

The Rationale and Challenges of Local Government Autonomy in Nigeria

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Cite: Odalonu, H. B. (2022). The Rationale and Challenges of Local Government Autonomy in Nigeria. In S. C. Ugwu & H. B. Okibe (eds.), *Contemporary Issues and Trends in Local Government Administration in Nigeria* (PP. 316 - 340), Enugu, Nigeria: ESUT Press

Introduction

Nigeria is a federation, with three tiers of government; hence power is shared among the three levels of government. To this end, certain services are expected to be more efficiently provided by certain levels of government. The 1999 Constitution of Nigeria specified the powers of each level of government so that there would be harmony and mutual cooperation in the administration of the system, such that no level of government would be jeopardized. However, the nature and structure of transactions and interactions among the three tiers of government determine the degree of the autonomy (Unini, 2016; Jamo, 2018).

Nigeria's constitution provides an arrangement for a three tier of government – Federal, States, and Local Government. Local government is the level of government that is closest to the people and should be the most responsive to their needs. Local governments are essentially created to deliver services at the grassroots and bring governance closer to the people (Jamo, 2018). The essence of local government system as one of the tiers of governments in Nigeria is predicated on the need to bring government closer to the populace at the grassroots, so as to promote their participation in governance and ensure rural development (Egwu & Obiorah, 2017). Currently, Nigeria has a total of 774 local government areas. These local

governments were created with the aim of bringing governance close to the people; but successive governments have treated and continue to treat the local governments as appendages to the states governments (Arugu & Eke, 2019).

Despite constitutional provisions that specify the powers of each level of government in Nigeria, local governments are suffering from lack of autonomy (Jamo, 2018). In an attempt to distinguish local governments from higher levels of government the Guidelines of the 1976 Local Government Reform stipulate that the powers of the local governments are derived from state governments and the local communities, which they represent. This appears to contradict the concept of coordinate relationship. The inherent constraints on the autonomy of Local governments have had serious implications for the level of government in the area of decision-making and the mobilization of resources to carry out the functions assigned to it (Anyebe, 2017).

Again, the 1999 constitution in its Fourth Schedule outlines the functions, duties and responsibilities of the local governments. Unfortunately, the constitution is completely silent regarding any protective mechanism that guarantees their financial and political autonomy. There is not even a clear-cut guideline as to a timeline for elections of the officials nor is there any word on their tenure. Most of these crucial decisions are left at the whims of the state governors who have effectively hijacked the local governments in the states, using their funds to dispense patronage to cronies. Unfortunately, local governments are unduly controlled by various state governments, an action that has rendered them mere departments in the states (Jamo, 2018)

Local governments are an unavoidable tier of government in Nigeria federal structure as stipulated in section 7(1) and 7(6a) of the 1999 Constitution. The framework for Local Government autonomy was put in place at least in a formal sense but the Local Governments were not given the necessary administrative and financial autonomy that would enable them to operate as a distinct level of government (Unini, 2016; Anyebe, 2017). Section 7 of the 1999 Constitution empowers the state legislature to make laws for the administrative operation of local government areas and

section 162 authorizes the existence of a State and Local Governments Joint Account. These two provisions have become the political missiles used by States Governments to undermine the developmental capabilities of Local Governments within their states (Adetiba, 2017).

Studies have shown that local governments do not enjoy absolute autonomy anywhere in the world because the Central Governments always curtail their independence through political and administrative measures (Anyebe, 2017). Even though the system in practice in various countries may have a lot of divergences, one distinctive feature that makes a lot of difference, is the level of autonomy (Unini, 2016). This chapter therefore attempts to examine the rationale and challenges of local government autonomy in Nigeria.

The chapter is organised into eight sections. Section one is the introduction. section two is the concept of local government; section three dwells on local government autonomy; section four traces the historical attempts of local government autonomy in Nigeria; section five explores the constitutional provisions of local government as third tier of government; section six presents the factors responsible for a lack of local government autonomy in Nigeria; sections seven presents the rationale for local government autonomy in Nigeria and section eight conclude the chapter and offers recommendations.

The Concept of Local Government

A Local government is a multi-dimensional concept; hence, it has been defined in various ways, but perhaps the simplest definition is the management of their own affairs by the people of a locality (Golding, 1959). Nonetheless, Appadorai (1975), defines local government as government by popularly elected bodies' charged with administration and executive duties in matters concerning the inhabitants of a particular district or place.

According to Unini (2016), a local government is a political authority set up by a nation or state as a subordinate authority for the purpose of dispersing or decentralizing political power; the objective which is to make

appropriate services and development activities responsive to local wishes by delegating them to local representatives.

The Guidelines for Local Government reform (1976), defines a local government as:

Government at local level exercised through representative councils 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 staff and institutional and financial powers to initiate and direct the provision of services and to determine and implement projects so as to complement the activities of the State and Federal Government in their areas, and to ensure, through devolution of functions to the councils and through the active participation of the people and their traditional institutions, that local initiative and response to local needs and conditions are maximized.

The United Nations Office for Public Administration quoted in Ola & Tonwe (2009), defines a local government as:

A political subdivision 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 to exact labour for prescribed purposes. The governing body of such as entity is elected or otherwise locally selected.

Similarly, a local government is defined by Mba & Odo (2011), as that tier of government constitutionally established to exercise political authority over a given section of people in a state/region through their representatives. Local governments can also be seen as a political unit established by law to exercise political authority through a representative council within a defined geographical area. From the foregoing, the concept of local government has been given various definitions by various scholars but no matter how differently the concept is defined, it focuses on

the transfer of political powers to local areas by involving the inhabitants in the provision of basic needs in their respective communities (Kyenge, 2013). However, these definitions capture the essential characteristics of local government, which are:

- It exercises authority over a given territory or population.
- It has both legal and constitutional backing to perform legislative, executive and quasi-judicial functions.
- It is created by law or constitution, which defines its structure, composition, functions and powers and sources of revenue.
- It is the government, which is nearest to the people. As such, it feels, the greatest impact of the needs and problems of the people.
- It is a government by which the local people manage their affairs.
- A Local government operates within the law of the constitution, which creates it.
- It has the power to exert labour for a well-defined purpose as it may so desires, as well as, imposed taxes.
- As a corporate body, it can sue and be sued.

In Nigeria, Local Governments were recognized as the third tier of government following the 1976 Local Government Reforms. The statutory means for harnessing the human and material resources of a local council area have been put in place since the local government reforms in 1976. This is to facilitate sustainable grassroots developments. Thus, Local Governments in the Nigerian context is established as the third tier of governance, protected by the constitution, they comprise democratically elected representatives whose purpose is to provide basic services to the people at the grassroots, (Adeyemi, 2013). Some of the reasons a local government was created in Nigeria include:

1. To bring government nearer to the people at the local level.
2. To provide essential services to the people at the grassroots.
3. To maintain law and order at the grassroots.
4. To educate the people at the grassroots level through political participation
5. To achieve rapid economic development
6. To provide employment opportunity for the people

7. To serve as a link between the people at the grassroots and the federal and state governments.
8. To foster political participation at the local level

From these reasons, it can be deduced that local government is a government at the grassroots established by law to exercise control at the local level of governance and entrusted with the responsibilities to maintain law and order, to provide social services, and to harness both human and material resources for rural development. Thus, local governments are viable instrument for rural transformation, development and the delivery of social services to rural communities in their jurisdiction. Presently, Nigeria is a federation of 774 Local Governments, 36 States and Federal Capital Territory (Abuja). Statutory allocations from the Federal and State governments form the main support of the Local Government Areas. Under the current sharing formula, the Federal Government takes the lion's share – 52.68% from the Federation Account, the 36 States take 26.72% while the 774 Local Government Areas make do with the remaining 20.60%.

Local Government Autonomy

The concept of autonomy refers to freedom, independent, and being free from external influence (Egwu & Obiorah, 2017). Local government autonomy can be defined as “the freedom of the local government to recruit and manage its own staff, raise and manage its own finances, make by-laws and policies, and discharge it's functions as provided by law without interference from the higher governments (Ogunna, 1996: in Arugu & Eke, 2019). This includes political, financial and administrative autonomy.

Wolman & Goldsmith (1990), conceives local government autonomy in terms of politics and essentially view the concept as the government's ability to have an independent impact on the welfare of the residents of the local jurisdiction. Kirilin (1996), argues that the function of a local government is to make decision in a variety of areas that add value to the local community. In order to make these decisions, the local councils are expected to have the administrative, political and fiscal autonomy especially from state governments, which is necessary to allow them focus

on policy and developmental programmes that will galvanize infrastructural development.

Local Government autonomy could therefore be defined as the ability of the Local Government to take some political, economic and social decisions without recourse to any of the two superstructures—State and Federal Governments (Olasupo, 2013). As identified by Wright (1995), there are seven elements in Local Government's autonomy: Separateness, Government, Taxation, Political Tradition, Local Political Initiative and Leadership, Geographic Distance and Electoral Realities. Lack of any of these, diminishes the autonomy of local government because each has different contents that enhance or diminish local autonomy.

Separateness- This is one of the elements of local government on which the decentralization process has significantly impacted. It has to do with Local Governments as governmental entities separate from the two other superior levels of government—State and Federal Governments, and this is recognized by the constitution. It should therefore have its own sovereignty, autonomy or freedom.

Government – The 1976 Local Government Reform categorically states that the Local Government system in Nigeria is a tier of government. It is therefore expected “to do precisely what the word government implies i.e. governing at the local level”, but it could not. Things which “government” at the local level in Nigeria does can be categorized in to three: 1) regulatory role, 2) provision of social services and 3) legislative functions. The extent to which these roles are performed without interference from two other levels of government, measure the genuine Local Government autonomy.

Taxation - Next in order of importance in determining and measuring Local Government autonomy is tax-levying potency. Local Governments have power to impose tax within their areas of jurisdictions for developmental purposes but due to gross inadequacy of this source, the search for other financial sources becomes imperative. The fact that Local Governments have become a tier of government arouses the need to ensure its fiscal autonomy like other levels of government. This thus informed the

constitutional inclusion of this tier of government in the sharing of Federation Account. In addition, 10 percent of states' internally generated revenue is to be paid into the coffers of Local Governments (Oyediran, 1997). More importantly is the increase in the share of Local Governments' revenue from the Federation Account, first from 10% to 15% in 1991 and then to twenty percent. Notwithstanding these three deferent sources of revenue-local, state and federal—financial autonomy of Local Governments continues to wane.

Political Tradition – The political tradition of the people is another important factor that impact either negatively or positively on the autonomy of the Local Government. Where the tradition is such that allows for mass participation in political process and governance at the local level, the arena of local autonomy widens, because a democratic culture ensures checks and balances and ultimate stability in governance. However, Nigeria has under gone three different types of political traditions that have tended to slow-down her democratic culture. These traditions are colonialism, civilian administration and the military.

Local Political Initiative and Leadership - Local political initiative and leadership, as a measurement of Local Government autonomy, is another important factor in the measurement of Local Government autonomy. This has to do with the ability of the Chief Executive of the Local Government as an individual and the Local Government as an institution to freely initiate and execute policies.

Geographical Distance - Geographical distance as a factor in Local Government autonomy has to do with the situation where there are hundreds of kilometres between the Local Governments headquarters and the neighboring towns and villages that constitute the Local Government. This is more so where there is an ineffective communication system.

Electoral Realities - Electoral realities refer to the fact that direct election by popular vote gives locally elected officials a substantial degree of influence and, at times, even significant control over their supposed “superior” at the State and National levels. The political mandate so directly received from the whole electorate was a conscious emulation of that at the State and Federal levels. As the President of the country has the

entire country as its constituency and the State Governors have their respective states as their constituencies, so should the Local Government Chairmen have their entire Local Government as their constituencies. This was therefore a significant departure from the old order where the primary constituencies of the Chairmen were their various wards.

It is necessary to note that the two 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 an effective running of the local government and to enhance its ability to perform assigned constitutional functions. It is also important to state that there are other various issues in the political/administrative and financial autonomy like the freedom to recruit and manage their own staff, the freedom to generate revenue within their assigned sources and to determine and authorize their annual budgets. The focus of our discourse here will, however, specifically border only on the autonomy as it concerns the freedom of the local government to have direct access and full control of the statutory allocations from the Federation Account and its freedom to organize and determine its political and electoral affairs (Ugwuany, 2014).

Attempts of Local Government Autonomy in Nigeria

The struggle for local government autonomy in Nigeria has been a recurring issue so to say; it is as old as the history of Nigeria colonial state (Ajibulu, 2011). In the 1950s various reforms such as the Northern Nigeria Local Government Law of 1954, the Western and Eastern Nigeria Local Government Laws of 1952 and 1950 respectively aimed at democratizing local government administration were initiated by the various regional governments (Ajibulu, 2011). During colonial era, each region made provision for the legal framework that allowed it to oversee the activities of Local Government under its jurisdiction. These are the Eastern Region Local Government Ordinance of 1950, the Western Region Local Government Law of 1952 and the Native Authority Law in Northern Nigeria, 1954, (Akpan & Ekanem, 2013). Relatively there was little or no interference in their activities by the Federal Government, thus given room for healthy and competitive developmental programmes.

Despite these attempts, the regions had strong grip of the control of Local Governments for varying political reasons. This master-servant relationship did not change for the better until the 1976 Local Government Reforms. With this reform, the Federal Government granted the Local Government the power of grassroots governance, thus making it the third tier of government in the country (Ajibulu, 2011). Thus, some atom of improvement in the degree of autonomy was granted to local government in 1976, with more functions giving to it. To strengthen the philosophy of the government, it went further to guarantee the statutory nature of Local Governments by embodying it in the 1979 Constitution section 7(1) of the said constitution states; “The system of democratically elected Local Government Councils is under this constitution guaranteed”.

In spite of the inclusion of this in the constitution, which seemed to have granted Local Governments some measure of autonomy, the civilian administration between 1979 and 83 seriously bastardized the so-called autonomy. Local Governments were up to the end of the Second Republic controlled by, and subordinated to State Governments through sundry mechanisms, including manipulation of the disbursement of financial transfers to them (Ajibulu, 2011; Anyebe, 2017). To further strengthen the autonomy of Local Governments system in Nigeria, the Dasuki Committee was constituted in 1984 by the Buhari led military government (1983 – 1984), which in its reports made the following major recommendations:

1. The scrapping of State Ministries for Local Government and all responsibilities of the ministry was transferred to unit under the Deputy Governors office.
2. Direct disbursement of statutory allocation
3. Creation of additional local governments
4. Review of allocation formula
5. Transfer of Primary Health care program to local governments
6. Transfer of Primary Education to local governments
7. Separation of power at the local government
8. The appointment of political secretaries at the local government
9. The institution of 774 local governments in the constitution

However, due to the overthrow of Buhari Regime in 1985, all these good recommendations were implemented during Babangida’s regime but the predicament of local government autonomy in Nigeria persisted (Doho,

Ahmed & Umar, 2018). Obviously, a form of restructuring of Local Governments to enhance their autonomy took further shape during General Ibrahim Babangida administration (1985-1993). First, in an attempt to restore democracy to the grassroots, it conducted Local Government elections in December 1987. Secondly, it scrapped the State Ministries of Local Government throughout the country in January 1988. This was to remove the political control and bureaucratic red-tapes created by the ministries in the developmental performance of Local Government Councils. Thirdly, Local Governments received their statutory share from the Federation Account directly from source, not through the State Governments (Ajibulu, 2011; Unini, 2016; Doho, Ahmed & Umar, 2018). Moreover, Babangida regime introduced the Presidential System of Government at the local level and the establishment of executive and legislative arms in local councils in 1991. This development resulted in the election of Local Government Chairmen with full executive powers through universal adult suffrage (Anyebe, 2017; Doho, Ahmed & Umar, 2018; Jamo, 2018).

Other efforts geared towards local government autonomy were the approved scheme of service for local government employees, following the recommendation of the Oyeyipo committee report of March 1988. To enhance financial autonomy and regular sources of revenue, there was the direct disbursement of funds to Local Governments, thus preventing the hijacking of the funds of Local Governments by the State Governments. In a similar direction, the Federal Government increased the statutory allocation to Local Governments; for instance, it was increased from 10% to 15% in 1990 and from 15% to 20% in 1992. The monthly allocation from the Federal Account moved from N675 million in 1991 to N1 billion in January, 1992 (Ajibulu, 2011; Doho, Ahmed & Umar, 2018).

However, all the gains that were made in the issue of local government autonomy were frittered away with the dismantling of all democratic structures by Abacha Regime in 1993. By 1994 when local government administration was reconstituted, it was a return to the status quo ante, which placed Local Government Caretaker Committees at the mercy of State Military Administrators (Anyebe, 2017). Finally, the attempt by the

reform of 1976 to accord financial autonomy to Local Governments were undermined by the 1999 Constitution through the introduction of the State Joint Local Government Account (SJLGA) (Ozohu-Suleiman & Paul, 2015). Thus, final stroke that broke the camel's back was the 1999 Constitution which revised the autonomy of Local Governments (Doho, Ahmed & Umar, 2018).

To further address the issue of local government autonomy, three bills were sponsored during the previous administration. The bills sought to amend Section 7, Subsection 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 four-year tenure for Local Government Chairmen (Jamo, 2018). 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 (Jamo, 2018).

Constitutional Provisions of Local Government as Third Tier of Government

The 1999 Constitution, by virtue of its provisions in section 7 and 8 recognize the local government as a third tier of government and also guarantees it but gives state the autonomy to lord over the local government. Section 7 read jointly with Section 8 provides that there shall be:

The system of local government by democratically elected councils (which) are by 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 import of these provisions is that Local Governments cannot exercise the functions assigned to it in Section 1 Schedule 4 of the Constitution until the state House of Assembly has passed a law. Thus, the constitution empowers the state to scrutinize and approve local budgets and expenditure through the State House of Assembly. States accordingly gained the legal means to exercise arbitrary and undue control over local government finance through the establishment of the State-Local Government Joint Account. The Constitution of Nigeria, stipulates that the State Joint Local Government Account SJLGA is a special account maintained by each State Government into which shall be paid allocations to the Local Government Councils of the state from the Federation Account from the Government of the State (Section 162 (6), (Asaju, 2010; Adetiba, 2017; Arugu & Eke, 2019).

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 (Jamo, 2018). This issue has been a thorny issue in Local Government-State relationship in the Fourth Republic. This situation clearly brought to the fore the question of local government autonomy. The Federal Government's channeling of Local Government budgetary allocations through the SJLGA (instead of sending it directly to the LGAs) is a tacit subscription to the notion of non-autonomy. This provision – fiscal non-autonomy, became the bane of local government administration in Nigeria, until today (Agwu, 2019).

The constitution provides for four year tenure for Federal and State political officeholders but it was silent on the tenure of the Local Government political officeholders. The same constitution gave the powers to the State House of Assembly to make laws in respect of election into a Local Government Council. This has brought a great confusion and has undermined development at the local level in terms of electing the Local Government Council and their tenure. Unfortunately, states have abused

these constitutional provisions to suit their selfish interests. For instance, since 1999, very few states have actually conducted elections into the Local Government Councils. Instead, Caretaker Committees handpicked by State Governments are usually appointed. These stooges play to the tune of their benefactors (State Governments) and give little or no attention to rural development (Asaju, 2010; Adetiba, 2017). This is at variance with Section 7 of the 1999 Constitution which guarantees the existence of democratically elected Local Government Councils throughout the country.

These provisions clearly show that Local Governments derives their existence from the state, and simultaneously, the Constitution stipulates that it should be respected as a third-tier of government. This provision is ambiguous and, relying on the constitutional ambiguity, some State Governors have suspended elected Council Chairmen, and others have even removed them from office. Many of the Local Government Councils were dissolved. . Whenever the elections were conducted to fill these offices by the State Independent Electoral Commission the party in power in the state would win all the chairmanship and councillorship seats leaving the opposition parties without a seat (Anyebe, 2017).

Factors Responsible for Lack of Local Government Autonomy in Nigeria

There is a high degree of external influence and interference in local government affairs by the higher levels of government, particularly the State Governments. However, there are different dimensions of interference by State Governors on local government administration in Nigeria.

The Governors are fond of taking over their financial allocation, taxes, counterpart funding and refuse to conduct local government elections, but instead use appointed administrators, most of whom are party loyalist and their friends and relations turning the entire process of Local Governments into irrelevant schemes of things (Eboh & Diejomaoh, 2010; Ukonga 2012; Ugwuany, 2014).

Basically, there are two major dimensions. These are fiscal and political dimensions. The first is the fiscal interference by the State Governors. This problem stems from the fact that the Nigerian Constitution does not totally grant financial autonomy to the Local Governments. For instance, the 1999 Constitution of Nigeria did not adequately provide for the financial autonomy of the Local Governments as it subordinates them to the states through the provision, in section 162, paragraph 6, for the establishment and operation of State Local Government Joint Account (Chukwuemeka et al., 2014). This provision does not allow for the direct funding of the Local Governments from the Federation Account and various research findings have shown that State Governments manipulate this constitutional provision to keep the Local Governments as their appendages and, in large measures, siphon the funds meant for them (Azelama, 2008; Ezeani, 2012; Chukwuemeka et al., 2014; Ugwuany 2014). Thus, the interference in the local government statutory allocations by the state governments reasonably accounts for the inability of the local governments to initiate and execute development programs or projects (Onah, 2004; Azelama, 2008; Ezeani, 2012; Ugwuany, 2014).

The second dimension is the political interference. The political autonomy which Section 7 (1) of the 1999 Constitution seeks to confer on the Local Governments is equally being undermined in several ways by the State Governments. One of these ways is the use of Caretaker Committee System for administering Local Government Areas. In this case, some State Governors refuse to conduct elections for the constitution of the Local Government Council and instead appoint Caretaker Committees to run them. For example, the Anambra State Government under Governor Peter Obi, spanning 2007-2014 and up to this present administration of Governor Obiano 2014-2017 has not conducted local government elections (Egwu & Obiorah, 2017). The Governor rather preferred to use Caretaker Committees to run the Local Governments. In Bayelsa State, under Governor Timpre Silva, local government elections were not held for three years (Abutudu, 2011). In Edo, Kogi and Delta States, Caretaker Committee System was equally used at some points in time to administer local governments (Abutudu, 2011; Ezeani, 2012; Ugwuany, 2014).

Thus, the constitution does not provide adequately for the political autonomy of the Local Governments in Nigeria. For instance, it does not provide specifically for the constitution of the Local Government Council to be solely through democratic elections, for the specific tenure of the local government political officeholders, for the Local Governments to derive their full existence directly from the Constitution of the Federal Republic and for the specific powers and functions of the Local Governments (Chukwuemeka et al., 2014). The resultant effects of these lapses or inadequacies are that the State Governments have the discretion to determine the nature, content and direction of local government elections and political activities. In the exercise of this discretion, the State Government decides when elections would be held, who wins in the elections, when to dissolve elected councils, and the alternative framework to administer the affairs of the Local Governments (Ezeani, 2012; Chukwuemeka et al., 2014; Egwu & Obiorah, 2017).

There have been instances where State Governors unconstitutionally dissolved the entire elected council officers without a proper recourse to law and due process (Eboh & Diejomaoh, 2010). As soon as a new Governor comes into office, one of the first actions is to dissolve the existing local councils, whether elected or caretaker (Abutudu, 2011). The outright denial of democratically elected local councils through caretaker committees demonstrates the increasing authoritarian holds on the councils by State Governors. As such most State Governors never bothered of conducting local government elections. The high level of interference by State Governors on local government affairs was also expressed by Khaleel, quoted in John (2012); Adeyemi (2013) when he observed thus:

‘There is no state of the federation of Nigeria where one form of illegality or the other is not committed with funds of local government, through over deduction of primary school teacher’s salary, spurious state/local government joint account project, sponsoring of elections, taking over the statutory functions of local government and handling them over to cronies and consultants, non-payments of pensioners and non-utilization of training fund despite the mandatory deduction of stipulated percentages for these purposes... nine states out of the 36 states of the federation have elected representatives running the affairs of their local

governments. This is central to the whole problem because it is by planting stooges called caretaker committee, who neither have the mandate of the people nor the moral strength to resist the excruciating control of the state government that perpetuates the rot''.

Although there are numerous challenges facing Local Governments in Nigeria, however, Doho, Ahmed & Umar (2018), identified the problematic areas that are posing challenges to autonomy of local government in Nigeria as follows;

- Constitutional Issues – The 1999 Constitution of the Federal Republic of Nigeria (as amended) made it difficult for Local Governments in the country to operate as an autonomous tier because of its provisions that relates to that level of government in the federal arrangement. Financially, the constitution provides for a joint state – local government account which all revenues accrued are put and this gives the State Governors an opportunity to deny Local Governments what is due to them.
- Appointment of Caretaker Committees – As a result of the constitutional lapses, Caretaker Committees are mostly appointed in most of the states instead of elected council members. This undemocratic practice disenfranchises the citizens at the grassroots, and makes the leadership subservient to the State Governors instead of the electorates.

There is high degree of external influence and intrusion in local government affairs by the State Governor. A situation where the State Governor unconstitutionally dissolves the entire elected council officers without proper investigations on spurious allegations is not good for the future of local government administration in the country (Ajibulu, 2011). Such external interference indeed subverts democratic process and undermines constitutional authority at the grassroots level. It constitutes a serious threat to the operation of the Local Governments and, indeed, their ability to implement their constitutionally assigned developmental roles or functions (Ajibulu, 2011; Ezeani, 2012). It has incapacitated Local Government from effective functioning on one hand, and alienated grassroots people from enjoying social service delivery expected of Local Governments in Nigeria (Agba, Akwara, & Idu, 2013). Consequently,

Local Governments now functions mostly as extension or appendages of State Governments (Eboh & Diejomaoh, 2010; Ajibulu, 2011).

Rationale for Local Government Autonomy

In Nigeria, local government autonomy can be considered within the context of the Classical Theory of Federalism epitomized by Wheare, which stresses a formal division of powers between levels of government (Anyebe, 2017). According to Wheare (1944), the federal principle means the method of dividing powers so that general and regional governments are each within a sphere coordinate and independent. This means that the federal principle includes the division of powers among levels of government, the existence of a written constitution showing the division, and the coordinate supremacy of the levels of governments with regard to their respective functions. In this context, local governments are sub-national units in a federal state with power legally conferred on them over specified functions and territory. To that extent, the local governments should be free to decide and mobilize resources to execute and manage development activities within their area of jurisdiction without any interference from higher levels of government (Anyebe, 2017).

Thus, granting autonomy to Local Governments is in total accord with the principles of federalism, the system of government Nigeria is at present practising. It will also allow them harness resources available to them to their full advantage, to develop at their own pace and make development faster. Abraham Lincoln defines democracy as “Government of the people, by the people and for the people. So, they should be autonomous to serve and empower the people. Granting the local governments autonomy will liberate them from the political bondage under the emperors called governors. It will enable the grassroots people to benefit immensely from dividends of democracy.

Local governments are created to bring development closer to the people at the grassroots. Also, local government reforms are aimed to accelerate development and enable the local population hold those in power accountable for their governance. It is widely believed that Local Governments are not performing well because they are not given free hand by the State Government to discharge their statutory duties. Challenges

facing the system include poor funding, lack of human capital, corruption, poor policy and service delivery. Some State Governors flagrantly abuse local council funds. Granting autonomy to Local Governments would boost rural development and, enable the Local Governments to function properly. Otherwise, they will continue to be manipulated by the Governors of the 36 states of the federation.

The fundamental rationale for creating Local Government anywhere in the world is to take responsibility for the development of the local areas and thereby contribute indirectly to the development of the nation. However, this can be done through greater autonomy which is in turn sustained by the council's adequate performance of its responsibilities. Through increased autonomy, Local Governments can better take responsibility for economic wellbeing of their people and thereby remove the alibi of lack of needed autonomy and funding which most local councils in Nigeria have cited as excuses for underperforming in the past. The autonomy of Local Governments will pave the way for rapid development at the grassroots (Oke, 2013).

According to Doho, Ahmed & Umar (2018) there are a number of reasons advanced by those advocating for local government autonomy, but the generally agreed reasons for local government autonomy include:

- Political education – Local government autonomy will develop the system, and help in educating the people in the rural areas to acquire knowledge of the political system.
- Strengthen democratic decentralization of power and putting power in the hands of citizens at the grassroots level, in addition to delivering development.
- Deliver development evenly to each Nigerian since each person resides in a local council located in either the rural, semi-rural or urban area.
- It enables the capacity building of people in rural areas which will be in form of economic empowerment through job creation and payment of salaries and emoluments or freedom from external control of allocations whose excess can be channelled into the economic system of the communities concern.
- Guarantee more money in the hands of Local Governments to deliver services to citizens since it weakens the over-concentration of power in the

state. Local contractors can now rely on the tier instead of the State and Federal Government, and this may develop their capacity to handle bigger and more complex project in the future.

- Provide a voice to minorities who will have representation at the local government level. Minorities no matter the size of their population will be part of the political equation and process of making the Councillor or Chairman of their local government.

These and many more reasons are the driving force for stakeholders and activists who are working to ensure citizen's participation in governance at all levels. Countries all over the world are shifting attention to the local government and decentralization of responsibilities (Doho, Ahmed & Umar (2018). The current clamouring by Nigerians for local council autonomy is not only appropriate but a way to bring development to the grassroots. Eroding the autonomy of Nigerian Local Governments is eroding accelerated grassroots development in the country.

Conclusion

The rationale and challenges of local government autonomy in Nigeria has been examined as well as some other dominant autonomy issues. The autonomy of Local Government Councils in Nigeria was expressly stated by the 1976 Local Government Reforms, entrenched subsequently by the 1979 Constitution and by the Dasuki Report of 1984. Reform measures were also included in the 1979, 1989 and 1999 Constitutions. Such constitutions, as amended, recognised local authorities as the third tier of government and categorically spelt out areas of jurisdiction for each level of government (Jamo, 2018). Other Local Government reforms are 1987 (vesting the authority to conduct Local Government election in the National Electoral Commission); 1988 (the extension of Civil Service Reforms to the Local Government Service); the 1990 (empowering the Chairmen to appoint the Secretaries at their pleasure); the 1991 reform that introduced separation of powers to Local Government; and reinforcing the autonomy of Local Governments (Olasupo, 2013).

Despite the various local government reforms to enhance the autonomy of local government, as well as constitutional developments, current

constitutional provisions for local government in Nigeria leave much to be desired. There is a need to re-examine the state of the Local Government system in Nigeria. Therefore, recommendations to improve the system include:

- The constitutionally mandated State Joint Local Government Account (SJLGA) should be abolished; and the constitution should be amended to create a chapter which guarantees the identity and autonomy of Local Governments as a third tier of government. The abolishment of the SJLGA would help restore the financial autonomy of LGs and thus improve their viability,
- Implement a 3-tier governance model that is properly backed with unambiguous laws to ensure non-interference but cooperation and collaboration between the various levels of government. This implies adopting the principle of democratic federalism to its logical conclusion to give constitutional reality to the concept of three-tier federalism.
- The constitution should provide for a specific tenure of the Local Government Councils and outright prohibition of the adoption of the Caretaker Committee System or any other arrangement as an alternative framework to a democratically elected council for administering the local governments.
- State Governments should be deprived of the constitutional powers to unilaterally dissolve elected council officials, divert council revenues and/or illegally deduct funds meant for local councils.
- The power to conduct local council elections should be removed from the state. To ensure responsive governance, local government executive must be elected by the people and not superimposed by the ruling party or State Governor. Elections should be conducted into the Local Government Council at specific intervals and with an outright prohibition of any other alternative arrangement to administer the local governments (Ibok, 2014; Chukwuemeka et al., 2014).

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