

LOCAL GOVERNMENT AUTONOMY IN NIGERIA: CHALLENGES AND PROSPECTS

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Abstract

This paper which relies heavily on documentary source to generate secondary data was put forth to examine Local Government Autonomy in Nigeria: Challenges and issues. It is a known fact that the adoption of a federal arrangement in Nigeria presupposes that there is division of powers among levels of government with a written constitution showing the division, and the coordinate relationships between the levels with regard to their respective functions. This means that each level of government can decide and act on issues within its defined jurisdiction, irrespective of whether or not other levels are disposed towards such decisions and/or actions. Local Government was first and formally recognized as the third tier of government in Nigeria through the 1976 Guidelines for Local Government Reforms as further guaranteed in the 1979, 1989 and 1999 constitutions. As a distinct tier of government, local governments are envisaged to have political/administrative and financial autonomy to enable them operate effectively as would be manifested in the substantial performance of the developmental functions that necessitated their creation. However, it does appear that the various reforms and the practice of local governments in Nigeria over the years have tended to remove much of the autonomy granted this level of government. In other words, there are prevailing observations, by researchers and practitioners alike, that the local government autonomy is being substantially interfered by the other levels of governments. This appears to contradict the concept of coordinate relationship as it was discovered that constraints on the autonomy of Local governments have had serious implications for the level of government in the area of decision making. It equally revealed that the practice of local government in the Nigeria shows a departure from the position of the prebendal theory possibly because of the prolonged military rule and undemocratic attitude of the state.

Keywords: *Local government, Autonomy, Federalism, Constitution*

Introduction

In most parts of the world, various strategies and methods have been adopted by governments of both developed and developing countries for the purpose of good governance and effort at distributing the state resources. Thus, the adoption of a federal arrangement in any country presupposes that there is division of powers among levels of government for example in Nigeria we have the Federal, State and Local Government with a written constitution showing the division, and the coordinate relationships between these levels with regard to their respective functions. This means that each level of government can decide and act on issues within its defined jurisdiction, irrespective of whether or not other levels are disposed towards such decisions and/or actions. Consequently, the local government has been

recognized as a veritable tool or framework for administering local and grass root areas and for enhancing overall national development (Andrews, 2020; ALGON, 2020) hence, its establishment and existence in most countries of the world including Nigeria.

In Nigeria, the formal introduction of local government administration started with the enactment of the Native Authority Ordinance of 1910 (Ofoeze, 2019; Ogbuene, 2021). It has since then been going through various reforms aimed at strengthening its capacity to effectively operate and play significant developmental roles in national development process (Ogunna, 1996). The current platform for local government administration started with the 1976 Guidelines for Local Government Reforms. The Guideline gave the present local government system its basic structure and functions as a third tier of government within the Nigerian federal government arrangement (Abada, 2007; Ade, 2012). Unlike the previous local government reforms, the 1976 reform conceptualized local government as operating within a common institutional framework with defined functions and responsibilities in line with national development objectives (Saalah and Stanley, 2011), and a significant level of autonomy by the constitution to be able to carry out the assigned responsibilities. However, there tend to be some hurdles in the exercise of the autonomy granted to it. It is against this background that this paper was therefore designed to examine the challenges and prospects of Local Government autonomy in Nigeria. The essence is to discuss the issues surrounding the exercise of this autonomy by the local government and way forward.

This paper is anchored on prebendal theory that has its origin in Richard Joseph's work when he used the term to describe patron-clientelism or neopatrimonialism in Nigeria. According to the theory of prebendalism, "state offices are regarded as prebends that can be appropriated by office holders, who use them to generate material benefits for themselves and their constituents and kin groups..." (www.en.m.wikipedia.org). The prolong debate over who controls local governments that is woven around autonomy in Nigeria centres on pecuniary benefit not on service delivery. It is reflective of the shared expectations about the appropriation of state offices, and the use of revenue accruing to them. Having local government within the control of state governments in particular will enhance the control of their allocation which is the crux of the argument over autonomy. This is why local governments core mandates seem unattainable.

Statement of the Problem

The two most important aspects of the local government autonomy are the political/administrative autonomy and the financial autonomy. These aspects of the autonomy are envisaged to guarantee effective running of the local government and to enhance its ability to perform assigned constitutional functions. It is for this reason the 1976 reform initiated, particularly, the financial and political autonomy of the local government that was further strengthened by the civil service reform of 1988, as well as the provisions of the 1999 constitution as contained in section 7(1) and section 162 (paragraphs,

3, 4, 5, 6, 7, 8) all aimed at guaranteeing local government autonomy. The provisions for the autonomy, as they were, are essentially and ostensibly aimed at protecting the local government from unnecessary interference from other tiers of government and to enable it play significant roles in the national development process. However, studies by scholars and observations by practitioners, overtime, point to the fact that the autonomy of the local government is becoming increasingly difficult to realize following particularly, the propensity of the state governments to interfere in the political/administrative and financial affairs of the local governments. This tendency by the state government which had invariably eroded the autonomy to be enjoyed by the local government and which has posed financial and administrative challenges to the local government thus become the problem focus of this paper. Based on this assertion, this paper put forth the following questions: Does autonomy has any impact in effective administration of the Local Government? What are the factors curtailing effective implementation of local government autonomy in Nigeria? What are the solutions to these challenges?

This paper intended to achieve the following objectives:

- i. To establish if autonomy has any impact in the effective administration of Local Government in Nigeria.
- ii. To highlight the factors curtailing effective implementation of Local Government autonomy in Nigeria.
- iii. To proffer practical solutions to the continuous challenges facing exercise of Local Government autonomy in Nigeria.

Review of Basic Concepts

The Concept of Local Government

Like any concept in the social sciences, Local government is guided with so many definitions depending on scholar's point of view. There is no agreement among scholars as to the precise meaning of local government. In order to erase this confusion, this study examine some of the definitions proposed by some experts in the field.

Local Government involves a philosophical commitment to democratic participation in the governing process at the grassroots level. This implies legal and administrative decentralization of authority, power and personnel by a higher level of government to a community with a will of its own, performing specific functions as within the wider national framework. A local government is a government at the grassroots level of administration "meant for meeting peculiar grassroots need of the people (Agagu, 1997). It is defined as "government by the popularly elected bodies charged with administrative and executive duties in matters concerning the inhabitants of a particular district or place (Appadorai, 1975).

Agbokaba and Ogbonna (2004) see local government as a political and administrative unit that is empowered by law to administer a specified locality. According to the United Nations office for public Administration (2011), local government is a political subdivision of a nation which is constituted by law and has substantial control of local affairs, including the powers to impose taxes or to exact labour for prescribed purposes.

In the views of Berber (1974), local Government has been defined as authority to determine and execute matters within or restricted area inside and smaller than the whole state. The researcher however agrees with Berber's definition as local government involves the administering of service on a local basis by local bodies. Local government is concerned with the regulation and administration of local affairs by the people inhabiting and locality through their own representative body made up of largely elected representatives.

In Nigeria's socio-political context, with multiplicity of culture, diversity of languages and differentiated needs and means, the importance of such an organization in fostering the needed national consciousness, unity and relative uniformity as well as preservation of peculiar diversities cannot be over-emphasized. Central to the creation of local government, however, is its ability to facilitate an avenue through which government and the people intermix, relate and more quickly than any other means resolve or dissolve issues that may have heated the system. Local government has been perceived as a panacea for the diverse problems of the diverse people with diverse culture.

The guideline for local government reforms 1976 defines local government as "government at the local level exercised through representative council established by Law to exercise specific powers within defined areas. It is the political and administrative sub-unit of a state or nation which has been given the authority to administer services and exercise specific powers as stated by the law or constitution.

Maddik (1998) is also of the opinion that local government is a sub-unit of government controlled by a local council, which is authorized by the central government to pass ordinances, having a local application levy taxes and exact labour within limits specified by the central government vary centrally decided policy in applying it locally. The expediency for the creation of local government anywhere in the world stems from the need to facilitate development at the grassroots. The importance of local government is a function of its ability to generate sense of belongingness, safety and satisfaction among its populace. All forms of government, regimes or political systems have so far ensured the attainment of this goal. Such strategy for ensuring national administrative development and political efficacy is found in the concept and practice of local government. Whatever is the mode of government, local government has been essentially regarded as the path to, and guarantor of, national integration, administration and development.

It was in line with the above that Odinigwe (1977), view local government as the system of local administration under which local communities and towns are organized to maintain law and order,

provide limited range of social services, public amenities and encourage cooperation and participation of the inhabitants in joint endeavour towards the improvement of their conditions of living.

On the general note, local government is a systematic arrangement put in place by nations to bring government closer to the people of the grassroots in order to enhance their participation in governance for overall national development. For this participation to be effective, some level of autonomy especially political/administrative and financial autonomy must be permitted by the statute

Local Government Autonomy in Nigeria

There is no doubt that autonomy is one of the prerequisites for a smooth running of the local government system. Without autonomy, the third tier of government cannot perform their functions effectively. To this end, successive government in terms of policy formulation has made several attempts towards making the local government the arrow heads of rural developmental efforts. Thus, the third-tier status and existence of local government was recognized and guaranteed in both the 1979, 1989 and 1999 constitutions.

The powers and the strengths of the local government to act was specifically granted by section 7(1) of the 1999 constitution which expressly stated that: “the system of local government by democratically elected local council is 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 function of such council”. As a distinct tier of government, local governments are envisaged to have political/administrative and financial autonomy to enable them operate effectively as would be manifested in the substantial performance of the developmental functions that necessitated their creation. Consequently, the 1999 constitution of the Federal Republic of Nigeria in section 7 and section 162 provided for the political/administrative and financial autonomy of the local government respectively.

The Concept of Autonomy

The word “autonomy” comes from the Greek roots auto meaning “self” and nomos meaning “custom” or “law”. This reflects the political sense of the word-a group’s right to self-government or self-rule (Autonomy). It is important to note that there is never a time in Nigeria’s post-colonial political history that local governments operated independent of both the state and federal governments, which is the crux of local government autonomy (Akpan and Okonette, 2013). The search for this kind of local government system has been a mirage. On this issue, three contending perspectives have emerged. The first group interprets local government autonomy to mean independence from the interference of state government in the activities of local government. The second perceives local government autonomy as the non-interference of the federal government in the activities of local governments, and the third group, maintains that local government autonomy means independence from both state and federal

governments interference in the activities of local councils. This is the dilemma facing local government in Nigeria today (Akpan and Okonette, 2013).

Despite the initial differing conceptions ascribed to the local government autonomy (see Adeyemo, 2005). The full meaning of the term 'autonomy' has not been fully explained (Odunfa, 1991). Local Government autonomy is the freedom to the Local Governments to exercise authority within the confines of the law or constitution. This is to enable them to discharge legally or constitutionally assigned responsibilities satisfactorily, but without undue interference or restraint from within or higher authority.

Autonomy here refers to devolution, that is, the powers available to local government to carry out its statutory functions. Such powers are in the areas of democratization at the local level, reduction, control and interference from state government, a sound financial base and the ability of local government to effectively carry out its statutorily assigned duties. The term may be applied both to the individual person and to a group or an institution.

According to Kant (2010) an autonomous institution is one able to regulate its own affairs. The Longman dictionary of contemporary English, defines autonomy as freedom to govern region country etc without being controlled by anyone else: the ability to make your own decision without being influenced by anyone else.

In the conception of Centre of Democratic Studies (CDS) (2009) local government autonomy refers to as: The relatives' discretion which the governments enjoy in regulating their own affairs, the extent to which local governments are free from the control of the state and federal government in the management of local affairs (Elaigwu 2001).

According to Nwabueze (2003) autonomy under a federal system as we operate in Nigeria today presupposes that each government enjoys a separate existences and independence from the control of the other government. It is an autonomy which required not just the legal and physical assistant of as an apparatus legislative assembly, governor, court etc but that each government must exist not as appendage of another government but as autonomous entity in the sense of being able to exercise its own will in conduct of its affairs free from direction of another government.

In line with the above perspectives therefore, local government autonomy refers to the relative freedom of local government to make decision, take action and govern its locality without external pressure or control from either state or federal government. Ideally, local government autonomy refers to a state of absolute control over matter that is within local jurisdiction. But in practice even in the most liberal federal system of government, like the United States of American, local government does not exercise absolute autonomy. All they get is derived from the laws made by the state government that in turn derive their power from the constitution.

However, from judicial perspective it means that as long as the constitution established a boundary for each level of government, it would within its own constitution domain exercise discretionary power. For instance, the local government assigned its own constitutional power within the federation can make law, impose, takes and utilize human, material and financial resources within the confines of its own jurisdiction unencumbered by the state and federal authority.

Rational for Local Government Autonomy in Nigeria

Several reasons have been advanced for the quest for local government autonomy in Nigeria. The essence is to allow the local government specific powers to perform a range of functions assigned it by law and to perform array of functions, plan, formulate and execute its own policies, programmes and projects, and its own rules and regulations as deemed for its local needs. This autonomy includes power to control its finance, recruit and discipline its staff. It is premised on the ground that when local government has power to take decisions on its own as regarding its finance, service to the local people in grassroots politics then, a sense of belonging is likely to be evoked from the local people. It is also sought for, and designed to lessen, if not avert, the belligerent state encroachment and the use of unelected leaders (care-taker committee) to govern the local government that has characterised Nigeria's democratic systems.

However, it is imperative to state that a close look at the local government autonomy as articulated in the different legal documents reveal that it is not foreseen to have under its realm total removal of state control over local government and its finance as the constitution specifically gave the power to create local government according to established laws to the state. This is accentuated by the fact that the issue of allowing unelected leaders to govern the local government, for the purpose of relegating to the background the utility of local government autonomy, has always been on such areas as "finance", "corruption" and "conflicting sources of revenue between state and local government".

One other reason for local government autonomy is rural development, local government is closer to the people at the grassroots and when local councils have the powers of their own without any overbearing interference from the state, they could implement decisions or policies that will enhance rural transformation without having to wait for the state which in most cases focus mainly on the state development and neglecting the grassroots areas. In Nigeria, there are conspicuous cases by observations and News reports that the money meant for rural development and provision of social services for people at the grassroots have been diverted and mismanaged by the State Governors. Local government autonomy will make local councils to have direct access to their finance with which to implement policies and decisions that will promote grassroots development in Nigeria. Thus, even though the local government autonomy is, in part, designed to deal with the problem of state's excessive control and encroachment in local politics, it is not focused on absolute and total autonomy for the local councils.

Issue and Challenges Affecting Local Government and its Autonomy in Nigeria

To strengthen their financial autonomy for optimum performance, funds were set aside for local governments from the Federation Account. Again, to make them financially independent, the funding increased from 10per cent in 1989 to 15per cent in 1992 and 20.60per cent in 2008. Unfortunately, in spite of all these constitutional and financial **provisions, local governments** are still unduly controlled by various state governments, an action that has rendered them mere departments in the states.

Curiously, the 1999 constitution of the Federal Republic of Nigeria, which accorded local governments a third-tier status, also made provision for the state-local government joint account system. This has made them mere appendages of various state governments. It is important to note that the joint account system does not give local governments the opportunity to execute developmental projects in their areas of jurisdiction. The interests of state governments are usually considered before embarking on any project. This is definitely not good for the people.

To address the issue of local government autonomy, three bills were sponsored during the previous administration. The bills sought to amend Section 7, sub- section 162, of the 1999 Constitution, which borders on political and financial independence for local government administration in the country. The bills also sought to amend Section 7, subsection 313 and Section 162 of the 1999 Constitution so as to ensure an effective operation of the local government system for social, economic and political development. The bills basically aimed at correcting the ambiguity in certain sections of the constitution, as well as establish a four-year tenure for local government chairmen. It is on record that public views on the amendment of the 1999 Constitution were majorly in favour of local government autonomy. However, despite this public verdict, those in positions of authority in the country have, for selfish reasons, continued to frustrate attempts to grant autonomy to local governments.

In the past, the task of rural development in Nigeria was essentially a federal government affair local government was not given any room to implement and initiate policies aimed at rural transformation. However, due to inactivity of local government administration, many local government reforms have been made. As a result, local government has been recognized as the third tier of government and accordingly it receives stator grants from the federal government.

Regardless of the structural and institutional changes in local government system in Nigeria, its performance in realm of rural development has been abysmally low. This research work identifies the following as some of the issue and challenges affecting local government and its autonomy in Nigeria:

(i) **Constitutional ambiguity:** it is painful that the very constitution through which the local government is established is a challenge to its continuous existence and function. The 1999 constitution of the federal republic of Nigeria does not put the local government in a position to exercise autonomy and to be viable. Contradictions in the constitution especially in section 7 and the fourth schedule, have

led to huge rifts and confusion majority between state and local governments. Local government, therefore, lacks the autonomy and is unable to ascertain and pursue their right functions including rural development.

(ii) **Overbearing government/Caretaker Committee:** section 7 subsection (1) empowers the state governors to exercise a relative control over the local government. This has been abused and misused. In Nigeria most state governor see local government as an appendage and an instrument to carry out their political and selfish will. The dissolving of the local government council and the appointment of a care taker committee by the governors does not give room for political participation and democratic consolidation. Thus, the local people are not properly represented as they have been deprived their right to vote or be voted for. The care taker committee represents the governor and not the people, also elections are not conducted as at when due.

(iii) **Financial Changes:** No administration can survive without adequate funding and financing. The local government need to pay salaries and run the daily administration duties as well as finance its budget. Therefore, another challenge of the local government is that of financial control and dependency on the state governors. The state joint local government account puts the local government at the mercy of the state governor to get funds for developmental project in the society. State governor use this medium to punish unsupportive local government areas during elections as their funds are either been delayed or totally denied.

(iv) **Corruption:** The issue of corruption as a challenge of our local government cannot be overemphasized. This is because directly or indirectly corruption has affected every area of funding, administration in Nigeria. This is obvious in the areas of funding, planning, administration, executing projects and even in contesting elections and voting. The practice of “gods fatherism” and the use of local government positions as compensation for political supporters have posed a serious challenge on the areas of corruption include: misappropriation of public funds, awarding contracts without proper supervision and accountability, employment of ghost workers etc. Nwakobi (2007) laments that funds meant for local development have been stashed away in bank vaults in Europe and America while an overwhelming proportion of the population live in object poverty.

Lack of qualified personnel: for effectiveness and efficiency as well as productivity, there is need for the best and most qualified hands to be on deck. No administration can survive if it is run by illiterates and unqualified individuals. Appointment and employments made on the bases of affiliation and sentiments would tell negatively on the success of the administration as the right decisions would not be made and the administration would lack innovation. This is a problem of the Nigerian local government system as employees are employed based on tribal, sentiments among others.

Ways to Improve Local Government Autonomy

Local government autonomy can only succeed its autonomy improvement when all constraints confronting local government are exterminated. To this end, it is posited that for local government autonomy to be improved and be able to discharge its developmental functions credible, this study, therefore, recommends the followings:

Constitutional amendments

No effort towards liberating or solving the problems of the local government administration in Nigeria can be productive without looking at the root of the problem which is the very constitution which has created it. Various amendments need to be made, and the powers of the local government need to be guaranteed and guided by the laws. The local government needs to be autonomous and independent. The creation of the local government should not be in the powers and hands of the state government since it has been and would always be abused. The joint state local government account provision should be amended in such a way that local government can directly get their funds from the federal account without passing through the state government.

Machinery to Check/fight Corruption

Local government cannot survive if corruption continues in the system. As such the constitution or the federal government should establish a committee for the constant monitoring of the activities of the local government. There should also be a regular assessment of the budget for transparency.

Political Autonomy

The present constitution does not give the local government enormous political powers. In this regards the constitution should be reviewed and grant the local government the responsibility to conduct their own elections without undue interference from the state. To achieve this, state independent national Electoral Commission should be abolished and instead the independent national Electoral Commission should be decentralized and given more powers to help local government to conduct their elections with interference from the state government.

Administrative Autonomy

The local government should be given the powers to recruit their staff, determine their salary structure, promote and retire them accordingly with the statutory laws rules and regulation that governs the affairs local government councils. Local government should be allowed to explored and exploit natural resources in their areas, this will also improve local government autonomy.

Fiscal Autonomy

The 1976 reforms have given local government in Nigeria a sort of radical transformation from being an appendage of state government to a very important and autonomous third tier of government. With this reform local government becomes a legal and constitutional entity with properly defined functions as well as guaranteed sources of revenues.

However, for the local government to function and have effective autonomy in Nigeria, the revenue allocation formula should be changed. Larger percentage of the revenue allocation should go to the local government in order to enhance grass root development. The percentage should be changed from the present 15% in 2006 to about 52% to allow for the development of the rural areas which would prevent rural to urban migration.

Recommendations

This paper on the basis of the above analysis put-forth the following recommendations:

- i. A high degree of autonomy (substantial autonomy) should be enshrined in Nigerian Constitution for Local Governments thereby recognizing them as the Third Tier of government in Nigeria.
- ii. Their creation should be handled by national assembly on the recommendations of the state government
- iii. Their names should be enshrined in the Constitution of the Federal Republic of Nigeria.
- iv. Their share of national revenue should be increased from the present 20% to 50%, while the State and Federal Governments should receive 30% and 20% respectively. The reason is that more development efforts should now be focus on rural transformation to forestall rural-urban migration
- v. The State Local Government Joint Account Committee should be abolished in all states. This will check the undue misappropriation of local government funds by state government through imposition of joint-projects which are of less priority to some local governments.
- vi. More viable sources of revenue like collection of Property Tax, Motor Cycle licenses and Development Levy should be added to the existing list.
- vii. The State Government should allow local governments to decide on projects of their priority, approve their Annual Budgets and execute them without necessarily passing through rigorous steps of approvals by State Governments. This does not rule out the state control measures through inspection and raising of alarm where necessary as well as prosecution of corrupt political officials.
- viii. The Local Governments, just like States and Federal Governments, should be responsible and accountable to the electorate who voted them to office and be disciplined by the people through democratic process known as the "Recall System

- ix. Intergovernmental linkages should be adequately adopted including redefined federal, state and local governments' roles that will not only allow sustainable local development but development at other levels of government.
- x. Retention of the present local structure and strengthening it with a charge to live up to expectations because it is now a pipe drain antithetical to its raison d'être.
- xi. Denying any State that fails to conduct Local Government election its allocation. This will be meant to discourage caretaker or interim arrangement that is rampant yet undemocratic.
- xii. Increased sense of vision, commitment and political will on the part of leadership particularly at the federal level

Conclusion

Local Government autonomy in Nigeria will continue to remain a myth instead of a reality as long as the prevalent high degree of dependence on other two levels of government for financial, technical, professional staff and administrative supports persists. Constitutional and new Local Government Reforms, if approved and handled by the National Assembly without sentiments, shall bring to an end the continuous search for a more vibrant and development-oriented Local Government. In the absence of these, local councils can hardly be developmental, just as they are practically tied to the apron strings of the state by the constitution. They are in fact political structures that have increasingly become sad and forceful reminders of the systematic disempowerment that has become the lot of the grassroots in Nigeria.

Finally, it is argued that for an effective and quick move towards local government autonomy in the country, a multi-pronged approach requiring a combination of factors need to be adopted. To this end, importance should be laid on, inter alia, creating in people's mind a positive attitude to accept and abide with the local government autonomy and discouraging practices that will favour inordinate usurpation of powers of Local Governments by the State Governments in Nigeria, particularly those that are adversative to democratic principles such as non-conduction of local government elections, the use of undemocratic leaders or party faithful to govern the local councils and delay in remitting monthly allocation to local councils.

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