

# Local Government Administration: Nigeria and Brazil in Perspective

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**Abstract** – It is a well-known fact that the sphere or area of governance by the various countries of the world have increased greatly after the treaty of Westphalia of 1648. The eve and eventual birth of the twenty-first century however came with agitation for and emphasis on abundant provision of things that make life worth living otherwise called social services for the people. The need to reach people irrespective of their location therefore necessitated the creation and recreation of local government. Indeed, local government systems vary from country to country. This work therefore delves into the Nigerian and Brazilian local government systems, taking a concise look at the reforms that brought about an important milestones in the historical epoch of local governments in the two countries with a glimpse at their functions and finances. The systems were also juxtaposed, historical method provided a guide for the work and utilitarian theory illuminates the study which concludes that Brazilian local government is more efficient because it is more independent.

**Keywords** – Historical Epoch, Local Government, Milestones, Reforms.

## I. INTRODUCTION

The quest for government in human community irrespective of its nature is unquestionably the necessity for order, peace and happiness. This is because the desire of every individual conflicts with those of others and “every man desires to have his way, think and act as he likes” (Appodorai, 2004:3), as he tries to define his positions in society, struggles for scarce resources and convince others to accept his view points (Anifowose, 1999:1). Order becomes a sine qua non in human community because of the conviction that, it provides the platform through which an individual can attain his full potentials and attain his goals in life. It is therefore not surprising that Aristotle (cited by Enemou, 1999) refers to an individual outside the state or an organized setting as a “beast or god”.

In a bid to ensure order, peace and happiness of all, government moderates social interactions through appropriate system of law, execute such, put in place proper punishment system for violators, provides reliable security mechanism and provides other services to ensure the comfort of the people. These constitute the basic functions of any government whether in the traditional society or modern time.

As kingdoms, empires or areas of governance increase due to conquest, merger and other forms of expansion, government is also organized to reach the people in order to enact the sanctity of governance (order, peace and happiness of the people), irrespective of the remoteness or location of the people. The government that is created to reach the people even in the most remote part of the

country is given different nomenclatures, depending on the society. For instance it is called the counties/municipalities in the United States of America, local government in Nigeria, Municipal in Germany, Canada and Brazil, City Council/District in Malaysia, among others. Its powers and composition also vary widely ranging from the British Multi-tier system to Nigeria and Brazilian Single-tier system. In fact, such government has an appreciable level of independence and derives its powers and functions from the constitution in some countries, while the reverse is the case in others.

Indeed, Nigeria and Brazil tasted the abyss of colonial rule and are also renowned for their huge population which is made up of people with multi-ethnic and religious persuasions. Both countries equally operate Federal Presidential Republican form of government with three levels or tier of government. The duo have also been ruled by military dictators. It is the realization of similarities in systems of governance and history of the two countries that elicits interest in the study of the grass root authority otherwise called local government of the two countries.

## II. LOCAL GOVERNMENT: A CONCEPTUAL DISCOURSE

Local Government is a checkered and keenly contested concept as it possesses a barrage of scholarly definitions, with each reflecting on it based on his socio, political and ideological leaning. To this extent, it has no universally valid definition. For instance, Barba (1978:1) sees it as the authority, which “determine and prosecute matters within a restricted areas inside and smaller than the whole state”. This definition makes us to appreciate the micro nature of local government, within the macro system. This view indeed aligns with that of Ekanem (2006:228) who asserts that “local government operate within the confines of statutory or administrative constraints”. Adenuga (1991) cited by Odukoya (1999:37) observes that it is a “government of the local level exercised through representative councils established by law to perform specific duties within a restricted geographical area”. Clearly, Adenuga writes in tandem with Barber and Ekanem but sees primacy in the coming into existence of local government through legislation and that local government is also administered democratically. Although, Adenuga’s argument is germane, it needs to be quickly stated that, democratic process is not a necessity for the existence of local government. Ayo (1986) explicates that local government is a

*territorial non-sovereign community possessing the right of necessary organization to regulate its own affairs. This in turn presupposes the existence of a local authority with power to act independently*

*of external control as well as the participation of its own affair. (cited by Aladegbola and Owolabi, 2005: ).*

Again the conception of Ayo is vital particularly in the case of Britain. Although, where local government does not enjoy a level of autonomy the view of Ayo will be faced with the challenges of acceptability.

Appadorai (1975) alludes that it is, “government by the popularly elected bodies, charged with the executive and administrative duties in matters concerning the inhabitants of a particular district or place”. Meanwhile, Agugu (1997:218) posits that it is a “government of the grassroots level of administration meant for meeting peculiar grassroots needs of the people”. Of course, Appadorai and Agugu got it right as they point to the fact that, local government deals with peculiar problems or needs of local or grassroots people. What is only missing in their views is the fact that local government performs law making functions and in some countries like Nigeria and Brazil, local government derive their existence from the enabling law (constitution) of the state.

Nwaodu and Ogbeide (2012:10) have pointed to how Adeyemo cited Awa who sees local government as “a political autonomy set up by a nation or state as a subordinate authority for the purpose of dispersing or decentralizing political power”. While it is true that local government is a government within government, it is not true that local government are always autonomous. For instance, local governments are not autonomous in France. The United Nations Division of Public Administration sees it as

*a political division of a nation (or in a federal system, a state) which is constituted by law and has substantial control of local affairs, including the power to impose taxes or exact labour for prescribed purpose. The governing body of such an entity is elected or otherwise locally selected (Ola, 1988 cited by Enemou, 1999:317).*

This definition is comprehensive and of high utility value but it did not inform us that the goal of local government is to provide services to the people within its area of jurisdiction.

Taking a clue from the above, this work sees, local government as a political authority, created to maintain law and order and provide services to the people at the grass root level.

### **III. THEORETICAL FRAMEWORK**

This study is illuminated by utilitarian theory. The theory has Jeremy Bentham, Francis Hutcheson, Hume Helvetius, William Paley and John Stuart Mill as its chief exponents. The theory states that man naturally desires happiness, good life and pleasure and tries as much as possible to avoid pain.

It stresses that man seeks happiness and that pleasure is good and the only right action is that which produces the greatest happiness of the greatest number of people

(Mukherjee and Ramaswamy, 2008). It further posits that the state or government primarily exist to guarantee the satisfaction of the majority of the people. Therefore, to know a good state, such must promote the happiness of the “greatest number of people” (Aladegbola, 2005:19). To that extent, it beholds on the government to ensure the happiness of the greatest number of people in the country while ensuring that pain is at its minimum in the country. Hence, governmental activities, actions and policies, that promotes the happiness of the majority is good while those that advance the interest of the few at the expense of the majority is bad. In fact, Jeremy Bentham argued for the restructuring of government and legal institutions so as to maximize individual happiness “Mukherjee and Ramaswamy (2008:266). Hence, the codification of laws and institutions with a view to making them instruments of reform, welfarism and happiness.

Taking a clue from the above, this work sees the creation of local government in Nigeria and Brazil as being primarily promoted by the desire to promote pleasure and happiness of the greatest number of people in the two countries and to reduce the pain of the people. It argues that the 1976 and 1988 local government reforms in the two countries were ultimately targeted at enhancing the welfarism of the people through the instrumentality of the law as advocated by Bentham.

Also, it sees the provision of services for the upliftment of the standard of living of the people which are expressly stated as part of the functions of the local government in the two countries as effort in the direction of ensuring development and happiness all.

In essence, local government of the two countries bring government closer to the people in a bid to ensure orderliness, happiness, peace, comfort, welfarism, development and above all, pleasure to the people. The benefits which local governments provide in the two countries are therefore higher than the cost of financing them. Local government produces pleasure and reduces pain in the two countries. Hence, the promotion of greatest happiness for the greatest number of people.

### **IV. AN OVERVIEW OF THE NIGERIAN LOCAL GOVERNMENT SYSTEM**

Undoubtedly, local government has been in Nigeria before colonial rule as evident in the Baale / Oloja headship in Yoruba land and Hakimi administered areas under the Emirate System in the North. The advent of colonialism however led to the sophistication and modernization of the system as seen in the 1950 local government reforms in the Eastern region, 1952 and 1954 in the West and North respectively. At independence in 1960, the various regions continued to run different local government systems as it suit their fancies. Military take over of government in 1966 and subsequent state creation of 1967 could not help the situation. The variety of local government systems in the country and the need to effectively serve the people made General Olusegun Obasanjo and Shehu Yar’-Adua led government to enact the 1976 local government reforms, which continues to

guide local government operations while 1989 reforms came under Babangida.

### **V. THE 1976 LOCAL GOVERNMENT REFORMS**

- a) It made local government the third tier of government in Nigeria after the federal and state government.
- b) It provided for single tier or uniform type of local government throughout the country.
- c) It provided for elected councilors on the basis of zero party system. At the same time, chairman is to be elected among the elected councilors.
- d) Local government became entitled to ten percent of federally generated revenue and state governments are also expected to add theirs to such fund.
- e) Elected local government officials, that is chairmen and councilors were to stay in office for a period of three years. Meanwhile the councilors were to be in office on part-time, while the chairmen and not more than four supervisory councilors were to hold office on full time basis (DuroSaro).
- f) The population criterion for the creation of local government was placed between “150,000 and 800,000” (Aladegbola and Owolabi (2005:34), unless the state government, where the local government councils are located can convince the federal government that it cannot do but otherwise.
- g) It created 301 local government in the country (Oyediran, Nwosu, Takaya, Anifowose, Badejo, Ogboghodo and Agbaje, 2002).
- h) It mandated all the local government councils to setup committee such as education committee, health and environment committee to handle related issues. Meanwhile, primary school was the only level of education placed within the jurisdiction of local government councils.
- i) Grant was given to all the local government councils to build their secretariat in order to ensure effective take off of the councils while the debts of the former councils were written off.
- j) Local government with large area and population are at liberty to create area committees which will be subordinate to the local government authorities. The committee have little power but they would bring services closer to the people (Durosayo).

### **VI. THE 1989 LOCAL GOVERNMENT REFORMS**

The Ibrahim Dasuki led committee made certain recommendations which have the following implications on the third tier of government in Nigeria.

- i) Local government became entitled to twenty percent of federally generated revenue.
- ii) Presidentialism was introduced at the local government level. In essence, three branches of government came into existence at the local government level. At the same time, local government chairman became the chief accounting officer of his council.
- iii) Local government scheme of service which aimed at making professionals and intellectuals seek appointment

with and work in the local government came into being.

iv) Plans and bye laws of local government councils were to be given to traditional council before such are approved.

The above reforms had the greatest impact on Nigerian local government system till date. The 1976 reform eventually made the 1979 constitution to explicate that local government is the third tier of government in Nigeria. The 1989 and 1999 constitutions equally gave the same recognition to local government. They also outlined the functions of the councils. Subsequent constitutions did the same including the one of 1999, which state the functions of the local government in schedule two to include: the provision and maintenance of cemeteries, burial grounds, public convenience, refuse disposals, construction and naming of streets, drains, parks, numbering of houses, licensing of bicycles, trucks, carts, wheel barrows, registration of birth and death, control and regulation of out-door advertising, movement and keeping of pets, shops, restraints, laundries, provision of primary education, health services, agriculture along with state government and any other function as prescribed by the state house of assembly (1999 Constitution of the Federal Republic of Nigeria).

### **VII. FINANCE OF THE NIGERIA LOCAL GOVERNMENT**

Essentially, the 774 local government councils in Nigeria derived their revenue through the following sources.

**Statutory Allocation:** It is the major source of finance to local government Nigeria. It refers to the percentage of federally generated revenue that is given to local government councils on monthly basis. At present statutory, allocation is 20.60%. Apart from statutory allocation, local government receive matching/percentage grant from the federal and state government. Every state is to also give its local government councils 10% of its internally generated revenue.

Again, local government raise fund through internal sources such as licensing, fees, fines and returns from investment. They can also raise loan. Although, such must be approved by the state government.

### **VIII. THE BRAZILIAN LOCAL GOVERNMENT: AN OVERVIEW**

Brazil, the largest country in South America and world's fifth largest country was for a long time under military dictatorship and it was after return to civil rule in 1985 that the new civilian government under President Jose/Sarney that the 1988 constitution was enacted. The constitution, which many have described as a watershed in the history of local government in the country marked the dawn of a new beginning in the sojourn of local government in that country. Although, local government had always existed with unique roles and a level of constitutional cover in Brazil, the 1988 constitution and subsequent amendments (reforms) further strengthened the functions, funding and powers of the grassroot government.



## **IX. BRAZILIAN LOCAL GOVERNMENT UNDER THE 1988 CONSTITUTION AND BEYOND**

The constitution entrenched the fact that, (Municipal or local government) is the third tier of government in Brazil. It therefore gave it a legal personality and right of existence.

It made local government to be entitled to 22.8% of federally generated revenue.

It created 3974 municipal councils. Although, there are almost 5000 municipalities now exist there due to the creation of more municipal councils (Burton and Stevens 2014).

Presidentialism was provided for at the local government level. Hence, election of Mayor (Chairmen) and Councilors on party basis.

Mayor and councilors had a fixed term of four years, although mayor can be re-elected for another single term but councilors have more opportunities.

Municipals especially the big ones can set up municipal guards to protect property, municipal buildings, and see into other few areas on public safety.

Municipals are allowed to make their own laws (leiorganica)

To obtain loan, municipals must get approval of its legislature, the central bank as well as the senate. (Fabbri, Retrieved online 12/03/14, Steytler, 2005, and Souza, Retrieved online 15/03/14).

The 1988 reform/constitution strengthened local government in Brazil more than ever and subsequent reforms consolidated it especially on financial ground. The fiscal responsibly law of 1990 consolidated on the provisions of the 1988 constitution.

## **X. FINANCE OF THE BRAZILIAN MUNICIPALITIES**

The almost 5000 local government in Brazil have uniform sources of revenue. Although, some are richer than others chiefly because of their strategic/beneficial location. Some are in the urban centres, while others are in the rural areas. Some also has more population and internally generated revenue than others. The major sources of revenue are:

Transfers (allocations) from the federal and state government. The transfer of the federal government forms the bulk of this source. Municipal government are at present entitled to 22.8% of federally generated revenue. Souza (2014) further informed us that municipals are entitled to 22.5% of income tax received by the federal government as well as 50% of rural property tax, 25% of industrial products tax, 70% of financial operations on gold among others. Again Souza notes that, municipals receive 25% of value added tax and 50% of vehicle registration tax from their state governments.

The internal source of revenue of the councils include tax on services, frontage tax, urban property tax, property transfer, returns on investment etc.

Municipals can also obtain loan but such is to be approved by the legislature of the council, the central bank of the country and finally by the senate.

## **XI. FUNCTIONS OF THE BRAZILIAN LOCAL GOVERNMENT**

Brazilian municipal government performs the following salient functions in the country: provision of water, preventive health services, primary education, sewage, garbage services and inner-city public transport services and cultural reservation. It also see into land use. Meanwhile, it shares the following functions with the federal and state government: health services and social welfare services for disabled persons, agricultural and food distribution, housing and sanitation, exploitation of minerals and hydro electricity, traffic safety, forest protection, protection of environmental and natural resources, culture, education and science (Souza, retrieved online 2014).

## **XII. NIGERIA AND BRAZIL LOCAL GOVERNMENT SYSTEM: A JUXTAPOSE**

The similarities as well as differences between the local government systems in Nigeria and Brazil shall be given attention in this section.

### *12.1 Similarities*

Nigeria and Brazil operate the presidential system at the local government level. In essence, there is a separation of power between the executive and the legislature at the local government level.

Also, the local governments of the two countries derive their existence from the constitution. To that extent, they enjoy legal personality which make them to be able to sue and be sued. At the same time they enjoy perpetual existence.

In the same vain, grass root government of the two countries get statutory allocation (fund) from the federation's account and their respective state governments.

Equally, elections are contested by chairmen/mayors and councilors on the platform of political parties.

Additionally, there are discernible similarities in the constitutionally prescribed duties of local government in the two countries. For instance, the councils are in charge of primary education and primary health care in both countries. Also, they receive assistance from state and federal government.

In like manner, local government is seen as the third tier or level of government in the two countries. Nonetheless, local government, are single tier and uniform through out the two countries.

Also, local governments make laws in the two countries for their areas of jurisdiction such is called bye law in Nigeria and Lei organica in Brazil.

### *12.2 Differences*

The first difference that catches attention is the tenure of the mayor and chairman. While the mayor and legislators

have a four year term of office in Brazil, the chairman and his councilors in Nigeria only has a three year tenure.

While the number of municipals in Brazil is almost 5000, that of Nigeria is 774.

Indeed, the population of councils in Brazil range, from 33,000 to 50,000 but in Nigeria it ranges mostly between 150,000 and 800,000.

While the joint functions of local government with federal and state government covers electricity, exploitation of mineral resources, science and forest protection, in Brazil, these duties are alien to Nigerian local government as such duties are within the jurisdiction of the federal government.

Again, while local government statutory allocation from the federal government is given directly to each council in Brazil, in Nigeria, such fund goes into a joint account operated by the state government before disbursement to local government councils in the state. This gives room for fraud as most state deduct greatly from council fund and this has inestimable implication on their performance.

Also, Brazilian municipal government appear more independent than those of Nigeria because they are not tied to the state government. In Nigeria, the 1999 constitution emphasizes state assembly power over local government.

### XIII. CONCLUSION

It is an ultimate truth that Nigeria and Brazil operate similar local government system and the core reason for the creation of local government in the two countries is to bring government nearer to the people, thereby ensuring overall development of the countries. It is equally a fact that powers, functions and fund are more decentralized in Brazil to the local government councils than Nigeria and this explains effectiveness and efficiency of municipalities in the country and this has further enhanced the development of that country.

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