



RESEARCH ARTICLE

NAVIGATING LEGISLATIVE PROCESS AND DEMOCRATIC CONSOLIDATION IN THE LOCAL GOVERNMENT ADMINISTRATION IN NIGERIAN'S FOURTH REPUBLIC

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ABSTRACT

This paper examines Legislative process and Democratic consolidation in the Local Government Administration in Nigerian's Fourth Republic. Fundamentally, the operations of local government since after the 1976 local government reforms and subsequent ones by successive Nigerian Government and constitution were tailored or aimed at making Local government a veritable tool for democracy. Operationally, while democratic practices in the local government cannot be adequately discussed in isolation, the institution of Local Government in Nigeria is considered to be a failure manifesting as it has dwindled in its services-delivery to the people at the grassroots. This study adopts democratic consolidation theory for its theoretical framework, while the methodology of research utilized is historical and qualitative, materials from secondary sources of data collection. Equally, content analysis of inductive and deductive logical reasons was utilized in the analysis of the data. The findings show that while Local Government ought to be a spring board for democratic practices, the politics of local-central relations has continued to weaken its operational capacity and optimal performance. The paper, therefore, submits that the survival and consolidation of Nigeria Local Government should incorporate the active participation and devolution of powers to the third tier Government as a way of strengthening its democratic functionality and consolidation.

Keywords: Local government, democratic consolidation, Nigeria's fourth republic, legislative process.

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1.0. INTRODUCTION

Local Government is a government at local level exercised through representative councils established by law to exercise specific power within defined areas. In recent years, one of the most articulated goals of decentralization is anchored on the fact that the more governmental authority is devolved to local bodies the better informed government will be about specifics of local circumstances, the more accountable government will be because of its vulnerability to citizens' pressure as policies and actions will be tailored towards local needs and preferences. It is against the backdrop of these virtues of decentralization that the institutions of local governance have come to be recognized as veritable instruments in meeting the political, administrative and socio-economic needs of modern complex society.

The democratic process in countries like the United States, United Kingdom, Germany, Sweden, etc. serves as the foundation for governance in many advanced democracies worldwide. It ensures that the power to make decisions is vested in the people, either directly or through elected representatives. While each democracy may adapt its principles according to its cultural, historical, and political context, several tenets are commonly upheld across advanced democratic systems. These principles ensure the protection of individual rights, fair representation, and accountability of the government.

Thus, when political actors recognize the validity of democracy and no one attempts to operate outside of democratic institutions for both normative and self-interested motives, a democracy becomes consolidated, that is, it is anticipated to last. In other words, democracy is strengthened when it is, to borrow a familiar expression of Jessica Elgot, "the only game in town." This concept of consolidation, which is based on the attitudes and actions of political actors, is both logical and problematic. On the other hand, when democracy becomes institutionalized, routine, and normalized, acting against or outside of democratic standards is both unattractive and harmful for politicians and other political players.

Since 1976, successive Nigerian Constitutions have been amplifying the democratic imperatives of local governments and this informed the series of reforms that have been carried out with a view to making local government a veritable tool for democracy. While democratic practices at the local level cannot be adequately discussed in isolation, the institution of local government in Nigeria is considered to be a failure manifesting, as it were, in the continuous search for a viable and result-oriented local government system. This study relies solely on the secondary data using documentary sources and posits that while local government ought to be the springboard for democratic practices at the State and Federal levels as dominant theoretical standpoints make us to believe, the politics of local-central relations has continued to weaken the capacity of local government.

Therefore, in discussing this paper, the study is divided into five sections for easy understanding the first section gives the introductory notes, the second section provides



conceptual clarification of terms and theoretical frame work, the third section anchors on methodology and linkage between local government and democracy, the fourth deals with operational findings, while the fifth handles conclusion and recommendation.

2.1. CONCEPTUALIZATION OF TERMS

Local Government

In examining the relationship between local government and democratic consolidation in Nigeria, it is necessary also to examine some of the theoretical strands on the linkage between local government and democracy. The concept of Local Government has been used in different ways. However, definitions given by the United Nations Office for Public Administration and the 1976 Guidelines for Local Government Reforms in Nigeria are adopted in this study. According to the United Nations Office for Public Administration, *Local government is a sub-division of a nation or (in a federal system) state, which is constituted by law and has substantial control of local affairs, including the powers to impose taxes or exact labour for prescribed purposes.*

The governing body does not differ significantly from the United Nations' view about what of such an entity-is elected or otherwise locally selected. The above definition constitutes local government. It conceptualizes it to mean: Government at a local level exercised through representative council, established by law to exercise specific powers within defined areas. These powers should give the council substantial control over local affairs as well as the provision of services and to determine and implement project of state and federal governments in their areas and ensure thorough devolution of functions to these councils and through active participation of the people and their traditional institutions, that local initiatives and response to needs and conditions are maximized.

Understanding Local Government Council

Local government council differs from the local government, local government area. The local government is a level of government like State and federal government that operates within the local government area (Ogunna, 1996:47) The Local government area can be seen as defined territorial position and geographical jurisdiction of the local government. Its operations are territorially confined to restricted boundary area comprising villages, cities, towns or even districts (Ebiziem 2021).

The local government comprises of the council or local government council, and the local government executive including elected and appointed officials and permanent paid officials. The local government council is the legislative arm of the local and this makes it to occupy a key position in the machinery of local government administration.



Ogunna (1996:47), defined local government council as "a body corporate having perpetual succession and common seal and has the power to sue and be sued. It is a body of the local representatives of the people who under a democracy are elected by the electorate of their respective ward. According to local government handbook (cited in Atakpa, 2011:512) "the local government council is the legislative arm of the local government consists of the leader, the Deputy Leader and councilors.

The local government council can be defined as the legislative arm of local government that involves a body of elected representatives of the local communities or citizenry charged with the responsibilities of making bye laws and policies for the locality within the limit of the law or constitution.

Based on these definitions above, the features of the local government council are;

- i. It must be representative in character, that is, the representation of the people's interest, need values etc.
- ii. There must be presence of elected officials or members in the council. All members must be elected.
- iii. The council is mandated to make laws for the people of the locality.
- iv. The local government council operates within the local government area. This means that it is the legislative arm that operates within the local level.
- v. It must perform its responsibilities within the limit of law/constitution.

Legislative Process: the legislative process refers to the series of steps used by legislative bodies to create, amend, and enact laws the process involves law making procedure statutory development, Governmental decision making. However, according to Richard Fenno (2020) and Muccubbins (2021), some of the key processes of the legislative system encompass introducing bills, community review, voting, and enactment. In the Local Government Legislative process, it involves introducing bills, debating, voting and finally passing laws. This process is crucial for creating and updating laws that enhances decision making process in the local Government Administration. Therefore, Legislative process contributes significantly in building local government as a third tier government.

Democratic Consolidation

Democracy as a concept has been perceived from different prisms by scholars and statesmen. The concept may be regarded as a form of government, a way of life, or an attitude of the mind (Abaneme, Mgbachi & Abaneme, 2024). Democratic consolidation is a dynamic concept. To this end several scholars have put forward an array of definition under the subject matter. According to Przeworski (1991), democracy is consolidated with major political players recognize sufficient common interests in establishing electoral procedures and subsequently see that the interest is keeping to the rule of the game outweighs the costs,



rather than out of any principled commitment to democracy norms and canons, more often than not, attempts are made by stakeholders and participants in the democratic process to engage in acts that are likely to undermine democratic consolidation and sustenance. In such a situation, democracy is being put to test it was in the light of the ability of democracy to withstand the test that whitehead (1989) believes that democracy can best be sustained or consolidated only when we have good reason to believe that it is capable of withstanding pressure or shocks without abandoning the electoral process or the political freedom on which it depends, including those of the dissent and the opposition through and institutionalized process (Ojo, 2006).

In contemporary democratization theorizing, democratic consolidation has expanded in scope to include such divergent items: as popular legitimacy; the diffusion of democratic values; the routinisation of anti-system actors; civilian supremacy over the military; the limitation of authoritarian enclaves; party building, the organization of functional interest, the stabilization of electoral rules; the routinization of politics, the decentralization of state power, the introduction of mechanisms of direct democracy; judicial reform; the alleviation of poverty and economic stabilization (Schedler, 1998 cited in ojo 2006).

In excess, the practice of local governance positively enhances democratic consolidation. Local government is considered as bed rock and as best suited to understand the problem and need of the people, it is within process of these analytical prescriptions that we examine the navigating legislative process and democratic consolidation in the local government administration.

2.2. Theoretical Framework

This study is anchored on the less of democratic consolidation theory. This theory emphasizes the process of stabilizing and strengthening democratic institutions, norms and practices among the proponents of this theory are: Juan .J.liliz (1978), Alfred stepan (1996).

According to diamond (1999) the underlying assumptions of the theory differ. However, the central assumptions that are relevance to this context includes: (i) democratic consolidation is the process that requires the development of rubost democratic institution norms and practices; (ii) the relationship between the executive and legislative government is crucial for democratic consolidation, and; (iii) Local Government plays a vital role in democratic consolidation as it brings governance closer to the people.

On the perspective of relevance of the theory to the work, the following are eminence

- (a). The theory strengthens local government autonomy and capacity, enhance citizen participation and engagement;
- (b). Promote transparency and accountability in local government administration, and;
- (c). Foster effective executive and legislative relation to local government.



3.0. METHODOLOGY

This study adopted a historical research design to examine legislative process and democratic consolidation in the local government in Nigerian's Fourth Republic. This design is appropriate because, it allows the researcher to appraise the historical contents of legislative process Vis-a-Vis democratic consolidation in Nigeria. The study relied heavily on secondary data which is a relation of historical data that allows the researcher to draw conclusion about the present happenings or current realities. Such data was accessed through the internet, academic publications, government bulletins, libraries and periodicals. The data derived from the secondary sources were analyzed by using content analytical method which allows the researcher to extract the reviewed literature to answer the critical questions in the work.

4.0. DISCOURSES

4.1. A Brief History of the Development of Local Government in Nigeria

Value the primary factor that determines attitude of the citizenry towards the affairs of the state and how they interact among themselves on any background. State and state actors' altitude over value allocation in Nigeria have created unnecessary identity consciousness and alignment among Nigerians (Nwagbo & Abaneme, 2019). Political, economic and social system of every nation takes its characteristics from value allocation of such state (Nwagbo & Abaneme, 2019). The institutions of local government in Nigeria have undergone series of changes and, according to Alex (2003), four different phases can be identified in the analysis of local government in Nigeria.

These are; the Colonial era, Local Government reforms in the 1950s, the military Coup of 1966 and the 1976 Local Government Reforms. Okoli(2000) posited seven phases of Local government development in Nigeria which include the period of contact (1900), the period of subjugation and maintenance of law and order (1900-1949), the period of accommodation and experimentation (1950-1965) the period of national mobilization (1966-1975), the period of national integration(1976-1983), the period of operationalization of autonomy for local government (1984-1998), and the period of democratization and institutionalization, of local government as truly the third tier government in Nigeria (1999 Till date). Essentially, the actual democratization of Local government in Nigeria did not tart until the early 1950s in the former Western and Eastern Regions. In the former Eastern Region, the promulgation of the Local Government Ordinance in 1950 sparked off a chain of events that led to the direct election of about 80% of the councilors by the electorate.

A similar feat was attained in the former Western Region in 1952 when the Native Authority Ordinance came into effect leading to the election of about 75% of the councilors by the electorate. Development in the then Northern Region was somewhat different. While the reforms in the Eastern and Western Regions were influenced by the liberal conception of popular participation, the Northern Region was poised towards the promotion of socio-



economic development and maintenance of law and order and not necessarily driven by democratic impetus. In the First Republic, however, the gains to the reforms of the 1930s could not be sustained due to overt control of the Native Authorities by the Regional Governments.

Also the incidence of corruption among Councilors, the proliferation of Native Authorities and inadequate trained manpower truncated the democratization project. The collapse of democratic institutions as a consequence of the January 1966 military coup led to the dissolution of all democratic institutions including the Native Authorities. Thus, in the immediate post-civil war years, no institutionalized local government system was in place. The era can be well described as that of 'experimentation' as in the various States the search for a viable local government system was very much in vogue. For instance, in the Western State, the Council-Manager system was adopted while in the East Central, South Eastern and Mid-Western States, emphasis was on development." Hence, the appellation "development administration" a synonym for local government in the then East Central and Mid-Western States.

It should be noted that during this period emphasis was on development and not necessarily on democratic participation. It was in this context that the 1976 nation-wide local government reforms were carried out. The 1976 nation-wide local government reform was premised on the need to address the ugly past in which State Governments were encroaching on the jurisdiction of local government. Specifically, the reforms were aimed at,

- i. Providing appropriate services and development initiatives developing or delegating them to local representative bodies;
- ii. Fostering the exercise of democratic self-government close to the local levels of our society and to encourage initiatives and leadership potentials;
- iii. Mobilizing human and material resources through the involvement of members of the public in their development; and,
- iv. Promoting a two-way channel of communication between communities and local governments.

The Guidelines for the 1976 Local Government

Reforms also stressed that the function which such local governments should perform are those:

- i. Which require detailed local knowledge for effective performance?
 - ii. In which success depends on community participation; and, iii.
 - iii. Which are of personal nature, requiring provision to where the individuals affected live and in which significant use of discretion, understanding of the individual is needed?
- allocation has been



The 1976 reforms over the years have become the point of reference in terms of a unified system of local government with functional responsibilities and ever since series of other reforms have been carried out, all designed to enhance the effectiveness of the institutions

4.2. The Bye-Law Making Process/Procedure

Before bye-laws are made, the bills or draft must be sent to the Local Government Council for approval, before receiving the local government chairman's assent. So before any issue becomes a bye-law. It must first of all wear the cloth of a bill (a propose bye law). At this juncture, a bill can be defined as proposed law of bye law sent to the house for discussion or debate in order to become a law or bye law as the case may be after undergoing several rigorous procedure or stages, In this case, the local government bills are those proposed bye-laws that are to be discussed and debated in the council before it becomes a bye-laws and which must undergo rigorous or rigid procedure and stages in floor of the council.

Ebiziem (2021) and Okoli (2005:41) view that bills sent to the LG council can originate from:

- i. Executive draft bye-law
- ii. Member's draft bye-law
- iii. Private draft bye-law

Executive Draft bye-law: This is the draft bye law sent by the executive arm of the local government to the council for a debate. Such as, the appropriation/annual estimates bill (that deals with total estimated revenue and expenditure in a fiscal year) and any other matter of public bills. When this type of bills or draft bye-law becomes a bye-law, it is called the executive bye-laws.

Member's Draft Bye-Law: This type of bill is being sponsored by a member of the council. In other words, it is a bill or draft bye-law brought to the local government council by a member or group of members of the council. When this bill is approved it is called member's bye-law.

The Private Bye-Law: This type of bill or draft ye-law is initiated and sponsored by individuals or group like interest group, pressure group. Therefore, it is a bill that is initiated by an individual or groups and presented to the council for debate by a member of a group or group of members. For the bills to be sent to the council it must also follow a procedure or rules. The local government council administration handbook (cited in Okoli,2005:68-69) shows the procedure for presentation of draft bye-laws as follows:

- i. All draft bye-law emanating from the chairman of the local government shall be forwarded to the leader of the council under covering latter personally signed by the chairman of the local government.



- ii. All draft bye-law emanating from the judiciary shall be forwarded to the leader of the council under covering letter of the state.
- iii. All draft bye-laws (member's, private bye-laws) from members shall be forwarded to the leader of the council.

The procedure for making bye-laws in local government council takes several stages. The main stages are:

First Reading: This is the first stage of passing a bill into bye-law. Before this stage a copy of the bill or draft is sent to the council leader. During this stage, the draft is presented to the Local government council and the clerk the out its title before them. According to the local government council handbook (1999) "upon the short title of the draft bye-law being read aloud by the clerk the motion shall be deemed to have been read the first time and shall be sent for public notice and representation."

After this, a copy is distributed to each respective member for study. Here the members have the right to introduce a substantive motion on the bye-law. Immediately after its introduction, a copy of which should be sent to the clerk for incorporation into the draft bye-laws (Ogunna, 1996:48). Also the draft will be placed on public notice and publicity for a period of time. And this draft must be sent to the public by the clerk which will last for fourty five (45) days for proper enlightenment and representation. After the end of fourty five (45) days, the draft will be re-submitted by the clerk for second reading.

Second Reading: At this stage, the draft of the bye-law is explained in full details to the council and the council will enter into full debate on whether the draft will be accepted or not. After the debate of the draft there will be vote and if the draft is approved, it will enter into the committee stage.

Committee Stage: Here, the draft will be referred to a committee, either a special or standing committee The Handbook on local government (cited in Okoli, 2006:07) view that "after the second reading, the motion shall be sent to committee of the whole council and if need, raised to special committee, for detail examination and consideration of proposed amendment." The committee (either committee of the whole council or special committee) will enter into full or detailed examination or assessment of the draft or proposed bye-laws and several amendments will be made. After this, the draft or propose bye-laws will be presented to the council for the next stage.

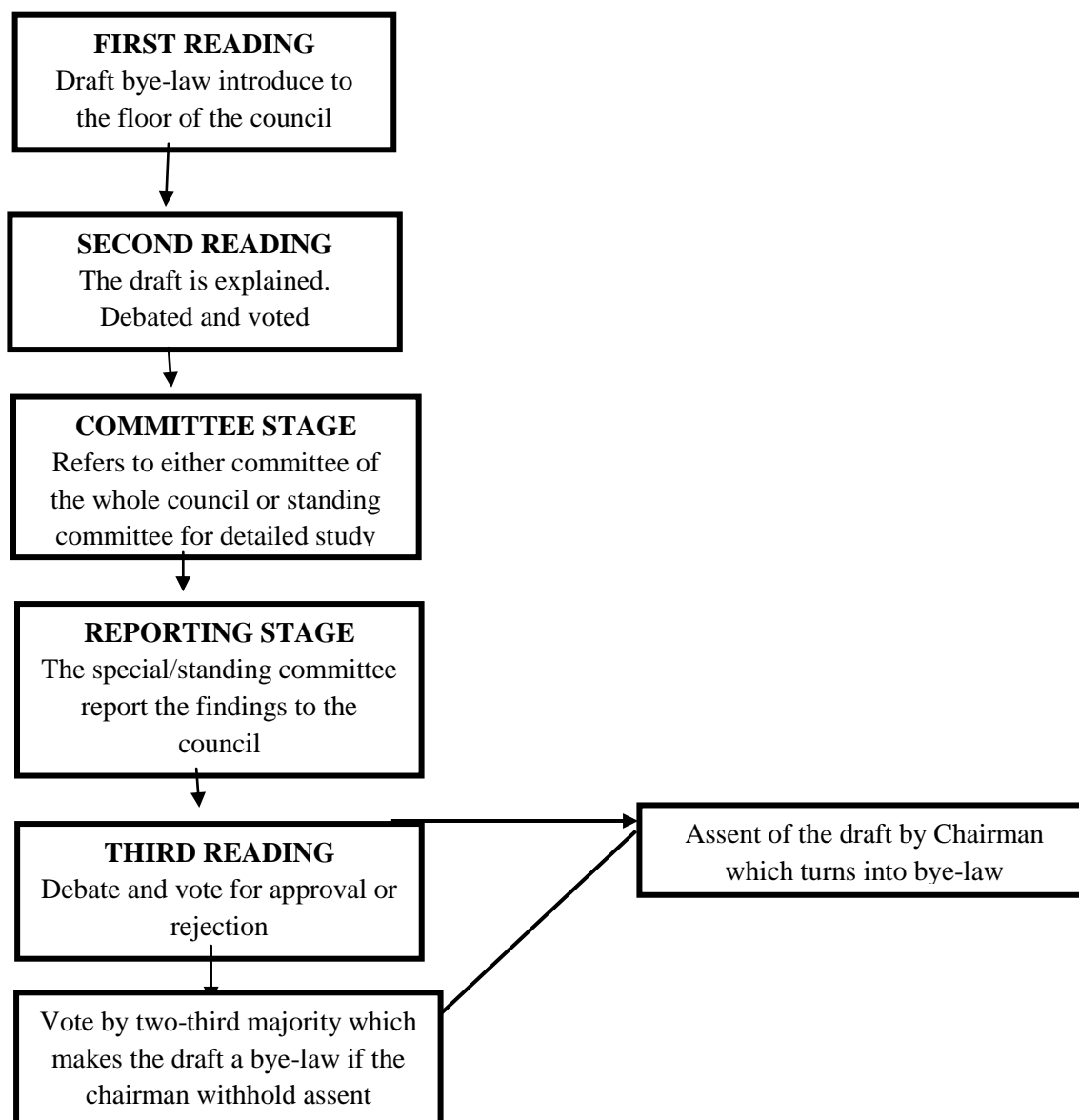
Reporting Stage: Here, all the findings of the standing or special committee are reported or read before the council. The chairman of the committee will read the amended draft to the council which will lead to the final stage.



Third Reading: The draft bye-law at its final steps shall be re- introduced in a full council meeting, where members shall only look for amendments for corrections and if satisfied must be pass into a bye-law through a resolution taken on the floor of the council.

Here, the council thoroughly examine and scrutinize the draft bye-laws to correct any errors in the amendment. After this, a vote will be taken and which must be accepted by a simple majority of the council members. Then the bill will be sent to the chairman of local government for assent, the clerk of the council with a veering letter within seven (7) days from the day the proposed bye-law was approved. And also within thirty (30) days from the date the proposed bye-laws was forwarded by the clerk to Local government chairman for assent and if the chairman assent to it, it will automatically become a bye-law.

THE LG COUNCIL





However, the Local government chairman withhold assent (refuse to assent to it), the chairman must within thirty (30) days inform the council on such development in writing. After this, the draft bye-laws will be re-submitted to the council and if the two-third majority of the council members, approved the proposed bye-law, it automatically becomes a bye-law without the local government chairman's assent.

.3. The Challenges of Local Government in Nigeria's Fourth Republic

Democracy at the local government level has not changed dramatically during the Fourth Republic. The continued use of Caretaker Committees by various States following the expiration of the tenure of elected councils was actually a replication of the experience of the Second Republic. Though there were series of controversies between the Federal and the States' Governments, the existence of none democratic institutions at the local government level for such a longtime aptly raises fundamental questions on local government as a tool for extending the

frontiers of democracy. Regrettably, most of the salient issues that have militated against the enthronement of democracy at the local government include:

Constitutional Frame Work

The first explanation can be found in the constitutional framework, which tends to subsume local government under the state government, hence, limiting the relative autonomy needed by the councils for effective operations. Successive Nigerian constitutions since 1979 have given recognition for the existence of local government under the constitution, but have equally placed the existence of the local government at the mercy of the state government. During the Babangida administration, efforts were made to enhance the autonomy of local government through various reforms embarked upon to remove the paternalistic control on local government by the state and federal governments. These reforms included the scrapping of the ministry of local government, the abolition of the local government service commission (although it was later resuscitated), the increase in the allocation of funds to local government from the 'Federation Account and the " direct receipt of such allocation from the 'Federation Account." The reforms also included the introduction of the presidential system which was designed to hasten democratic culture, create a conducive atmosphere for meaningful political participation, streamline the practices at the local government level with what obtains at the higher tiers of government and to facilitate the internalization of the principles and practices of the presidential system as the local government level is bound to serve as a significant breeding ground for leadership at the higher tiers of governments.

These reforms, notwithstanding, local government in Nigeria are still subsumed under the control of the other tiers of government. Far from being an autonomous tier of government, local government is still a residual item which existence, structure, finance as well as functions are determined by the State Government. The status of local government within the



context of the Nigerian federal arrangement as entrenched in successive Nigerian Constitutions does not situate local government in a position to exercise democratic functions. Using the Constitution as a unit of analysis, Section 7(1) states that: *The system of local government by democratically elected local government councils is hereby under this Constitution guaranteed, and accordingly the government of every state shall subject to section 8 of this Constitution ensure their existence under a law which provides for the establishment, structure, composition finance and functions of such councils.*

The Constitution also stipulates further that the process of creating new local government is only complete when the National Assembly accepts or amends the Schedule containing the names and headquarters of local governments. These provisions have essentially been the source of controversy between some States and the Federal Government, leading to the decision of the federal government to withhold statutory allocations of local governments to the Lagos state Government which purported to create additional local government. The 1999 Constitution in the Fourth Schedule devolves a wide range of activities to the local government. Section 7(5) of the 1999 Constitution states that: The functions to be conferred by law upon local government councils shall include those set out in the fourth schedule of the Constitution.

The functions which transcend virtually all facets of life nonetheless can only be performed by the local government if the State House of Assembly so confers such functions on them. This provision negates the very essence of devolving such functions to the local government in the first instance given the fact that such could only be performed if the State House of Assembly permits the councils to do so. The implication of this is that in spite of the constitutional provision for the functions of local government as a tier of government, master-servant-local-central relations are still visible. It puts the existence and functions of a local government at the whims and caprices of the power that be at higher levels of government.

Finance

Finance which is a life wire has been diverted in the local government system. The “Federation Account” is deeply diverted by the state government through series of expenditure made on behalf of the local government. These according to Alex Gboyega (1989), Ibiziem (2021), Aminu Kwasau (2017) include, primary school teachers' salaries, 15% for pension, 5% for the upkeep of traditional rulers, 1% for training and 1% for the Ministry/Bureau of Local Government. Other expenditures made by other tiers of government on behalf of local government include provisions for the sustenance of federal institutions such as the Nigeria Police, State Security Service, and Immigration, National Agency for Drug Law Enforcement and Administration (NDLEA), National Population Commission, National Directorate for Employment (NDE) etc.



Politics of God-Fatherism

The politics of God-Fatherism has been a challenge to democratic consolidation in the local government system, most of the official in the local government who handles local government affairs where either nominated or appointed by their God-Fathers, this God-Fathers controls the resources and policies and ensure that those the nominated repays them though out their tenor in office this process hinders development and service-delivery in the local government administration.

Corruption and Vote Buying

Today it has been observed that corruption and vote buying has continued to dominate the local government administration. Vote-buying has become an entrenched practice weakening the target of election and undermine the will of the people leading to misrepresentation some times.

Political Interference by Other Agencies

The operation and existence of so many state agencies have continued to undermine the autonomy of the local government these agencies include Local government service commission The auditor general of local government who reports directly to the house of assembly this agency are seen by the local government at interlopers that interfere with the operations of the local government to the detriment of the full exercise of their constitutional mandate.

4.4. MAJOR FINDINGS

Based on the analysis of data the following findings were observed:

- i. The rationale for the existence of local government is not at variance to the general objective of devolution, however, our experience so far shows that political variables has the capacity of influencing the outcome of decentralization in form of devolution. Since, it involves the resolution of power and resources among different levels of government.
- ii. In Nigeria context, rather than local government serving as a seed of democracy it has essentially be that the institution subsume under the control of higher levels of government.
- iii. Despite 1976 series of reforms and subsequent successive government reforms election have been featuring though intermittently at local government levels. Thereby not promoting democracy.



5.0. CONCLUSION AND RECOMMENDATIONS

5.1. Conclusion

Unarguably, the purposes and motive for introducing democratic decentralization in many political systems are to devolve power to local bodies with a view to enhancing political participation. Regrettably, the local government system has been engulfed by persistence challenges emanating from the state and federal level fostered by the elites and this has tenaciously affected the third tier democratic operations and consolidation.

5.2. RECOMMENDATION

Based on the findings and conclusions drawn, the following recommendations were made:

- i. To re-calibrate the law and give moral re-birth of the elite that would endanger discipline, respect for the rule of law in the operations of the local government as the third tier government.
- ii. To address issues of corruption, bribery, political interference, and God-fatherism which has continued to be an impediment on the front line of consolidating democracy
- iii. Constitutional restructuring is germane and recommended for effective and efficient service-delivery in the local government system.

Competing Interest

The authors have declared that no conflicting interest exist in this paper

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