 people - a small city compared to many urban centres in Western Nigeria - see map 2, p. 29 above. For more details, see K. Crawford, Canadian Municipal Government, p. 20.

¹K. Crawford, Canadian Municipal Government, p. 73.

a) A council consisting of the Mayor who is elected for two years, and ten aldermen or councillors -- elected for two years with half being elected annually.* This body decides all policies and makes appointments at its pleasure. There are no party politics at elections.

b) A Manager who carries out the policies of the council. He is the head of the civic departments of the council and holds office at the pleasure of the Council.**

The basic function of the Brandon Council's elected body is policy-making; that of the Manager is policy administration. The formulation of local policies constitutes the area where the two bodies -- the council and the Manager -- will have to cooperate in providing better services for the community. Ideally the Manager is to use his expertise -- administrative and technical -- to propose schemes for the community and to advise the council on programmes, particularly at the Council's Committee of the whole. The situation in Brandon is exactly this; hence there exists considerable cooperation between the elected council and the Manager.

Brandon Council has four major standing Committees -- Finance; Works and Utilities; Health and Welfare; and Property. The Manager attends all committees to give their members information and to coordinate their various policies. This is found essential because it is the Manager who executes the policies

*See Brandon Municipal Charter, Section 6, p. 6.

** Appendix E. See the Duties of the Brandon Manager.

passed by the Council.

The major task of the Manager lies in the preparation of the budget. His budget usually embraces sufficient planning of the Municipal objectives for the future and the financial management of both the future and current programmes of activities. The Manager's budget must reveal detailed expenses in terms of human and material resources needed to achieve the Municipal objectives, possibly on a monthly basis. The budget is then debated by the whole council in the Committee, in which the Manager and the Council's top officers -- the clerk, the treasurer and the Municipal engineer, -- answer series of questions on the budget and the proposed activities. When agreement is reached and the budget is passed in the Council's general meeting, the elected members move back to watch the execution of their policies. The Manager reports constantly the condition of every Municipal activity. There is constant surveillance from the council on the operation of the Manager because the council and not the Manager is politically responsible to the public, while the Manager is responsible to the Council. With the power of the Council to hire and fire the Manager at any time, based on the results of his performance, the Council is made supreme. There is, commendably, in Brandon a mutual relationship between the Council and its Manager.

Operating in the Municipality of Brandon also are quasi-judicial "special purpose" bodies, which are either independent or dependent on the Council. The autonomous bodies such as the Municipal Hospital Board, or Town Planning Board, are created

by Provincial law. The law may require that both councillors and citizens should be members of any of these boards. The controlled or dependent boards are those established by the Municipality itself for specific local purposes within its jurisdiction, for example -- Parks Board; Recreation Commission; Municipal Library Board; Parking Authority; Street Naming Committees; and so on. These are special purpose local committees in which both elected councillors and citizens in the community participate. These may be called functional committees for short.

Of singular importance to the Council-Manager government of Brandon is the position of the above functional committees. They are a form of scrutiny bodies on the activities of the Manager. They should know what the Manager's operation is in relation to the function of each committee. The Manager also needs the opinions and desires of the committees so as to guide him in advising the Council on policies. Apart from aggregating the public interest on their respective functions, the committees are kept informed of the cost and maintenance of local services. It is interesting to note that most policies of the Manager originate from these bodies. Thus the Manager is not only a policy administrator but also an interest aggregator.

The Manager's most important administrative duty is the coördination of the activities of all the departments. The Brandon civic service consists of the Manager; the Council Clerk and his junior personnel who manage all secretarial and

legal duties, particularly the preparation for council meetings, drafting of by-laws and local regulations; the Municipal Treasurer who manages all financial transactions upon Council orders through the Manager; the Municipal Engineer and his staff for all Municipal technical services in collaboration with the Works and Utility Committee; the Municipal Chief of Police; the Chief of the Fire Department; the Placement Officer; the Tax Assessment officers; the Building Inspector; the Recreational Director and down the ladder to the supervisor of garbage collectors. The Manager is the coordinator of all these functionaries and is responsible to the Council for their daily performance. This is the general atmosphere of the Council-Manager system as it operates in Brandon.

Critical Analysis of the System - a Summary

The main dilemma which confronts an observer of the Council-Manager Plan is the tensile result or role confusion of two alternative extremes -- the possibility of a strong council with a weak manager or vice versa. Either of these situations could easily result in chaos if there should be an incidence of a major political issue. A strong council may weaken the initiative of its manager if the latter is of a weak character. In like manner, the elected representative body may be subordinated to the whims of a domineering manager. If the relationship between the Council and the Manager is not cordial, the plan can produce two captains in the same boat. In this type of situation, the ordinary citizen who

wants certain things done may find it difficult to pinpoint the centre of responsibility. There would be the tendency on the part of such a citizen to mistake the very influential Manager for the real political leader.

From the above analysis, it looks as if the Council-Manager is inherently a conflict-creating model. There is apparently in Brandon, the impression that this can easily be overcome. The extraordinary agreement which existed between the Council and its Manager is commendable. One would be highly impressed with the efficiency with which basic local services are provided for the people of Brandon Municipality, if he happened to visit the district. More important is how conflicts are resolved with little or no obstinacy on the part of the Manager as well as the councillors.

Perhaps one major reason for the success of the Council-Manager in Brandon is the absence of party politics. As the Mayor explained when he was asked about the possibility of incorporating party politics in the future; "Our Municipality does not have to determine local problems on strong party lines or else there would be no consistent policies, and moreover with the Manager, there would be too much intrigue."¹

Thus we can see that much of what we fear about conflict in the Council-Manager plan will be determined by those who manage the affairs of the community. Moreover, with the type

¹ From personal dialogue with the Mayor of Brandon in March 1969. The Mayor then was Mr. Magnacca.

of unprotected tenure (here I mean statutory protection) of the Brandon Manager, he is judged strictly on the efficiency and effectiveness of his administration as reflected by the degree of public satisfaction or dissatisfaction with the Municipal services.

Some people may ask whether Canada, by virtue of her British tradition in which the clerk-treasurer operates much like the Council-Manager, needed the Manager plan. Dr. Rowat for example confirmed the fact that the office of the clerk-treasurer had by custom and tradition grown into a position "very similar to that of a City Manager." However, he admitted that:

in larger cities the division of the office of clerk and treasurer and the creation of many separate civic heads of departments dealing directly with committees of council broke down [the] unity of administrative direction and created serious problems of coordination.¹

He concluded that, in fair judgment, the Manager plan is influencing other non-manager cities in Canada by its good "administrative coordination."²

Taken to its logical conclusion, "administrative coordination", with businesslike overtones, will permit a local government to meet the daily demands of the local people. This is the objective of a local government, and the council-manager is sufficiently suited to provide local services efficiently and effectively. The Canadian modification of the Council-

¹D. C. Rowat, The Canadian Municipal System, p. 6.

²Ibid., p. 6.

Manager, in which emphasis is placed on cooperation between the council and the Manager, has enabled local government to satisfy the local people.

Perhaps one of the main reasons for this trend in Canada as opposed to that in the United States is the fact that the Canadian local government originally began as a partisan-free system. Even though the Council-Manager plan sells like a hot cake in the United States, recent studies have indicated that the plan might have been successful in minimizing administrative inefficiencies and corruption, but that it has not seriously changed the election of councillors on partisan lines.

For example, Williams and Adrian's study late in the 'fifties indicated that some form of partisanship existed at some municipal elections where the National parties were officially banned.* The study noted that "voting for non-partisan states was analogous to, but not the same as, that for the political parties."¹ The study also mentioned that "the correlation between state and party voting increased as the local state competition became keener and as issues were better advertised and more sharply delineated."²

A close observation of some of the aspects of a State's

*See O. P. Williams and C. R. Adrian, "The Insulation of Local Politics Under the Non-Partisan Ballot", The American Political Science Review, Vol. LIII, No. 4 (Dec., 1959), pp. 1052-1063.

¹Ibid., p. 1062.

²Ibid., p. 1063.

political system can help to explain why partisanship has not ceased in many cities in the United States which are operating on the council-manager plan. The theory of separation of powers is pronounced at all levels of government. For every state, this theory demands that the governor should be elected at large and through a separate ballot from those for the state's legislators. A gubernatorial candidate runs on the ticket of a national political party -- Republican or Democrat. This system compels a consistent political build-up of party loyalists at the local level, hence the perpetuation of party affinity.

Where party politics has been officially prohibited, parties do emerge in disguise of some forms of Citizens' Committees whose members are closely associated with any of the two major national parties. Governors are appointed in Canada. Therefore, party contacts with the localities for the purpose of elections are less frequent. In Nigeria, too, governors are not elected.

The practice of presenting a slate of candidates for local council election where the Council-Manager plan is operated is not common in Canada as in the United States. By the very nature of this practice, the organization of the local people into voting blocs becomes imperative. For example, from the study quoted earlier, there was in one city the emergence of a "City Employees' Union" designed specifically for presenting its own slate of prospective councillors. This Union, as reported, spent between \$3,000 and \$12,000 to win only

two local seats out of nine.¹ In another city, which the study designated as Alpha, there existed a "self-selected", "self-perpetuating" organization of prominent Republican businessmen, called the Citizens' Committee.² This Committee recruited, endorsed and financed its own slate of candidates.

Thus the totality of party activities, and structure of the political system make non-partisanship less meaningful to the operation of local government in the United States than in Canada. The Canadian adaptation of the council-manager becomes more significant to the suggestion that the adoption of the plan in Western Nigeria should take a similar approach. However, modifications should be applied where necessary to meet the needs of the present Western Nigerian society. The following chapter will consider the adaptability of the Manager plan to Western Nigeria.

¹Ibid., p. 1055.

²Ibid., p. 1053.

CHAPTER V

ADAPTABILITY OF THE NON-PARTISAN COUNCIL-MANAGER SYSTEM OF LOCAL GOVERNMENT TO WESTERN NIGERIA

The operational utility of the non-partisan Council-Manager system makes it a relevant pattern of local government for the emerging nations where the development of basic welfare services is more urgent than in the developed societies where the system has become very popular. This, however, has not been given adequate recognition by the leaders of the developing nations nor by their foreign sympathizers who have become increasingly concerned with the development of viable local government systems in these poor nations. It is recommended here that Western Nigeria should seriously consider the adaptation of this plan if it wants to curtail the growing social and political restlessness in its local communities. However, before this can be successfully done, some operational frameworks are needed. These can be obtained by readjusting the Region's Local Government Law and the structure of the councils.

The Adjustment of Western Nigerian Local Government Law

Let us at the moment consider six adjustments needed in the Western Nigerian Local Government Law. The first is a provision that will permit each District Council to obtain its own Charter from the State's Legislature directly.

Secondly, there should be a new provision that would remove

the power to suspend or dissolve a Council from a Governor in Council, and place it in the hands of the State's Legislature. Thirdly, the State's Legislature should set up a Joint Committee of both Houses of Chiefs and Assembly, provided they are reinstituted after the military regime, and designate it as a Joint Committee on Local Government and Chieftaincy Affairs. The function of this committee would be to deliberate on local and chieftaincy problems. The contribution of the Chiefs here (or the Obas) would be very valuable because of their relationship with their individual communities. Fourthly, the Ministry of Local Government and Chieftaincy Affairs should have only a supervisory power over the councils and make sure that the Parliamentary laws, and decisions of the Joint Committee on Local Government and Chieftaincy Affairs -- which must be approved by Parliament -- are implemented. Fifthly, there should be a legislative provision which would ban all political parties in the operation of the local councils. Local elections should be on a ward basis in which councillors would be elected on their own individual merits and potential. Lastly, there should be a provision which would make each District Council have an executive director or coordinator -- the Manager. The effects of these provisions will be seen shortly when we consider the nature and operation of the structure of the new scheme, and particularly its efficacy to Western Nigeria.*

The Structure of the New Council:- Its Nature and Operation

The desirable structure of the new District Council should involve the traditional Oba and his Chiefs. It should at

*See pp. 148-152.

the same time provide for the State government's constant supervision through its Inspector/Divisional adviser. See diagram IV below.

Diagram IV: The Structure of the Council-Manager
Adaptation to Western Nigeria Local Government*

At the apex of this new structure, the people including their traditional Ruler -- the Oba and his chiefs -- constitute a single sovereign entity. The Oba and his chiefs must continue their role as protectors of Yoruba traditions through their active participation and promotion of cultural ceremonies. The Oba, by virtue of his position, should remain as the honorary President of the council. The ward chiefs should enjoy their

*This diagram is based on Pate's model of the Council-Manager Plan. See J. Pate, Local Government and Administration, p. 209.

traditional membership of the council as before. Since the positions of the ward chiefs, as seen in chapter two, have been traditionally graded, those occupying the highest rank of the traditional hierarchy should be appointed into the local council. Their appointment should be finalized by the Parliamentary Joint Committee on Local Government and Chieftaincy Affairs after the nominations received from the local traditional King or Oba. The latter must however make such nominations in consultation with his traditional council of Chiefs. This body should make sure that it considers the representative nature of the nominations made. The proportion of these traditional members should be one to two of the elected councillors. This would allow the various sections of the local government community to have representative chiefs in the council.

The Chiefs should be actively employed by appointing them as members of the council's functional committees. This will let them regain their traditional role of aggregating the interests and loyalty of the people in their respective localities. The position of the Chiefs in this new scheme needs more emphasis.

It is the Chiefs who really have a comprehensive assessment of the sections of the district, and, more important is their adequate knowledge of those who live around them. The Chiefs are still the only effective channels for tax assessment and collection. The new system should involve the Chiefs in the development activities within the district. It is in this

way that they will appreciate the efforts of their literate government toward the betterment of the living standards of their people, and particularly they will appreciate the problems involved in modernization. Their enlightenment on social and economic problems of modernization would gradually give them more political understanding and consequently they would support the system by helping in the collection of taxes. Luckily, there are presently very many literate chiefs in the Yorubaland; what they need is a good example from those who are modern leaders, but have no traditional legitimacy.

The second part of the new structure is the Council which comprises both the elected and non-elected traditional Chiefs described above. Before enumerating the functions of this body there should be a brief discussion on the elected part,

In the suspended system, councillors were elected on ward basis. This system should continue to operate for the proposed scheme here. However, the population of each local government unit must be re-assessed and then partitioned into relatively equal wards, each comprising between, say, 5,000 and 6,000 people. This range is not the optimum requirement for a ward. What is important is not to make a council too large to become unwieldy nor too small as to make it not adequately representative. Decision here depends upon the good judgment of the local government planners and administrators.

Using the above range tentatively, a local unit, like the Ado-Ekiti District Council, with 157,519 people (see

page 29), should possess between thirty and thirty-two wards for the purpose of local elections. This will mean about 32 elected councillors to about 16 appointed traditional Chiefs in its Council. In the suspended system, this same Council had 33 elected members,* meaning that the pre-1966 ward patterns can be retained only with minor adjustments.

A related problem is the general tier structure of local government. This demands careful study by the government. The State government should see to the possibility of making all local government units all-purpose district (urban-city-or rural) councils, thus having only one tier of local government. This may make the units more viable than the past small councils. Moreover, one tier system will be more meaningful to the illiterate mass than the old three tiers.

The basic function of the Council would be policy-making. Since its policies should be based upon the needs and interests of the locality, it would consider critically the manager's proposed objectives in relation to the needs of the community; debate the budget, and grant money for the Manager's operations. Once these were done, the Council would move back to observe the fruits of its policies as they were being achieved.

The award of contracts, as we saw earlier, was a big single cause of financial loss through the unholy alliance of the councillors and council officials. With the elimination of party politics, it seems that the Council should be able to

*See Table III, page 95, and relate to the population figures of some areas indicated on page 29.

unite against embezzlement and combine. This of course rests on the hope that people would become more responsible. The previous provision which created a tender board in each council should continue. However, the Manager must first consider the expertise of the contract applicants in relation to the functions to be contracted, and upon this very important basis, to recommend the best contractors to the Council with adequate appraisal of each contract firm. The final choice of the tender board must be unanimous. The Manager must then give his approval after he has received that of the Council. The Inspector/Divisional Officer must also witness the transaction by giving his signature. All contracts must be well publicized.

The centre of the new structure is the Manager. From the Brandon example, the administrative and coordinative roles of this Officer are now clear. In our adaptation, the Manager should not assume greater roles than those of the Brandon Manager. In short, the Manager should furnish the Council with sufficient information which will allow it to determine better policies for the district. He should advise the Council on all policy matters at the request of the Council and put into action the policies determined by the Council. The Manager should bring about better principles of "advanced administrative organization and practice."¹ He should be held responsible

¹K. G. Crawford, Canadian Municipal Government, p. 170. The duties of the Manager were prescribed by the International Managers' Association in 1947.

for the "proper coordination of all administrative activities under his direction."¹ To the advocates of a "chief administrative officer" for each council, the Manager is their man.

Each "all-purpose" District Council -- rural or urban -- as suggested earlier should have its own Manager. The appointment of the Manager deserves some comment. First, each District Council must be given the power to hire its own executive officer -- the Manager -- on the basis of qualifications, expertise and potential. Secondly, the Council should have the power to fire the Manager only by a unanimous decision, not just by simple majority vote, whenever the Council loses faith in his service to the community. Unanimous decision may be a deterrent against intrigue to secure any given majority quota.

Each District Council should have a Board of Supervisors to consist of about five members, presumably the Oba; the elected Chairman of the Council; one other Council member; and two reputable citizens outside the Council. This board should be responsible for the appointment of the Manager, which must be approved by the Council. The Board will also be responsible for keeping the Council informed of the complaints from the public about the Council's activities and those of the Manager.

In the meantime the State's Public Service Commission, the existing Local Government Civil Service Board* and the placement offices of the universities should help the Councils

¹Ibid., p. 170.

*In 1958, a Unified Local Government Service (Staff) Regu-

to find qualified candidates with adequate potentials to serve as Managers. The State and the District Council should jointly provide for the remuneration of the Managers. A Professional Association of Administrators should soon emerge to assist in this recruitment. It is suggested that the universities in the State should evolve programmes that would help to train potential Managers.

The major problem is how to secure a good and qualified Manager for every Council. Given the present rate of graduate production from the various universities in Nigeria, the issue of qualified people as Managers should not present any great problem. The suggestion here for the use of graduates does not preclude the employment of incompetent and selfish graduates either by mistake or through corruption. Past political experiences in Nigeria have indicated that the most unsympathetic people to the cause of the ordinary poor citizen were many of the highly educated. The recommendation of non-partisanship in the new scheme may bring about a positive

lations Act was passed. It provided among other things the establishment of a Local Government Service Board. This Board is still in operation. It is composed of four members - a chairman and three others - appointed by the State's government. It performs functions similar to those of the Central Government Civil Service Commission for the Local Government - appointment and discipline of Senior staff of local councils. These are: the Secretary of a Divisional or District Council; the Treasurer of a Divisional or District Council; the Secretary/Treasurer, where these are combined; Local Educational Officers, and all local government posts with a salary scale above £300 (\$900 Canadian). For more details see Western Nigerian Local Government Law [Cap 68] (1962), pp. 404-425.

orientation of the desires of many young graduates. Perhaps party politics, as observed earlier, beclouded the imagination of many educated people and in many cases misdirected their glorious ambitions. There are presently many educated persons who are prepared to help in the development of the localities provided their efforts are not going to be nipped in the bud by partisan hostilities. These young men themselves should realize that their education will be meaningless if they fail to apply their knowledge to solving the problems of their communities.

Before we finally discuss the value to be derived from this adopted scheme, the issue of the possibility of conflict needs some consideration. The fear of role conflict between an elected Mayor and the Manager as anticipated in the American practice does not arise in Western Nigeria because the Yorubas have no elected Mayor. They have their traditional rulers -- the Obas who are to the Yoruba communities as the Queen is to Britain.

Earlier on, it was mentioned that the Oba should be a honorary President of the Council, and that there should also be a Council Chairman -- one of the elected councillors. This would allow the Oba to have a free hand in everything as the "father" of the community. He retains the ceremonial functions and traditional role, which the Mayor performs in America, while the council chairman presides over the Council's deliberations, which also the American Mayor performs.

The elimination of party politics in the operation of

the district councils will help to remove the past tendency in which the Obas were victimized by the half-educated party-puppets in the councils. Moreover, the Manager will not be responsible to the honorary Oba or the Council's Chairman, but to the people ~~through~~ their Oba in a non-partisan Council.

Another way by which conflict can be minimized in the scheme is through the suggestion made earlier -- the provision for an unprotected tenure of the Manager. He should not be statutorily protected as to handicap the authority of the Council over him. This again is one of the basic opinions of the founder of the Manager plan. Childs claimed that:

. . . any device which so protects the tenure of the Manager as to enable him conceivably to defy or flout a majority of the . . . Council impairs the unity and discipline of (its) mechanism and is utterly unsound in principle.¹

Statutory protection leads to legal battles and court actions. The people of Western Nigeria have seen enough of "magisterial justice" in the past. In a society where, as Orewa has commented, "the law" is after all "an ass"; where "clever lawyers abound,"² and where personality dictates the course of justice, it may be futile for either party -- Council or Manager -- to engage in court action. Apart from this, legal battles waste the taxpayers money.

The wisdom behind an unprotected tenure is that the Manager -- an employee hired to serve the community and who

¹J. P. East, Council-Manager Government, p. 87.

²G. O. Orewa, Local Government Finance in Nigeria, p. 148.

is responsible to a "non-factional" council for his actions will probably feel committed to serving the people efficiently and effectively. Since he has no protected tenure, he will attempt to do his best to retain the fragile tenure. He will be the one to lose, if he engages in activities which are contrary to popular expectation. The Manager will probably be very desirous to protect both his career and personality. If he should belong to a professional association, the rules and sanctions of the association would provide effective cautionary limits on the activities of the Manager.

In the main, no organization is ever free of conflict. It is how human beings amicably resolve their organizational conflicts that counts. The new approach to Western Nigerian local government as proposed here cannot be absolutely free of generated conflict. The totality of this study is on conflict resolution at the local level and, in my opinion, the non-partisan council-manager plan will not only limit conflict, but can adequately meet the needs of the local taxpayers. The failure to serve the people is the greatest source of conflict. A concern for the people constituted one of the main factors that generated the council-manager plan in the first instance. It has worked very well in many developed nations. I strongly feel and believe that the adaptation made of the scheme to Western Nigeria, as proposed above, will successfully work for the Yoruba communities. Why this optimism? This we shall now attempt to rationalize.

The Efficacy of Proposals to Western
Nigerian Local Government

To make the proposed scheme effective in Western Nigeria, it has been suggested that certain adjustments should be made to the Local Government Law (see page 136). The totality of these six provisions should be related to the closing remarks in chapter three and in fact to other ideas and problems enumerated throughout the study.

Fundamental to these provisions is the desire to limit the misuse of political office by a party in the higher level of government. Hence it has been found more logical to place the major powers of control over local government councils, and the Chiefs, in the State's Assembly or Legislature where, by virtue of its representativeness and political restraints, meaningful coordination can be evolved between the State's government and the local government units. Experiences in the pre-1966 Western Nigeria have indicated the dangers in placing too many powers in the hands of a Governor in Council.

The proposals have attempted to reconcile traditional society with the modern one by viewing a community as a unit which demands cooperation from all its citizens. The major factor that prevented this in the past was party politics in the councils.

The non-partisanship Council proposed will make it difficult for the higher government to woo one faction of a District Council while neglecting or intimidating the other. In this new proposal, the State's government would have to woo

all the community or intimidate it entirely. The latter of course will be an unwise political move.

The adaptation of the Manager plan is specifically designed to meet the pressing needs of the local people. Essential to the Manager scheme is the principle of scientific management which emphasizes management efficiency through expertise. Western Nigerian communities are facing many problems -- mass poverty, bad housing, poor supply of basic local services and essentially the problems of modern living. The adoption of the British system was dysfunctional to the development needed in the communities during the 'fifties. Now the problems have become acute. According to some writers:

A factor which appears to have been given insufficient recognition by African governments was the important difference in purpose between local government as practised in England and the immediate needs in Africa.¹

The major aim of the proposals made in this study, therefore, is to face the challenges posed by modernization in Western Nigeria. The Yorubas are facing social, educational and economic problems to which urgent solutions are required. The problems of urbanization are specifically demanding. Only efficient and effective local government can solve these pressing problems. Under the unity more attendant to a non-partisan local council than the partisan one, the Manager would be comfortable enough in doing his work, provided that the

¹Campbell, Brierly and Blitz, The Structure of Local Government in West Africa (International Union of Local Authorities, 1965), p. 41.

Manager is conscientious and dedicated to serving the community. Childs has provided the optimism when he mentioned that "If the difficult task of selecting a properly qualified Manager is faithfully carried out, an efficient and economical administration is practically assured."¹

One of the criteria with which we are concerned deals with a democratic approach to local government. This includes the idea that people should rule themselves, that they should participate in ruling themselves, and that, by doing these, local government will be a political training ground for citizenry and leadership. How can the proposals made here achieve these goals? To put the question in another form, how can the model of the non-partisan Council-Manager involve the people of the communities? To this there are three aspects -- positive participation; access to information; and civic responsibilities. These aspects of public involvement are interrelated and together we shall examine how the proposal here can satisfy them.

One of the hopes regarding the non-partisan Council-Manager proposed here, is that it will re-orient the political thinking of the Yorubas from the idea of using politics as a stepping stone to personal wealth, to that of an objective attack on societal problems which cause social and economic instability. The scheme will indeed provide a political education. First, implicit in the system is a more rational use of the electoral system to select councillors basically upon their

¹J. P. East, Council-Manager Government, p. 37.

individual merits without party coercion. This method will benefit both the elected and the electorates. On the part of the latter, there will be a sense of satisfaction from being free to choose their representatives. The elected councillor will be pleased to have successfully tested his popularity among his immediate people independent of party commitments. The councillor, therefore, will be prone, unlike in the past, to protect his own image by conducting his civic responsibilities with the dedication that he is serving his own people and not a party machine.

Presumably, the new scheme will help the citizens to gain a thorough understanding of the electoral process. In the light of past experiences in Western Nigeria, this understanding is needed. It will, hopefully, revolutionize the political mind of the people toward a virtuous participation in politics at the higher levels of government. This is essentially the first step in the political socialization of a people upon whom alien political values have suddenly been imposed.

Apart from the non-partisan electoral process, it was suggested earlier that the Council should create many functional committees aside from their operational bodies which will allow many public spirited citizens to participate in local activities. Such bodies as: a social service centre -- for counselling on many domestic and family problems -- education, sanitation, native culture, family planning, and so on; a career counselling centre and many civic organizations, should be created to help the local people.

The local people must be made aware of all community activities, particularly proposed projects. Channels for public discussion must be devised. The general meetings of the Council must be open to the public. The Council must seek the opinion of the people on major plans, through very comprehensive publicity. The ward Chiefs and councillors must assist in this process in their various wards. Adequate provision must also be made whereby citizens can by themselves, individually or through age or occupational groups, initiate plans for the consideration of the Council. In like manner, citizens should be able to petition the Council where certain policies seem uneconomical or unwarranted.

These suggestions and many others made in the course of this study will undoubtedly permit the proposed scheme to general the positive participation of the local people.

CONCLUSION

The last chapter ended with the anticipation that, everything being equal, the proposed model and suggestions made in this study should be able to generate desirable virtuous attitudes among the Yorubas toward their political system. The formation of virtuous behaviour among the Nigerians in general is the only hope for the future of their country. Fundamental to the collapse of the Nigerian First Republic was the lack of clean attitudes toward state management on the part of the leaders. In a vicious circle, this percolated into the society thereby poisoning the development of democracy and authentic participation in government.

The First Republic witnessed the perpetuation of mass political idiocy by the political sychophancy of the ruling elite. In Western Nigeria, where political awareness was relatively higher than in other parts of the Federation, the ruling elite was not prepared to respond to popular opinion. Instead, it used extra-constitutional measures to suppress the political opinion and sentiments of the Yorubas. To make these measures effective, local government became the machinery for oppression, thereby perverting the fundamental objectives of this institution.

To put Western Nigerian local government in good order, this thesis has, inter alia, spotted one single disintegrative variable which incapacitated the suspended local government system. This variable is "party politics". The pathological

problems of: inefficient and ineffective local administration; disrespect for desirable traditional values; abuse of power from the higher authority; corruption and mismanagement of local affairs, popular dissatisfaction and apathy resulted from the negative approach to party politics. To at least limit these problems, this thesis strongly suggests that party politics should be banned from the operation of local government in Western Nigeria.

The above suggestion may not receive the approval of many who firmly believe in the valuable role of parties to democracy. This has never been denied. The opinion of the writer is that the operation of parties in local government is not advisable, at least when judged from the Western Nigerian experience with the British system, which turned out to be a liability. This was so not because the system was alien but because it inherently possesses the tendencies toward a misuse of public office through its emphasis on and belief in party politics at the local government level. It was this tendency that prevented the Western Nigerian local government from meeting the criteria of a good local government in a developing, ex-colonial country. Hence the 1952-1966 experience was nothing but a pathology.

It is this pathological orientation of local government in Western Nigeria that motivated this study. The problem has forced the writer to explore the pre-colonial past of the Yorubas in order to examine some desirable traditional administrative techniques which perhaps may be usefully employed for

the future success of Western Nigerian local government. In making this historical effort, it became necessary to examine the impact of colonial administration on the traditions of the Yorubas. Our findings were generally found to be very undesirable.

The emergence of anti-colonial nationalism was supposed to be a promising breakthrough. Contrary to the 1952 optimism, the operation of the British system of local government did not satisfactorily meet the four criteria already identified.

Judging from the unsatisfactory results of the British system, the writer has made a proposal which, if considered, may bring fruitful results. This is the "Non-Partisan Council-Manager" system of local government. This proposal has taken into consideration the opinions of important Western Nigerian scholars and administrators who are presently assisting the Military Government in its effort to revitalize the importance of local government to the society.

Can the Military do More?

The present Western State Military Government owes a lot to the citizens -- the taxpayers -- of the State as does a civilian regime. Therefore it should assist the people in their quest for efficient and effective local government in the State. Apart from claiming to be an error-correcting interferer in politics, it is the duty of the Military regime to ensure that the citizens receive adequate services in return for the taxes they pay. The evolution of an efficient local government is about the best way to achieve adequate distribution of government services to the people. The Military has been trying to do this but its present system of allowing the Inspector/Divisional Officer to wield power

in local government, though producing better results than before, has not been very satisfactory because it fails to involve the local people.

To suggest that the Military Government should consider the implementation of the proposals made in this study may raise certain issues such as: whether the Military can do so without a new constitution, or whether the civil regime to come, hopefully, will decide not to have parties at the local councils, or whether a non-partisan local government system can be legislated. My reply to these would be why cannot the Military try some of, if not all, the proposals? What is being attempted here is to achieve desirable solutions to pressing problems. The Army has given 1976 as the tentative date for the end to its rule. It is not certain whether pressure from within the society would shift this deadline nearer or farther off. The issue as to whether the coming civilian regime would not like non-partisanship should not arise because we are suggesting that it does not have to lie within its power to decide. Non-partisanship is being recommended as a most desirable policy for effective and efficient local government. From Western Nigerian experience in the past one can say categorically that party politics should be banned as a means of operating local government councils. The Military is presently engaged in many innovations. One can therefore insist on a trial for our proposals in a few localities to test their results.

Let the Military then try and use its non-partisan office to organize Western Nigerian local government on a precise

formula before handing over the Regional government to the civilians. Once in power again, the politicians may regard local government problems as being minimal, as they did in the first Republic. The present regime should therefore commission a study to propose a new model for local government. Such commission should seriously consider the values of a non-partisan council-manager model. Whatever may be their recommended plan, the Commission should consider the four requirements mentioned in this study. The Military should implement the recommendations of the Commission immediately and supervise its operation keenly. Once the local government is correctly built up, one may hope for better management at the higher levels of government.

Universality of Local Government

One of the claims of the Military is that it came to rule as a unity-promoting force. It will be a contradiction of this glorious ambition if the ideas in this study are limited to Western Nigeria. Basic to national integration is institutional similarity. If one form of local government is applied to the whole country, this may^{be} one of the most important of the many approaches to national integration of all the ethnic groups in Nigeria.

The consideration of a universal form of local government is pertinent because of increasing migration of Nigerians from one area to another. In 1960, for example, it was reported that there were, in a small locality in Nigeria, 289 "strangers" to 206 indigens.¹ These so-called "strangers" were fellow Nigerians.

¹See R. K. Udo, "Migration in Nigeria", Nigeria Magazine, No. 103 (Dec. 1969/Feb. 1970), p. 622.

who were not born in the locality in question. The issue here is, should such "strangers" not be permitted to participate in the local government of the area in which they happen to reside? The so-called indigens or "sons of the soil" in the cited locality, as reported, failed to allow these other Nigerian "strangers" to take part in local government but made them pay rates.¹ The Military Government should consider solutions to this type of situation. By making a local government model universal, if that model is very adaptable, then the government is making local government intelligible. It means that every Nigerian would be able to participate in the affairs of the local government wherever he or she happens to live in the country. This would greatly improve the sense of national belongingness in every ethnic group.

Finally, since this study has been partly a product of the author's experiences, the basic proposal made in it -- non-partisan council-manager form of local government -- is far from being a political philosophy and so, also, are other suggestions made therein. The author is therefore not claiming to have solved all the ills of local government in Western Nigeria. He has, instead, made a proposal which should help in developing a viable local government system for posterity. Hopefully this can also be instructive to other developing societies which are suffering from the shocks of colonialism.

¹Ibid., pp. 621-622.

CHAPTER 68.

LOCAL GOVERNMENT LAW

A LAW TO MAKE PROVISION FOR LOCAL GOVERNMENT.⁽¹⁾

W.R. Law

12 of 1957
5 of 1958
8 of 1958
40 of 1958
49 of 1958
40 of 1959
12 of 1960
7 of 1961
8 of 1961

[12th April, 1957.]

Date of
commence-
ment.

Short title.

1. This Law may be cited as the Local Government Law.

2. (1) In this Law—

Interpreta-
tion.

"appointed day" means the day appointed for the coming into operation of this Law;

"casual vacancy" means a vacancy in a council occurring otherwise than by reason of the retirement of the members of the council in accordance with section 21;

"council" means a council established by an Instrument made, or having effect as if made, under this Law and for the time being in force;

"the Electoral Officer" in relation to a council means the person appointed under regulations made, or having effect as if made, under section 27 for the conduct of elections to that council;

"functions" includes powers and duties of a council;

"the Instrument" in relation to a council means the Instrument establishing that council made, or having effect as if made, under the provisions of the Law, as from time to time varied by any amending Instrument;

"member of a council" means an elected or nominated⁽²⁾ or traditional member of a council and includes the President of a council;

⁽¹⁾ Where the numbers of sections in this Chapter differ from those of the original enactment the latter are printed in brackets at the end of the relevant sections.

⁽²⁾ Inserted by W.N. Law No. 7 of 1961.

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"the Minister" means the Regional Minister to whom responsibility for local government is assigned in accordance with section 119 of the Nigeria (Constitution) Order in Council, 1954.

"Public Office" means any office of emolument in the public service of the Federation or public service of a Region^(*);

"the public service of the Federation" means the service of the Crown in a civil capacity in respect of the Government of the Federation^(*);

"the public service of a Region" means in relation to any Region the service of the Crown in a civil capacity in respect of the Government of that Region^(*);

(2) For the purposes of this Law the resignation of a Chairman of a council, a member of a council or a member of a Committee shall be deemed to have effect from the time it is received by the person to whom it is required to be addressed.

(3) Any person whose office or seat in a council, a committee of a council, a joint board, an assessment committee, an assessment appeal tribunal or the Local Government Service Board has become vacant may, if qualified, again be appointed or elected or nominated^(*) to that office or as a member of the council, committee, board or tribunal, as the case may be.

(4) Except as may be otherwise expressly provided by this Law or any other enactment, the provisions of this Law shall apply to a council in its capacity as a local education authority for the purposes of the Education Law.

(5) For the avoidance of doubts, it is hereby declared that the provisions of the Interpretation Law shall, save as is otherwise provided or required by the context, apply to this Law.

PART II

ESTABLISHMENT OF LOCAL GOVERNMENT COUNCILS

Governor in
Council may
establish
councils.

3. (1) Subject to the provisions of this section, the Governor in Council may by Instrument establish such councils for the purposes of local government as he shall think necessary or expedient.

(2) The descriptions of councils which may be established shall be as follows:

- (a) Divisional Councils;
- (b) District Councils; and
- (c) Local Councils.

^(*) Definition inserted by W.R.N. Law No. 40 of 1959.

^(*) Inserted by W.R.N. Law No. 7 of 1961.

Local Government

(3) Before establishing a council under this section the Governor in Council shall cause such inquiries to be made as he considers desirable for the purpose of ascertaining the wishes of the inhabitants of the area in respect of which the council is to be established.

4. Every council established under the provisions of this Law shall be a body corporate having perpetual succession and a common seal and power to hold land and to sue and be sued.

Incorporation of councils.

PART III

INSTRUMENTS

5. (1) Every Instrument shall be signified in the manner provided by the Interpretation Law for the signification of orders made by the Governor in Council.

Publication and effect of Instrument. Cap. 51.

(2) Every Instrument shall be published in the Gazette and shall have effect upon such publication or from the date named therein.

(3) Every Instrument shall be read and construed as one with this Law and shall be of the same force and effect as if it were enacted in this Law:

Provided that in the event of any conflict between the provisions of any Instrument and the provisions of this Law the provisions of this Law shall prevail.

6. (1) Every Instrument establishing a council shall—

Contents of Instruments.

(a) specify the name and description of the council and the date it shall be established;

(b) describe the device of the seal of the council;

(c) provide for the composition of the council;

(d) contain such provision for other matters as are required by this Law to be prescribed therein.

(2) An Instrument may—

(a) name a District Council as an Urban District Council or Rural District Council in combination with such other name as it may specify;

(b) provide for the use of a rubber stamp in lieu of a seal until such time as a seal be procured;

(c) make such provision for matters, other than those mentioned in this section, which is authorised by this Law;

(d) generally make such other provision not inconsistent with this Law as is necessary or expedient for the establishment of the council.

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Power to
amend
Instrument.

7. (1) Subject to the provisions of this section, the Governor in Council⁽¹⁾ may, by further Instrument, amend the Instrument establishing any council with respect to any matter for which provision may be made by Instrument under this Law.

(2) The Governor in Council⁽¹⁾ shall not amend an Instrument in any of the following ways, unless he has complied with the provisions of sub-section (3) of this section—

- (a) change the name of the council;
- (b) alter the status of the council;
- (c) add to, take away from or impose any conditions upon the exercise of any of the functions of the council; or
- (d) alter the composition of the council.

(3) Before making an amendment in any of the respects specified in sub-section (2) of this section the Governor in Council⁽¹⁾ shall—

- (a) cause to be published in the area concerned not less than thirty clear days' notice of his intention to exercise his powers under this section;
- (b) give an opportunity to the council concerned to make representations to him in writing; and
- (c) cause such inquiries to be made as he may deem desirable for the purpose of ascertaining the wishes of the inhabitants of the area concerned.

(4) The Governor in Council⁽¹⁾ shall not amend an Instrument to effect any alteration of the boundaries or area of authority of a council except in accordance with Part IV.

8. (1) Subject to the provisions of this section the Governor in Council may, by further Instrument, revoke the Instrument relating to a council.

Revocation
of
Instrument.

(2) Before revoking an Instrument the Governor in Council shall notify the council concerned of the proposed revocation and give an opportunity to the council to make representations to him in writing with respect to the proposed revocation:

Provided that an Instrument may be revoked—

- (a) in respect of a council which has held no meeting within six months of the date appointed by the Instrument for its first meeting; or

⁽¹⁾ Delegated to Minister of Local Government by W.R.L.N. 343 of 1958. See also W.R.L.N. 12 of 1960.

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(b) at any time before the date appointed by the Instrument for the first election to a council, without the council being given an opportunity to make representations to the Governor in Council.

9. Subject to the provisions of this Law, the provisions of the Interpretation Law with respect to the effect of the amendment or repeal of Laws shall apply in relation to an Instrument as they apply in relation to a Law.

Effect of amendment and revocation: Cap. 51.

10. Where the Governor in Council amends or revokes an Instrument he may, by the same or a subsequent Instrument, make such supplemental provisions with respect to administrative arrangements as appear to him necessary and, without prejudice to the generality of the foregoing, may by such Instrument---

Adjustment of assets and liabilities

- (a) provide for the transfer of, or adjustments with respect to, the assets and liabilities of any council affected;
- (b) provide for the transfer of any writs, process, records or documents relating to any council or area affected and for determining questions arising from such transfer.

PART IV

AREAS AND BOUNDARIES

11. (1) The area of authority of a council shall be defined in the Instrument relating to the council.

Area of authority of council.

(2) Where the limits of the area or any parts of the area of a council have been duly determined in accordance with the Local Government Boundaries Settlement Law, the limits so determined shall, subject to sub-section (3) of this section, be the boundary or part of the boundary of the area of the council.

Cap. 69.

(3) Nothing in sub-section (2) of this section shall affect the powers of the Governor in Council by Instrument made in accordance with this Law and taking effect subsequent to the determination, to make provision defining the area of any council affected by such determination or to revoke or amend any such provision.

12. (1) Whenever proposals are made by any person or authority for the purpose of effecting any of the following changes:--

Alteration of area of council.

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Local Government

(2) Without prejudice to the generality of sub-section (1) of this section, provision may be made by any such subsequent Instrument—

(a) for the exclusion of any contributing council or the inclusion of new councils;

(b) for the dissolution and winding up of the joint board;

(c) for the transfer to such council as may be determined by the subsequent Instrument of any employee, property, rights or liabilities of the joint board.

(3) The provisions of sub-section (3) of section 58 shall apply to an amending or revoking Instrument made by a contributing council. [60]

PART IX

FUNCTIONS OF COUNCILS

A.—General Provisions

Functions
generally.

62. (1) A council shall have such powers and duties as are conferred or imposed upon it by or under this Law or any other enactment.

(2) It shall be the duty of every council established under this Law—

(a) to discharge the duties and obligations imposed by or under this Law or any other enactment; and

(b) generally to assist in maintaining order and good government within the area of its authority,

and for these purposes, a council may, within the limits of the functions so conferred, either by its own employees or by duly appointed agents, do all such things as are necessary or desirable for the discharge of such functions.

(3) Any function conferred upon the council by or under this Law shall be exercisable over all persons within the area of its authority save as is otherwise expressly provided in this Law or in the Instrument. [61]

Prevention
of crime.

63. (1) It shall be the duty of every council together with the individual members thereof to the best of their ability to prevent the commission of any offence within the area of its authority by any person.

Local Government

(2) A council or town, village or area committee or any individual member thereof, knowing of the occurrence of any act which is likely to result in a serious breach of the peace within the area of the authority of the council shall report the matter to the nearest police officer, court officer, or justice of the peace immediately, and failure to report such an act shall be an offence and shall render any individual member of the council, or town, village, or area committee concerned liable to a fine not exceeding one hundred pounds.

(3) Any member of a council or of a town, village or area committee within the area in which he resides shall, if called upon by a superior police officer or a justice of the peace to do so, take any action necessary for the prevention of the commission of any offence, and failure to take such action shall be an offence and shall render the individual liable to a fine not exceeding one hundred pounds. [62]

64. (1) The Governor in Council (1) may in the Instrument confer upon a council all or any of the powers specified in sections 65, 66 and 68.

Governor in Council may confer powers.

(2) The Instrument may—

- (a) provide that the exercise of any power conferred on a council under this Law shall be subject to such limitations and conditions as may be therein prescribed;
- (b) require a council to provide or maintain any of the works or services mentioned in section 66 either generally or in any specified respect. [63]

65. The Instrument may confer power on the council to engage in any form of trade, commerce or industry. [64]

Power to engage in trade.

66. The Instrument may confer power on the council to provide and maintain works and services of the description or for the purposes following—

Power to provide works and services.

Natural Resources.

- (1) the improvement and protection of agriculture and livestock;
- (2) the impounding of stray animals;
- (3) schemes for planned rural development and settlement;

(1) Power of Governor in Council under this section has been delegated to the Minister in W.R.L.N. 343 of 1958.

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Markets.	(4) the prevention of soil erosion;
	(5) markets, and stalls in places other than markets;
	(6) public weighing machines and instruments of measurement;
Public Health and Housing.	(7) hospitals, maternity homes, dispensaries and institutions for lepers;
	(8) ambulance services;
	(9) drains, sewage systems, public latrines and wash places;
	(10) the removal and disposal of refuse and nightsoil;
	(11) public water supplies;
	(12) the extermination and prevention of the spread of tsetse fly, mosquitoes, and insects harmful to health, and vermin;
	(13) public slaughter houses;
	(14) the abatement of nuisances, and the prevention, control and isolation of infectious diseases;
	(15) cemeteries and burial grounds;
	(16) housing estates and urban lay-outs and settlements;
Roads and Transport.	(17) the fighting and extinguishing of fire;
	(18) public roads, bridges and paths;
	(19) a system of lighting in public places;
	(20) parking places for motor and other vehicles;
	(21) transport services by land or water;
	(22) the clearing, maintenance and improvement of waterways;
Recreation and Welfare.	(23) public piers;
	(24) public recreation grounds, open spaces and parks;
	(25) public libraries, public amusements and entertainments;
	(26) welfare services for children and young persons (including remand homes, approved schools and clubs);
	(27) institutions for the aged, destitute and infirm;
Miscellaneous.	(28) social centres and communal feeding centres;
	(29) rest houses;
	(30) information and publicity relating to the affairs of the council;

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(31) watchmen for the protection of property during the hours of darkness. [65]

67. (1) A council shall have powers to provide and maintain works and services which are incidental to any functions conferred upon it by or under this Law or any other enactment.

Further provision for works and services.

(2) Any power conferred by the Instrument on a council in pursuance of section 66 shall be exercised subject to, and in accordance with, any enactment relating to the same for the time being in force. [66]

68. The Instrument may confer power on the council to make provision by bye-law for all or any of the following:—

Legislative powers of councils.

Natural Resources.

- (1) controlling and preventing any disease of trees, crops or plants, and controlling, preventing and destroying any plant or insect which may be harmful to crops;
- (2) controlling the methods of husbandry;
- (3) prohibiting, restricting or regulating the movement in or through the area of its authority of livestock of any description;
- (4) prohibiting, restricting and regulating the keeping of livestock of any description;
- (5) preventing and controlling diseases among animals;
- (6) (a) for the appointment, management and control of pounds;
- (b) for the seizing and impounding of stray animals and the recovery of expenses connected therewith;
- (c) for the sale of impounded animals and the disposal of the proceeds of sales;
- (d) for the payment of compensation for damage done by straying animals;
- (7) (a) prohibiting cruelty to animals;
- (b) authorising the detention for treatment or destruction of any animal suffering from the effects of cruelty and the recovery of the expenses of treatment or destruction;

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- (8) prohibiting or regulating the capture, killing or sale of fish or any specified kind of fish;
- (9) preventing and controlling soil erosion;
- (10) requiring the fencing of any land and the maintenance and repair of such fences;
- (11) requiring any person to cultivate land to such extent and with such crops as will secure an adequate supply of food for the support of such person or those dependent on him;

Markets.

- (12) (a) controlling and regulating the establishment and maintenance of markets, prohibiting the establishment or maintenance of markets except in accordance with such conditions as may be prescribed by the council, regulating the use of markets and market buildings, and for keeping order, preventing destruction and maintaining cleanliness therein or in the approaches thereto⁽¹⁾;
- (b) prescribing the goods which may be sold in any market;
- (c) prohibiting the sale of any specified kind of goods within any specified area except in a market established under this Law;
- (d) regulating stallages, rents, tolls, fees and dues and the collection thereof;
- (e) for fixing the days and the hours during each day on which a market may be held and for preventing the sale and purchase of goods in the markets on any days or at any hours except those fixed;
- (f) prescribing the charges which may be made for the carriage by land or water of goods to or from the market within the limits named in the bye-laws;
- (g) prescribing the weights, scales and measures to be used in the sale of any particular produce and regulating the use thereof;
- (h) the examination of produce or articles of food;
- (i) fixing the maximum price which may be demanded on the sale by retail of any article of food in a market;

⁽¹⁾ Amended by W.R. Law No. 8 of 1961.

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Roads and
Transport.

- (13) (a) regulating the repairing, improving, stopping or diverting of streets, water-courses, or drains, preventing obstructions thereto and prescribing the mode of objection to the stopping or diverting thereof;
- (b) regulating the construction of new streets, water-courses or street drains;
- (c) regulating the cutting, uprooting, topping, injuring or destroying of any tree growing in any street; and
- (d) requiring and regulating the planting, tending, protection and preservation of trees in streets;
- (14) (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 structures, and for the recovery of the expense of such demolition, removal, or sale;
- (15) (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;
- (16) regulating parking places provided for motor or other vehicles;
- (17) (a) licensing bicycles and vehicles (but not including vehicles propelled by mechanical power);
- (b) specifying the equipment with which bicycles and such other vehicles must be fitted, and generally for regulating and controlling the riding of bicycles and the use of such other vehicles; and
- (c) generally for all purposes incidental to sub-paragraphs (a) and (b);
- (18) requiring persons to carry lights during certain hours in certain areas;

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- (19) regulating the naming of roads and streets and the numbering of houses;
- (20) (a) the control of the siting of advertisements and of hoardings or other structures designed for the display of advertisements;
- (b) the removal of any advertisement the siting of which does not conform to any bye-law made under subparagraph (a); and
- (c) providing for the removal of any hoarding or structures which constitute a danger to road users or other members of the public;

Public
Order.

- (21) prohibiting any act or conduct which is likely to cause a riot or any disturbance or a breach of the peace;
- (22) prohibiting, restricting or regulating gambling;
- (23) prohibiting, restricting or regulating the carrying and possession of weapons;
- (24) prohibiting, restricting or regulating the burning of grass or bush, and the use of fire or lights in any manner likely to ignite any grass or bush in contravention of any law or regulation;
- (25) prohibiting, restricting, controlling or regulating noise in public places (whether the noise emanates from a public place or emanates from a private place and can be heard in a public place) including (without prejudice to the generality of the foregoing powers) the following matters:—
 - (a) prohibiting, restricting, controlling or regulating—
 - (i) the sounding of horns or other similar appliances fitted to vehicles other than motor vehicles;
 - (ii) the playing of gramophones, phonographs, musical-boxes, automatic musical instruments, wireless loudspeakers or any other form of mechanical reproduction of sound;

Local Government

(iii) the use of loudspeakers, loud-hailers, megaphones and all forms of public address equipment whether mechanical or otherwise;

(iv) singing, shouting, drumming and the playing of instruments of all kinds;

(b) the licensing of any persons, buildings, places, vehicles or instruments in connection with any of the matters mentioned in paragraph (a) and the grant of permits to any persons in respect of the same;

(26) licensing and regulating guides, porters and carriers;

(27) controlling the movement of beggars in streets and public places;

(28) suppressing brothels, disorderly houses, and preventing prostitution;

(29) prohibiting, restricting or controlling the hawking of wares;

Miscellaneous.

(30) regulating, and licensing any suitable building or other place for, the performance of stage plays or public entertainments (not including the exhibition of cinematograph films) and prescribing the conditions under which such plays or entertainments may be shown;

(31) requiring the registration of persons residing within the area of the authority of the council or in any part thereof;

(32) requiring the marriage, birth or death of any person within the area of the authority of the council to be reported to or registered with the council;

(33) (a) regulating native marriages and prescribing the grounds upon which such marriages may be dissolved;

(b) prescribing the amount of dowry which may be payable in connection with such marriages and the amounts which shall be paid on account of the refund of dowry upon the dissolution of a native marriage;

Local Government

- (c) providing for the custody and maintenance of the children of a native marriage that is dissolved;
- (34) regulating and controlling the movement of children and young females from or within the area of the council;
- (35) regulating child betrothals within the area of its authority and prescribing safeguards to be taken--
 - (a) when the child betrothed leaves the place in which her parents or guardians reside but does not leave the area of authority of the council making the bye-law;
 - (b) when the child betrothed leaves the area of authority of the council making the bye-law;
- (36) regulating any work or service provided or maintained by the council under the provisions of section 66;
- (37) protecting and preventing injury to any property, movable or immovable, vested in or under the control of the council;
- (38) prescribing the powers and duties of any person appointed or employed in connection with any of the purposes of bye-laws made under this Law. [67]

Special provisions relating to certain Bye-laws, Cap. 14.

69. (1) Any power conferred under section 68 to make legislative provision with respect to building lines shall not extend to roads for the time being subject to the Building Lines Regulation Law.

Cap. 12.

Functions under other enactments.

(2) Any power conferred under section 68 to make legislative provision with respect to the registration of births and deaths shall not extend to births and deaths which are registrable under the Births and Deaths Registration Law. [68]

Powers may be concurrent.

70. Where it is so provided by any enactment other than this Law, the Instrument may confer powers or impose duties on the council under that enactment. [69]

71. (1) Any power to make bye-laws conferred on a council by or under the Instrument may be concurrent with a like power conferred on another council having authority over the area or part of the area of the council to which the Instrument relates.

(p) Paragraph 12 of section 68 amended by W.R.N. Law No. 8 of 1967.

Local Government

(2) Where a council proposes to make bye-laws with respect to any matter on which bye-laws made by a council having concurrent powers are in force it shall send a copy of the proposed bye-laws to that council and that council shall, if it objects to the making thereof, inform the council proposing to make the bye-laws, and the authorities responsible for approving the same. [70]

72. (1) Subject to the provisions of the Instrument, a council which is superior to another council having authority over part of its area may delegate to that council, with or without restrictions and conditions,—

Council may delegate powers.

(a) any of its powers conferred under section 66; or

(b) any powers to enforce any bye-law made by the council.

(2) A delegation shall not be made under this section except with the consent of the Minister and of the council to which the power is to be delegated.

(3) In the exercise of powers delegated under this section a council shall act as agent of the delegating council.

(4) For the purposes of this section a Divisional council shall be superior to a District and a Local council, and a District council shall be superior to a Local council. [71]

B.—Miscellaneous Powers of Councils

73. (1) Subject to the provisions of this section, a council may enter into any contract necessary for the discharge of any of its functions under this Law or any other enactment.

Powers to contract.

(2) A council shall not enter into any contract to the value of two thousand pounds or upwards without the prior approval of the Minister. [1]

(3) A council shall not enter into a contract with any person who is for the time being a member of the council.

(4) Any contract made by a council shall be made in accordance with the Standing Orders of the council and, in the case of contracts for the supply of goods and materials or for the execution of works to the value of two hundred and fifty pounds and upwards, such Standing Orders shall—

(a) require that notice of the intention of the council to enter into the contract shall be published and tenders invited; and

(*) Power of Minister in this section has been delegated to the Regional Minister in W.R.L.N. 284 of 1960.

Local Government

(b) regulate the manner in which such notice shall be published and such tenders given.

(5) A person entering into a contract with a council shall not be bound to enquire whether the Standing Orders of the council which apply to the contract have been complied with or, in the case of a contract to the value of two thousand pounds or upwards, whether the prior approval of the Minister has been obtained and all contracts entered into by a council, if otherwise valid, shall have full force and effect notwithstanding that the Standing Orders applicable thereto have not been complied with or that the approval of the Minister has not been obtained. [72]

Powers to accept gifts.

74. A council may accept, hold and administer any gift of property for any public purpose, or for the benefit of the inhabitants of the area of its authority or any part thereof, and may execute any works (including works of maintenance and improvement) incidental to or consequential on the exercise of the powers conferred by this section. [73]

Provision of offices, etc., by councils.

75. (1) A council may—

- (a) build, acquire, provide or hire and furnish buildings within the area of the authority of such council to be used for the purpose of transacting the business of the council and for public meetings and assemblies;
- (b) combine with any other council for the purpose of building, acquiring, providing or hiring and furnishing any such buildings; or
- (c) contribute towards the expense incurred by any other council in building, acquiring, providing or hiring and furnishing any building within the area of the authority of such councils suitable for use for any of the aforesaid purposes.

(2) A council may build, provide or hire and maintain quarters or houses for any employee of the council. [74]

Fees.

76. Subject to the prior approval of the Minister⁽¹⁾ a council may charge fees for any service or facility provided by the council. [75]

Powers to insure.

77. A council may insure against risks of any description. [76]

⁽¹⁾ Power of the Minister has been delegated to the Regional Minister in W.R.L.N. 284 of 1960.

Local Government

78. (1) The Governor in Council^(*) may in the Instrument provide that a council shall have power to make declarations and recommend modifications of local customary law.

Declarations and modifications of customary law.

(2) Where a council has the power conferred by this section it may and shall where so required by the Governor in Council,—

(a) make a declaration stating the customary law which appears to it to apply in its area or any part of it to any matter; or

(b) submit a recommendation that the customary law applying in its area, or any part of it, to any matter be modified in the manner therein stated.

(3) The Governor in Council^(*) may if satisfied—

(a) in the case of a declaration, that it accurately records the customary law in question;

(b) in the case of a recommendation, that the modification is expedient; and

(c) in the case of a declaration and a recommendation that it is not repugnant to justice, equity and good conscience or incompatible, either in its terms or by necessary implication, with any enactment,

by order direct that the customary law stated in the declaration or as modified in the recommendation, as the case may be, shall be the customary law applying to the matter for the area to which the declaration or recommendation relates.

(4) A declaration or recommendation may be in respect of the customary law applying generally or to specified persons or classes of persons.

(5) A recommendation for modification of customary law may be submitted whether or not a declaration or an order under this section with respect to the same has been made.

(6) The power conferred under this section shall not extend to customary law relating to any matters for which provision is made in the Chiefs Law. [77]

Cap. 19.

^(*) Power of Governor in Council has been delegated to the Minister in W.R.L.N. 343 of 1958.

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APPENDIX B

Table I
COMPARATIVE TABLE OF TAX LIABILITIES, 1968-69

(a) SINGLE PERSON

Annual income				Western and Midwestern State (Badan and Benin)					Eastern State (Port H)				
Income tax	Personal rel.	Total		Income Tax	Development Tax	Reconstruction levy	Local rates, water, el. & pd.	Total	Income tax	Development tax			
£ s d	£ s d	£ s d	£ s d	£ s d	£ s d	£ s d	£ s d	£ s d	£ s d	£ s d	£ s d	£ s d	£
0	0	0	0	1 17 6	1 2 6	0 10 0	2 0 0	5 10 0	1 17 6	—	—	—	1
1	0	0	0	3 15 0	2 10 0	0 10 0	2 0 0	8 15 0	3 0 0	—	—	—	1
2	0	0	0	11 5 0	7 10 0	2 10 0	2 0 0	23 5 0	14 5 0	—	—	—	2
3	0	0	0	22 18 4	15 0 0	30 0 0	5 0 0	72 18 4	34 17 6	—	—	—	2
4	0	0	0	47 1 8	25 0 0	50 0 0	5 0 0	122 1 8	75 13 0	—	—	—	5
5	0	0	0	217 1 8	50 0 0	100 0 0	5 0 0	372 1 8	286 6 3	—	—	—	10
6	0	0	0	452 1 8	75 0 0	150 0 0	5 0 0	682 1 8	579 0 0	—	—	—	10
7	0	0	0	947 1 8	112 10 0	200 0 0	5 0 0	1,264 11 8	1,159 0 0	—	—	—	10
(SINGLE PERSON WITH THREE CHILDREN)				(SINGLE PERSON WITH THREE CHILDREN)					(SINGLE PERSON WITH THREE CHILDREN)				
0	0	0	0	1 17 6	1 2 6	0 10 0	2 0 0	5 10 0	1 17 6	—	—	—	1
1	0	0	0	3 15 0	2 10 0	0 10 0	2 0 0	8 15 0	2 5 0	—	—	—	1
2	0	0	0	11 5 0	7 10 0	2 10 0	2 0 0	23 5 0	10 10 0	—	—	—	2
3	0	0	0	26 5 0	15 0 0	30 0 0	5 0 0	68 5 0	20 10 0	—	—	—	2
4	0	0	0	50 0 0	27 0 0	50 0 0	5 0 0	98 5 0	53 10 0	—	—	—	5
5	0	0	0	201 5 0	42 0 0	100 0 0	5 0 0	200 1 8	214 16 3	—	—	—	10
6	0	0	0	405 0 0	67 0 0	150 0 0	5 0 0	594 1 8	476 0 0	—	—	—	10
7	0	0	0	660 1 8	92 0 0	200 0 0	5 0 0	957 1 8	726 0 0	—	—	—	10

Source: Tax tables and schedules in the respective states, 1968-69.

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Table I
COMPARATIVE TABLE OF TAX LIABILITIES, 1965-69

(a) SINGLE PERSON

	Western State (Ibadan and Benin)			Eastern States (Port Harcourt/Calabar)				Kwara State (Ilorin)					
	Reconstruc- tion levy	Local rates, water, oil, & oil	Total	Income tax	Deve- lopment tax	Local rates	Reconstruc- tion levy	Total	Income tax	Deve- lopment tax	Local rates	Reconstruc- tion levy	Total
Local rates	£ s d	£ s d	£ s d	£ s d	£ s d	£ s d	£ s d	£ s d	£ s d	£ s d	£ s d	£ s d	£ s d
0 10 0	2 0 0	5 10 0	1 17 6	—	1 0 0	0 10 0	0 10 0	2 17 6	1 5 0	—	1 0 0	0 10 0	2 15 0
0 10 0	2 0 0	8 15 0	3 0 0	—	1 0 0	0 10 0	0 10 0	4 0 0	3 7 0	—	1 0 0	0 10 0	4 17 0
2 10 0	2 0 0	23 5 0	14 5 0	—	2 0 0	2 10 0	2 10 0	18 15 0	7 10 0	—	1 0 0	2 10 0	11 0 0
30 0 0	5 0 0	72 18 4	34 17 0	—	2 0 0	30 0 0	30 0 0	65 17 6	22 10 0	—	2 0 0	30 0 0	54 10 0
50 0 0	5 0 0	122 1 8	75 13 0	—	5 0 0	50 0 0	50 0 0	130 13 0	5 0 0	—	5 0 0	50 0 0	109 0 0
100 0 0	5 0 0	372 1 8	236 6 3	—	10 0 0	100 0 0	100 0 0	398 6 3	202 0 0	—	5 0 0	100 0 0	207 0 0
150 0 0	5 0 0	682 1 8	579 0 0	—	10 0 0	150 0 0	150 0 0	739 0 0	440 0 0	—	5 0 0	150 0 0	595 0 0
200 0 0	5 0 0	1,264 11 8	1,159 0 0	—	10 0 0	200 0 0	200 0 0	1,339 0 0	947 0 0	—	5 0 0	200 0 0	1,152 0 0
(b) MARRIED PERSON WITH THREE CHILDREN													
0 10 0	2 0 0	5 10 0	1 17 6	—	1 0 0	0 10 0	0 10 0	2 17 6	1 5 0	—	1 0 0	0 10 0	2 15 0
0 10 0	2 0 0	8 15 0	2 5 0	—	1 0 0	0 10 0	0 10 0	4 0 0	2 10 0	—	1 0 0	0 10 0	4 0 0
2 10 0	2 0 0	23 5 0	10 10 0	—	2 0 0	2 10 0	2 10 0	15 0 0	7 10 0	—	1 0 0	2 10 0	11 0 0
30 0 0	5 0 0	38 15 0	20 10 0	—	2 0 0	30 0 0	30 0 0	82 10 0	15 0 0	—	2 0 0	30 0 0	47 0 0
50 0 0	5 0 0	58 5 0	53 10 0	—	5 0 0	50 0 0	50 0 0	108 10 0	38 5 0	—	5 0 0	50 0 0	93 5 0
100 0 0	5 0 0	200 1 8	214 16 3	—	10 0 0	100 0 0	100 0 0	324 16 3	166 0 0	—	5 0 0	100 0 0	271 0 0
150 0 0	5 0 0	594 1 8	476 0 0	—	10 0 0	150 0 0	150 0 0	636 0 0	395 0 0	—	5 0 0	150 0 0	550 0 0
200 0 0	5 0 0	957 1 8	726 0 0	—	10 0 0	200 0 0	200 0 0	936 0 0	688 10 0	—	5 0 0	200 0 0	893 10 0

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The Management History
of Ilesha Urban District
Council

The first Local Government Council elections were held in 1945. Most of the Councils in the then Western Region were run for 3 years before they were dissolved and replaced by Management Committees whose members were appointed by the then Regional Government. Our Management Committee was in existence until 1962 when the Administrator of the then Western Region appointed fresh members to serve as the [Ilesha] Council's Management Committee. Since then the Council has been run by various Committees of Management appointed by successive Regional and State Governments.

From 1963 to 1964 when the N.C.N.C./U.P.P. were in power, they also injected their members to serve as the Management Committee of the Council. When the N.N.D.P. came to power towards the end of 1964, the Management Committee was dissolved and replaced with ^{an} N.N.D.P. Committee of Management. On 15th January 1966 when the Army came to power, the Committees of Management were abolished and replaced with Sole Administrators.

In April, 1970, the Military Governor of the Western State appointed Advisory Committees to advise the Sole Administrators (vide the Western State Legal Notice 223 of 9th April, 1970). The Advisory Committee's tenure of office was six months, which has now expired. A new arrangement is now on to appoint another set of Advisory Committees to assist the Sole Administrators in the Western State.

Mr. T. Olanipekun (Secretary of Ilesha
Urban District Council)

APPENDIX D: QUESTIONNAIRE

James Babalola Ajila,
350 Slater Street,
Apt. 6, Ottawa 4,
Ontario, Canada.

The Administrator,

July 30, 1970.

.....
.....
.....

Dear Sir,

I would like to begin this letter by expressing my deep appreciation for the importance of your administrative role to the progress and unity of our beloved country. The success of Western Nigeria Local Government, and those of other parts of Nigeria, means so much to all of us and in the light of this, I would very much appreciate your cooperation in this project.

As a graduate student in Public Administration at Carleton University here, I am devoting my research on the Western Nigerian experience in Local Government. The Questionnaire enclosed is an attempt to gather first hand information on this project. Certain areas touched in the questionnaire may belong to the realm of confidential issues. Consequently, I do not request names of people where such trust may be violated. Generally however, I have endeavoured to make the questions very straightforward to answer. Please do not hesitate to make additional suggestions where you may find them necessary.

For your convenience, I hereby enclose self addressed

and stamped envelope for the return of the completed questionnaire by air.

As a very dutiful and learned person, you can recognize the great importance of this questionnaire. I shall therefore be very delighted if it can reach me by September.

Once again I am very grateful for your cooperation and I hope that this research effort may be of future use to the progress of our Country. I am eager to receive from you in due course.

Thank you very much.

I am,

Your sincere compatriot,

J. B. Ajila.

Name of City, Urban, District or Local Council

A. - General Political History of Council

1. When was Council first established?
2. By what authority was the Council established?
.....
3. Was Council a part of a larger Local or District Council before it became a single autonomous institution?
(if so give the name of the first larger or general authority)
4. Was the present Council established as a result of local political pressure or as a result of Regional Government's political or administrative convenience?
.....
5. Past Electoral Experience of Council Here, please give the very authentic information as recorded by the Council and where space is not enough, use the back of sheet.

Date of Election	Total No. of Councillors read.	No. of Councillors elected	Action Group	Party Standing			Independent	Other non-elected members
				N.C.N.C.	UPP	NNDP		
1957								
1958								
1959								
1960								
1961								
1962								
1963								
1964								
1965								
1966								
1967								

7. Last Phase of Civilian controlled Council before the Military Administration.

a. When was the last civilian (i.e. elected) Council?
..... and which of the local parties was in power?

b. Occupational background of the councillors in the last elected Council

No. of coun- cillors	Lawyers	Teachers	Businessmen e.g. Cont- ractors or Product buyers	Petty trad- ers	Artisans e.g. Tai- lors, Washer- men etc.	Farm- ers	Others

c. Educational background of the councillors in the last elected Council

No. of Coun- cillors	University or education or equivalent	EDUCATION				Secondary education	Technical Training	Modern III	Primary School	Illiterates
		Teacher Grade I.	Teacher Grade II.	Teacher Grade III.	Teacher Grade IV.					

8. Management of Council since the Military Regime

a. How is the Council presently managed? i. By Commissioner/s or a Sole Administrator?

Name ii. By a Council of Care-takers? No. of members

b. If Council is under a Sole Administrator, is he, the Administrator, assisted by a council of local people? How many? and are they permanent appointees?

What are the qualifications for their appointment?

1.
2.
3.
4.

8-contd.

c. Degree of citizen participation in the affairs of their Local Government. According to some accurate sources, civilians are not elected to the local administration. Under this situation how does the local authority achieve citizens' participation?

i. By public meetings?

How frequent ?

ii. By consultation with local Traditional Heads?

..... How often?

d. In your own opinion is the present council management more effective and efficient than the suspended elected Council?

What are some of your reasons to back your opinion?

.....
.....
.....
.....
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.....
.....

(please use back of sheet if necessary)

B. Council and Commission of Inquiry

1. Has there been any Commission of Inquiry into the affairs of this Council?

Date of such action i (if more than once)

ii

iii

2. What were the reasons for such action/s?

i. Was it because of party political agitation?

ii. Or because of the political role of the Oba or the Traditional Head of the District or Town?

iii. Or has any inquiry something to do with the local chieftaincy institution?

If so, in what aspects?

.....
.....

..... (use back if necessary).

P.5

iv. Was any Inquiry a product of Financial Management?

If so, how much was involved?

Date of Inquiry Amount involved No. of People involved

.....
.....
.....

Please - use reverse side for any other reason for the Inquiry.

Certain facts about the people involved.

No. of elected Councillors involved

No. of Council Officials involved

Position of the Official or Councillor involved	His/her salary p.a. or Profes- sion of Council- lor	When was he/she in office	Amount alleged	Made to pay? & Amount?	Final situation		
					Jailed? & Term?	Officer has not been found	Property taken & worth ? & other?
Secretary...							
Treasurer...							
Council Engineer....							
Tax Col- lector							
Forestry Inspector...							
Collector of license rev- enue of any type.....							
Council/ contractor..							
Clerk or Messenger...							
Councillor..							
Other							

v. Inquiry still in progress? (If so use
table B.2 iv above to carry relevant information.)

vi. Inquiry already concluded but report not declared?

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APPENDIX E

BY-LAW NO. 3623

BEING a By-law of the City of Brandon to amend By-law No. 3518 (Duties and powers of City Manager).

The Council of the City of Brandon in meeting assembled duly enacts as follows:

1. Section 6 of By-law No. 3518 be and the same is hereby repealed and the following substituted therefor:

"6. The powers and duties of the City Manager appointed under this By-law shall be as follows:

(a) To carry out and enforce all orders, resolutions, and By-laws of the City Council, and all reports of Committees as approved by the Council, with the exception of such orders, resolutions or by-laws as may come within the jurisdiction of the Board of Police Commissioners, Brandon Centennial Committee, Library Board, Employees Pensions Administrative Board, Stadium Committee, Brandon Recreation Commission, Parks Board, Arena Management Board, Health Unit Advisory Board, Brandon Town Planning Advisory Board, District Town Planning Advisory Board, Brandon Flying Club, Provincial Exhibition Board, Winter Fair Board, Brandon Parking Authority, Industrial Commission, the City Solicitor, the Medical Health Officer, the City Auditors, and any other Boards or Committees that may be autonomous in their own rights and so recognized by City Council.

(b) To supervise all departments of the City, including Assessments, Licenses, Finance, Personnel, Property, Fire, Engineering, Works, Sanitation, Water Works, Building Inspection, Transit, Public and Social Welfare, and to supervise through his subordinate all works improvement, roads, streets, and public places used or controlled by the City, the collection of taxes, license fees, and all other revenues and money paid to the City of Brandon provided however he shall have no jurisdiction over those autonomous bodies as mentioned in Section 6 (a).

(c) To give instructions to the City Solicitor to commence, defend or conduct any action or proceedings whatsoever in any court of law or before any tribunal, arbitrator or any person, for, or on behalf of the City, if and when approved by Council.

(d) To prepare estimates for the City Council annually on or before March 31st, and after budget approval by City Council, be responsible for the administration of the said budget.

(e) To prepare and to submit to the members of the City Council a complete report on all finances and administrative activities of the City for the fiscal year not later than February 28th of the following year.

(f) To keep the Council advised of the financial condition of the City by monthly reports.

(g) To meet with Department heads collectively twice a month to discuss matters of policy which have been agreed upon by the City Council and to co-ordinate all the department activities.

(h) To attend all Council and Committee meetings and with the consent of the Mayor or Chairman, to speak, but not to vote thereat.

(i) To carry out policy as laid down by the City Council.

(j) To prepare specifications for and recommend the awarding of all contracts, and for that purpose to call for all tenders for works, material and supplies, implements or machinery or any other goods or property required which may lawfully be purchased for the use of the corporation, and to report the same to the Council at its next meeting.

(k) To inspect and report to the Council at every regular meeting upon all municipal works being carried on by the City, or upon any matter requiring the decision of the Council, and from time to time to report to the Council upon any and all matters referred to him for that purpose by the Council.

(l) To nominate for the approval of the Council all heads of departments and sub-departments in case of any vacancy, and, after a favorable report by the head of the department, any other officer of the corporation required to be appointed by by-law or resolution of the Council, including all permanent officers, clerks or assistants, and to recommend the salaries thereof. No head of a department or sub-department or other permanent officer, clerk or assistant as aforesaid shall be appointed or elected by the Council in the absence of such nomination. This clause shall not, however, include or cover the City Solicitor, the Medical Health Officer, or any employees of any autonomous bodies not under the direct control of the City Manager.

(m) To suspend any head of a department and forthwith to report such suspension to the Council provided that this shall not apply to the City Clerk, the City Treasurer, the City Assessor, the City Solicitor or the Medical Health Officer.

(n) He shall have complete control of all City purchasing authorized by City Council.

(o) He shall be empowered to spend up to the sum of \$500.00 for any emergency nature for any particular department or purpose by justifying such expenditure with supporting vouchers, report or explanation at the next meeting of the Committee of the Whole Council or Council Meeting and providing such funds are available through the respective Department's Budget.

BIBLIOGRAPHY

Books

- AJAYI, J. F. A. Christian Missions in Nigeria 1841-1871; The Making of the Educated Elite. Evanston: Northwestern University Press, 1965.
- AKPAN, U. N. Epitaph to Indirect Rule: A Discussion on Local Government in Africa. London: Frank Cass & Co. Ltd., 1967.
- ALDERFER, H. F. Local Government in Developing Countries. New York: McGraw-Hill, [1964].
- ARIKPO, D. The Development of Modern Nigeria. London: Penguin Books Ltd., 1967.
- AWOLOWO, O. The Peoples' Republic. Ibadan: Oxford University Press, 1968.
- _____. Path to Nigerian Freedom. London: Faber and Faber Ltd., 1947.
- BABATUNDE, A. W. Urban Government for Metropolitan Lagos. New York: Praeger, 1968.
- BANFIELD, E. C. Urban Government: A Reader in Administration and Politics. New York: The Free Press, 2nd edition, 1967.
- BASCOM, W. The Yoruba of Southwestern Nigeria. New York: Holt, Rinehart and Winston, 1969.
- BIOBAKU, S. O. The Origin of the Yorubas. Lagos: Federal Ministry of Information, 2nd Printing, 1960.
- BLAIR, George S. American Local Government. New York: Harper and Row, Publishers, Copyright 1964.
- BLITZ, L. F. (ed.). The Politics and Administration of Nigerian Government. Lagos: African University Press, 1965.
- BRETTON, H. L. Power and Stability in Nigeria: the politics of decolonization. New York: Praeger, 1962.
- CAMPBELL, BRIERLY and BLITZ. The Structure of Local Government in West Africa. The Hague: International Union of Local Authorities, 1965.
- CHADWICK, E. R. Community Development. London: Bureau of Current Affairs, 1950.

BIBLIOGRAPHY

Books

- AJAYI, J. F. A. Christian Missions in Nigeria 1841-1871; The Making of the Educated Elite. Evanston: Northwestern University Press, 1965.
- AKPAN, U. N. Epitaph to Indirect Rule: A Discussion on Local Government in Africa. London: Frank Cass & Co. Ltd., 1967.
- ALDERFER, H. F. Local Government in Developing Countries. New York: McGraw-Hill, [1964].
- ARIKPO, D. The Development of Modern Nigeria. London: Penguin Books Ltd., 1967.
- AWOLOWO, O. The Peoples' Republic. Ibadan: Oxford University Press, 1968.
- _____. Path to Nigerian Freedom. London: Faber and Faber Ltd., 1947.
- BABATUNDE, A. W. Urban Government for Metropolitan Lagos. New York: Praeger, 1968.
- BANFIELD, E. C. Urban Government: A Reader in Administration and Politics. New York: The Free Press, 2nd edition, 1967.
- BASCOM, W. The Yoruba of Southwestern Nigeria. New York: Holt, Rinehart and Winston, 1969.
- BIOBAKU, S. O. The Origin of the Yorubas. Lagos: Federal Ministry of Information, 2nd Printing, 1960.
- BLAIR, George S. American Local Government. New York: Harper and Row, Publishers, Copyright 1964.
- BLITZ, L. F. (ed.). The Politics and Administration of Nigerian Government. Lagos: African University Press, 1965.
- BRETTON, H. L. Power and Stability in Nigeria: the politics of decolonization. New York: Praeger, 1962.
- CAMPBELL, BRIERLY and BLITZ. The Structure of Local Government in West Africa. The Hague: International Union of Local Authorities, 1965.
- CHADWICK, E. R. Community Development. London: Bureau of Current Affairs, 1950.

- COWAN, L. G. Local Government in West Africa. New York: Columbia University Press, 1958.
- CRAWFORD, K. G. Canadian Municipal Government. Toronto: University of Toronto Press, Reprinted 1958.
- CROOKER, W. R. Nigeria. A Critique of British Colonial Administration. London: George Allen and Unwin Ltd., 1936.
- CROWDER, M. West Africa Under Colonial Rule. London: Hutchinson and Co. Ltd., 2nd edition, 1970.
- EAST, J. P. Council-Manager Government: The Political Thought of Its Founder, R. S. Childs. Chapel Hill: The University of North Carolina Press, 1965.
- FELDMAN, L., and GOLDRICK, M. (eds.). Politics and Government of Urban Canada. Toronto: Methuen, 1969.
- FORDE, D. The Yoruba-Speaking People of South-Western Nigeria. London: International African Institute, 2nd Printing, 1962.
- HARRIS, P. J. Local Government in Southern Nigeria. London: Cambridge University Press, 1957.
- HICKS, Ursula K. Development from Below: Local Government and Finance in Developing Countries of the Commonwealth. Oxford: Clarendon Press, 1961.
- JACKSON, I. C. Advance in Africa: A Study of Community Development in Eastern Nigeria. London: Oxford University Press, 1956.
- JOHNSON, S. The History of the Yorubas. London: Lowe and Brydone Ltd., Reprinted 1969.
- KIRK-GREENE, A. H. M. The Principle of Native Administration in Nigeria. London: Oxford University Press, 1965.
- LUGARD, Lord F. D. The Dual Mandate in British Tropical Africa. London: W. Blackwood and Sons, 1923.
- MACKINTOSH, J. P., et al. Nigerian Government and Politics. London: George Allen and Unwin, 1966.
- OHONRAMU, O. The Psychology of the Nigerian Revolution. Infracombe: Stockwell, 1969.
- OREWA, G. O. Local Government Finance in Nigeria. Ibadan: Oxford University Press, 1966.
- PATE, J. E. Local Government and Administration: Principles and Problems. New York: American Book Company, 1954.

PERHAM, M. Colonial Sequence 1880-1949. London: Methuen and Co. Ltd., 1967.

_____. Native Administration in Nigeria. London: Oxford University Press, 1962.

PLUNKETT, T. J. Urban Canada and Its Government: a study in Municipal Organization. Toronto: Macmillan of Canada, 1968.

RIDLEY, C. E. The Role of the City Manager in Policy Formulation. Chicago: The International City Manager Association, 1958.

POWAT, D. C. Your Local Government. Toronto: The Macmillan Co. of Canada Ltd., 1965.

_____. The Canadian Municipal System. Toronto: McClelland and Stewart Ltd., 1960.

_____. (ed.). The Ombudsman. London: George Allen and Unwin Ltd., 2nd Edition, 1968.

STEFFENS, L. The Shame of the Cities. New York: Hill and Wang, 11th Edition, 1967.

SYED, A. H. The Political Theory of American Local Government. New York: Random House, 1966.

WARREN, J. H. In Defence of Local Democracy. London: Conservative Political Centre, 1957.

WHITE, L. D. The City Manager. New York; Greenwood Press, Reprinted 1968.

WRAITH, R. Local Government in West Africa. London: George Allen and Unwin Ltd., 1964.

WRAITH, R., and SIMPKINS, E. (eds.). Corruption in Developing Countries including Britain until the 1880's. London: George Allen and Unwin Ltd., 1963.

Articles and Periodicals

BEARD, C. A. "Political Parties in City Government", National Municipal Review, Vol. 6, No. 2, March, 1917, pp. 201-206. (With 3 other articles on non-partisan local government.)

BROWN, R. E. "Local Government in the Western Region of Nigeria 1950-55", Journal of African Administration, Vol. VII, 1955, pp. 180-187.

- DEGUN, A. A. K. "Developing Viable Local Government in Western Nigeria", Administration (University of Ife), Vol. III, No. 3, April, 1969, pp. 175-181.
- DYSON, P. "Local Government Training in the Western Region of Nigeria", Journal of African Administration, Vol. II, 1959, pp. 193-200.
- FOWLER, W. "Some Observation on the Western Region Local Government Law 1952", Journal of African Administration, Vol. V, 1953, pp. 119-123.
- GORVINE, Albert. "The Utilization of Local Government for National Development", Journal of Local Administration Overseas, Vol. IV, No. 4, 1965, pp. 225-231.
- GREENSTONE, J. D. "Corruption and Self Interest in Kampala and Nairobi: A Comment on Local Politics in East Africa", Comparative Studies in Society and History, Vol. VIII, No. 2, 1966, pp. 199-210.
- IKIME, Obaro. "Reconsidering Indirect Rule: The Nigerian Example", Journal of the Historical Society of Nigeria, Vol. IV, No. 3, Dec., 1968, pp. 421-438.
- KHOSHA, J. N. "Urbanization in the Developing Countries", International Union of Local Authorities - Newsletter, July/August, 1969.
- KIRK-GREENE, A. H. M. "Problems of the African Administration in the Field Today", African Affairs, Vol. LXVI, No. 264, 1967, pp. 310-323.
- LEES, D. S. "The place of Local Authorities in the National Economy", Public Administration, Vol. 39, Spring, 1961, pp. 27-43.
- LLOYD, P. C. "The Integration of the New Economic Class into Local Government in Western Nigeria", African Affairs, Vol. 52, No. 209, Oct., 1953, pp. 327-334.
- _____. "Action Group and Local Government", Part I (in Western Nigeria), West Africa, No. 1916, Nov. 7, 1953, p. 1039.
- _____. Part II, West Africa, No. 1916, Nov. 14, 1953, p. 1065.
- _____. "Kings, Chiefs and Local Government in Western Nigeria", Part I, West Africa, No. 1875, January 31, 1953, p. 79.
- _____. Part II, West Africa, No. 1876, February 7, 1953, p. 103.

- LLOYD, P. C., and POST, K. W. "Where Should One Vote?", Journal of African Administration, Vol. 12, No. 2, 1960, pp. 95-106.
- LLOYD, P. C. "Sacred Kingship and Government Among the Yoruba", Africa, Vol. 30, No. 3, July, 1960, pp. 221-237.
- LOVERIDGE, R. O. "The City Manager in Legislative Politics: A Collision of Role Conceptions", Polity, Vol. 1, No. 2, Winter, 1968, p. 216.
- MAPOGUNJE, A. "Local Government For What?", Nigerian Opinion, No. 2, February, 1965, pp. 8-9.
- _____. "Urbanization in Nigeria: a Constraint on Economic Development", Economic Development and Cultural Change, Vol. 13, No. 4, July, 1965, pp. 413-438.
- MAGID, Alvin. "British Rule and Indigenous Organization in Nigeria: A Case Study in Normative Institutional Change", Journal of African History, Vol. X, No. 2, 1968, pp. 299-313.
- MARSHALL, A. H. "The Adaptation of English Local Government Principles to Colonial Territories", Journal of African Administration, Vol. 2, 1950, pp. 34-39.
- O'CONNEL, James. "Politicians, Administrators and the Problems of Modernization", Journal of Administration Overseas, Vol. VI, April, 1967, pp. 122-125.
- ODUMOSU, P. T. "Leadership in the Public Service of Nigeria", Administration (University of Ife), Vol. II, No. 2, Jan., 1968, pp. 63-70.
- OMOROGBE, N. "British Colonial Policy and Localization: the Nigerian Experience", Journal of Commonwealth Political Studies, Vol. VI, No. 3, Nov., 1968, pp. 202-218.
- OREWA, G. O. "Problems of Local Government Finance in Western Nigeria", Lecture Delivered at the Public Service Forum Meeting, Ibadan, July 19, 1963.
- PERHAM, M. "Lord Lugard: A Preliminary Evaluation", Africa, Vol. XX, No. 2, April, 1950, pp. 228-239.
- PLANT, H. T. "Local Government and Community Development in Rural Areas of Papua and New Guinea", Journal of Local Administration Overseas, Vol. 3, 1964, pp. 107-113.
- ROBSON, W. A. "Local Government in the Welfare State", Political Quarterly, Vol. 37, 1966, pp. 121-127.
- SHARPE, L. J. "Theories and Values of Local Government", Political Studies, Vol. XVIII, No. 2, June, 1970, pp. 153-174.

SINGH, R. "Problems of Institutional Transplantation: the Case of the Commonwealth Caribbean Local Government System", Caribbean Studies, Vol. 10, No. 1, April, 1970, pp. 23-33.

SKLAR, R. "Nigerian Politics in Perspective", Government and Opposition, Vol. II, No. 4, 1967, pp. 524-539.

TANSEY, S. D., and KERMODE, D. C. "The Westminster Model in Nigeria", Parliamentary Affairs, Vol. 21, 1967-1968, pp. 29-37.

TOKUNBO, M. A. "The Challenge of Public Service in Nigeria", Administration (University of Ife), Vol. 11, No. 2, Jan., 1968, p. 71.

TUGRIVELE, E. A. "Local Government in Nigeria: Some Suggestions for Solving the Problems of Structure and Finance", Journal of Local Administration Overseas, Vol. 1, No. 4, Oct., 1962, pp. 225-30.

UDO, R. K. "Migrations in Nigeria", Nigeria Magazine, No. 103, Dec. 1969/Jan. 1970, pp. 616-624.

VICKERS, M. "Competition and Control in Modern Nigeria: Origin of the War with Biafra", International Journal, Vol. XXV, No. 3, Summer, 1970, pp. 603-633.

WALLIS, C. A. G. "Urgent Local Government in Africa", Journal of Local Administration Overseas, Vol. 2, 1963, pp. 61-74.

WILLIAMS, O. P., and ADRIAN, C. R. "The Insulation of Local Parties Under the Non-Partisan Ballot", American Political Science Review, Vol. 53, No. 4, Dec., 1959, pp. 1052-1063.

WOLPE, H. "Local Government For What?", Nigerian Opinion, No. 7, July, 1965, pp. 10-12.

WRAITH, R. E. "Administrative Change in the New Africa", African Affairs, Vol. 66, 1967, pp. 231-245.

_____. "Community Development in Nigeria", Journal of Local Administration Overseas, Vol. 3, No. 2, April, 1964, pp. 92-102.

Official Publications and Reports

NIGERIA, Report of the Tribunal of Inquiry into the Affairs of the Lagos City Council for the period of Oct. 15, 1962 to April 18, 1966, Federal Ministry of Information, Lagos, 1966.

WESTERN NIGERIA, Report of the Commission of Inquiry into the Administration of the Ibadan District Council, by E. W. J. Nicholson, Esq., Ibadan, 1956.

WESTERN NIGERIA, Local Government Manual Incorporating:

1. The Local Government Law [Cap 68].
 2. The Chiefs Law, Cap. 19.
 3. Local Government Staff Regulations.
- Government Printer, Ibadan, 1962.

WESTERN REGION OF NIGERIA, House of Assembly Debates, Official Reports, First Session, July, 1952.

WESTERN STATE OF NIGERIA, Proceedings of Tribunal of Inquiry into the Assets of Public Officers and other Persons in Western Nigeria. Vols. II & III, Ibadan, Government Printer, 1967.

WESTERN STATE OF NIGERIA, Report of the Commission of Inquiry into the Civil Disturbances which Occurred in certain parts of the Western State of Nigeria in the month of Dec. 1968, by E. O. Ayoola, Government Printer, Ibadan, 1969.

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