

# THE PROBLEMS OF AUTONOMY AND CONTROL IN LOCAL GOVERNMENT IN NIGERIA

*E.O. Abah; M.D Shija; A.J; Ejeh (Esq.) and A.T. Zever*

## **Abstract**

The focus of the paper is on autonomy induced governance problems of local government. The paper reviewed the various issues involved fiscal, political, functional and administrative autonomy problems. It posits that the lack of autonomy in-local governance has contributed immensely to the goal attainment problems of the local government. This, the paper intends to investigate. In doing this, it stated some objects and relied mainly on documents and literature (secondary sources of data) for the analysis. Finally, it concluded that though there is controversy as to the level of autonomy to be granted local governments, we recommend total autonomy should be given them if they are to serve as veritable instruments for efficient service delivery at the grassroots.

## **Introduction**

The landmark Local government reforms of 1976 formally granted the local government administration in Nigeria recognition as the third tier of government.

The federal military government has therefore decided to recognise local government as the third tier of government activity in the nation. Local government should do precisely what the word government implies, i.e. government at the grassroots or local level. To govern, however, is “to legally control a country or its people and be responsible for introducing new laws, organising public service etc.” government constitutes a group of people charged with this task of governing. It is usually autonomous and made up of three arms namely the executive, the legislature and the judiciary with or without clear separation of powers. Before the 1976 reforms, local government administration had always been the “exclusive responsibility of regional/state government.” the reforms however created a third tier level of local government authority with responsibility and autonomy for “generating and managing the resources and programmes; for initiating its policies and programmes and managing its affair with minimum control from state government.” The third tier of local government authority became a single tier, multi-purpose structure throughout the country. It defined local government administration, the objectives, functions, financial resources, with uniform standards and procedures. It democratized the system, enunciated the roles of key functionaries of the council and constituted a unified local government service in each state. It granted a level of autonomy to councils such that the councils now became recognisable entities in the political

and economic development of the country. But the local government have not really functioned as such but as mere administrative outposts of the superior level(s) of government. As a matter of fact they have been, to a large extent, denied financial, political and administrative autonomy. Despite the strategic importance of local government to the national development process, its contribution has (however) been minimal. The quality and character of a local government are determined by a multiplicity of factors – example, national and local traditions, political pressures, bureaucratic professionalism, economic resource controls, etc. in order to understand the performance of local government, Duane Lockard suggests pursuing answers to these question: To what extent is there local self –government?; to what extent does the local government have relative autonomy and discretionary authority to act?; is the local government vital and significant force in the lives of the people?

This seminar paper seeks to answer the above questions as well as the question in previous paragraph and also identify the control machinery that the superior (state) government uses over the local government. It traces briefly local administration from pre-colonial times, through colonial times to the post independent times before and after the 1976 reforms. It is basically about local governments after the re-introduction of democracy in 1999.

### **Theoretical Framework and Review of Relevant Literature**

The theoretical framework for this work is the political bargaining to attempt an explanation of decision making in government circles which he noted was characterized by conflict, compromise and bargaining. This situation is replete in the local government setting such that local governments are always involved in inconsistent decisions that mar government rather than make it. Allison further says that the actors involved-individuals, groups, organizations have interest which they project or protect when faced with decision making. These interests become overriding in the course of critical decision concerning government.

At the local government level, Allison’s postulation becomes paramount in view of the fact that decision-taking evolve from government functionaries especially the political class. In fact, there are areas of conflict and compromise in the process of decision making at the local government level. The fallout or the process is a factor of the interest of the people involved (politicians, civil servants and top influential personalities) who are the players. The combination of accommodated several interests and agreed consensus results in policies and in the circumstance not based on rational “benefit choices” nor on established behaviours and routines. The power plays in the process of bargaining are therefore in itself problems. It is these problems that the lack of autonomy of the local government has created in its proper administration leading to ineffective in the discharge of its functions.

### **Pre-1976 Local Government Administration**

The present day Nigeria in the pre-colonial times had several local administrative systems (particularly amongst the Hausa/Fulani; Yoruba and the Benin Kingdoms) that successfully attempted to employ the well-informed chiefs and the lesser chiefs in the direct government of their people. Amongst the Hausa/Fulani, the sultan ruled through Emirs and village heads; the Yoruba Obas ruled through Baales, while the Benin Oba ruled through several Enigies who were repository of authority emanating from above.

1900 to 1949 witnessed the introduction of indirect rule by the British colonialists to build upon these indigenous local administration mainly out of expediency-the need to preserved peace, law and order; reduction of administrative costs; the need to maintain a stronghold on the populace; to solved the problems of effective communication and dearth of British officials; to avoid incessant agitation of the populace against foreign rule... the indirect rule system better known as the native administrative system comprised four main independent bodies namely: the resident who provided direction and control; Native Authority usually the traditional ruler; the Native treasury and the Native court.

The chief (chief-in-council or chief and council) was usually the sole authority and he held formal authority for local government revenue collection as well as for judicial administration.

The 1950s (Eastern Region 1050: West 1952: North 1954) witnessed the British multi-tier local government system, which emphasized “full grown local government that would be efficient, participatory and relatively autonomous. This multi-structural experience in local government administration was bedevilled soon after independence (in 1960) due to, amongst other factors, the increasingly centralist orientation of post-independence regional government.

During the first republic (1960 – 1966) local government administration was effectively under the control of the regional government, which misemployed the system, particularly the customary court and the native authority police.

The regional government made away with the democratic process, and instituted management committees, which were subject to total control and undue manipulations. The trend continued under the military government 1967 to 1975 whereby the management committees were replaced by sole administrators (with or without advisory committee) with political and executive powers in the local government, accountable only to the military governor through the state ministries of local government. In essence, local government administration throughout this period lacked autonomy and were mostly run as administration outposts of the state government who directed all activities of the sole administration whose replacement, removal, and transfer was at the instance of the state government.

### **The 1976 Local Government Reforms**

The 1976 local government reforms was a bold attempt at resuscitating the local government system. It was embarked upon by the federal military government in consultation with the state government and covered such area as structure, function, finance, role of traditional authorities and state-local government relations. A national rather than a regional/state approach was adopted towards reforming local government in the country. The reforms granted local government autonomy by empowering them to control their affairs. The core points in the 1976 reforms were as follows: the formal recognition of local government as the third tier of government; creation of multi-purpose local government councils; the introduction of democracy (or democratization) of the local government councils; the clear definition of functions and sources of revenue for the local government. The introduction of uniform local government service for all members of staff within all local government within the state, etc.

The 1976 local government reforms defined local government thus: Government at the 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 area. And to ensure, through devolution of functions to these 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.

This definition is further explained in Hugh Whalen's definition that each unit of local government in any system is assumed to possess the following characteristics: a given territory and population, an institutional structure for legislative, executive and administrative purposes, a separate legal entity, a range of power and functions authorized by delegation from the appropriate central or intermediate legislature, and lastly within the ambit of such delegations, autonomy including fiscal autonomy subject always to the limitations of a common law such as the test of reasonableness.

The 1976 reforms were subsequently incorporated into the 1979 constitution of the federal Republic of Nigeria. The 1999 constitution seems to be an imitation of the 1979 constitution.

All post 1976 local government reforms e.g. the Dasuki Panel report of 1988; have been mere modifications of the 1976 reforms.

### **Conclusion**

It is not a debatable assertion to say that local government councils in Nigeria have never had any meaningful positive impact on the lives of the populace. However, the heterogeneous nature of Nigeria with the inherent,

### *The Problems of Autonomy and Control in Local Government in Nigeria*

potentially disruptive minorities may constitute a threat to national unity in a completely centralized government without local government in whatever form.

This threat to national unity is greatly diminished, if not entirely removed by the institution of local government in that provides a lawful outlet for local interests. If properly organised, it is the best means of taking into account the interests of minorities and drawing them into a broader framework of national unity and policy. The 1999 constitution, currently being operated in Nigeria was drafted unilaterally by one of the military government known to have operated a type of unitary government disguised as federal republic to suit the unified command structure of the armed forces and brook no divergence of opinion from subordinate officers. It is therefore not surprising that the local government administration have been practically emasculated by the 'military constitution of 1999' although the relationship between the states and the local government have been considerably streamlined as a result of the clarification of their functions, the local government are still very much subservient in their relations with the higher level of government, in spite of the statutory provisions supposedly granting them autonomy.

The local governments function under numerous administrative legal and financial controls exercised by the superior state government. One of such controls is the right exercise by the state government through the house of assembly to make laws for the local governments especially regarding the tenure-in-office of the duly elected public officers of the local government level, which calls for serious questioning the meaning of autonomy. Most council chairman and other elected representatives could literally wake up and be told that their 3 years tenure had been reduced to 2 years. A situation which puts many of them on ledge and makes them ready, willing and prepared to do biddings of the state government in order to remain in office.

That the local government personnel could be indicated tried suspended or out rightly removed from office by the state government through the house of assembly, with or without the prompting of the local government legislative council makes mockery of the classification of local government as a tier of government.

The governor of the house of assembly may appoint a committee to conduct an enquiry into the activities of any local government council in the state.....

Where the governor is satisfied that the chairman of a local government council is not discharging the councils functions under this law in a manner conducive to the welfare of the inhabitants of the area in its authority as a whole, the governor may in consultation with the house of assembly suspend the chairman for a period not exceeding two months.

The governor or house of assembly may order or request local government councils in the state to make such periodic briefings and returns of the activities on such terms as may be prescribed. Similarly, the auditor-general

for the local governments are appointed by the governor on the recommendation of the state civil service commission subject to the formation by the state house of assembly (Edo state government), who shall in turn deploy (or re-deploy) auditor to every local government council.

The necessity of local government is not in doubt. The search for more local government autonomy continues. With time, the 'hangover' of the military era, this gave rise to, the local government law 2000 etc., will fade away. As Nigeria progresses/advances in the practice of democracy, the need and prospect for greater local government autonomy will certainly increase. But as at 2006, the local governments are without doubt, not an autonomous tier of government but mere administrative outposts of the state governments.

### **Recommendations**

The paper recommends that for effective performance of the local governments in Nigeria, more or rather complete autonomy is given to them. Secondly, implicatively financial autonomy is accorded the local governments so that they could plan well and execute the projects at their disposal at the local level.

Thirdly, the federal government should play a regulating and controlling role in the local governments to ensure they live up to the provisions of the relevant laws that established the local governments in Nigeria.

### **References**

- Cambridge University Conference of local government in Africa, August-September 1961, as quoted in Egonmwan J.A. *Principles and Practice of Local Government in Nigeria* Benin City, SMO Aka, p. 49-50.
- Duane Lockard (1968). Local government, in David S. Mills (ed), *International Encyclopaedia of Social Sciences* London: Macmillan Press p. 451-459.
- Edo State Government, Local government Law 2000 Benin City: Government Printer, 2001, Part XII Section 92 (3)
- Edo State Government, op. cit, Part XI Section 78(1)
- Enaruna Edosa & Agbadudu, A.B. (2004). *Management principles, theories, personnel, behaviour and techniques*. Benin: Trust Publishing, pp. 74-45.
- Federal Republic of Nigeria (1987), *Report of the Political Bureau* Abuja: Directorate of Social Mobilization p. 120.

*The Problems of Autonomy and Control in Local Government in Nigeria*

---

- Federal Republic of Nigeria (1976). *Guidelines for local government reforms* Kaduna: Government Printer, p. 13.
- Federal Republic of Nigeria (1984) *Report on the performance on local government in Nigeria 1980-1982* Lagos: Federal Government Printer, p. 225.
- Gboyega, A. (1987) *Political values and local government in Nigeria* Lagos: Malthouse Press Ltd, p. 14.
- National Orientation Workshop for Members of Local Government Care Taker Committee, *Training Modules* Topo: ASCON, April/may 1994, p. 31 & 35.
- Okoh, A.O (1996). Local government administration in Nigeria: The problems of autonomy and control, in A.O. Oronsaye (ed), *Nigerian Government and Politics*. Benin City: Peterson Publishers P. 145. Okoh, A.O.. *Op. Cit.*, p. 150.
- Ola, R.O.F. & Tonwe, D.A. (2003), *Local administration and local government in Nigeria* Lagos: Trust Publishing, P. 82.
- Olowu, D. Local Governments in Nigeria beyond the Year 2000, *Management in Nigeria* Vol. 6 No. 25, Nov/Dec. 1989, p. 48.
- Oyediran, O. (1976). Local Government as a third tier of Government in Nigerian: The 1976 local government reforms and after, in J.I. Elaigwu and R.A Akindele (eds) *Federations of Nigeria Federalism, 1960-1995* (Abuja: NCIR, 1996) P. 208.
- Section 7(1) of the *1990 Constitution of the Federal Republic of Nigeria*.
- Shehu M. Yar'Adua (1976) In *Forward to guidelines for local government reforms*.
- The Oxford Advanced Learners Dictionary of current English* (2000) 6<sup>th</sup> Edition, London: Oxford University Press.
- Whalen, H. (1970). Ideology, democracy and the foundation of local self government, in L. Feldman & M. Goddrick (eds), Toronto: Mathuen, 1970), p. 312.