

# THE POLITICS OF LOCAL GOVERNMENT AUTONOMY IN NIGERIA RELOADED

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## Abstract

The politics of local government in Nigeria reloaded has been inspired by the 2013 Constitution amendment process initiated by the National Assembly. The main objective of the study is to intellectualize local government autonomy from a new perspective from the ones in extant literature. Using desk research and interview methods, the findings show that in both old and new federations the nature and character of the political system largely determine the kind of autonomy the central or regional or state government devolves to the local unit or local government. The study further shows that in Nigeria, the kind of autonomy the federal and state governments transfer to the local government is largely shaped by ethnicity and prebenal considerations. Also, that the suffocation and subversion of local government autonomy is more pronounced at the financial and leadership recruitment levels than in any other areas of intergovernmental relations. This explains why members of the political elite engage each other in a-tug-of-war over whose apron-string the local government should be tied to, rather than allow local governments operate autonomously. The study concludes that local government is a unique political structure and the degree of autonomy it enjoys from federal or regional or state government is congruent with the politics of the state. Consequently, there is no grand theory of local government autonomy that states can adopt and make amenable to their politics. Rather, the nature and character of state politics and the historical circumstances of its evolution throw up its own unique kind of local government autonomy.

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**Key words:** Autonomy, state politics, constitution and local government

## Introduction

The National Assembly's oversight function of amending the 1999 Constitution has once again brought the vexing issue of local government autonomy to the front seat of Nigeria's political arena. Since independence in

1960, Nigeria has experimented with different models of local government administration (Oyeleye, 1988; Oyediran and Gboyega, 1979). Following the first and second military interventions of 1966 and 1967 respectively, and the subsequent restructuring of the country from four regions to twelve states, the country has witnessed several other restructurings, which have culminated into 36 states and 774 local governments. The states and local governments differ markedly in size, resources and ethnic compositions. However, these marked differences did not stop the military from introducing a unified local government system in 1976, and officially declaring local government as the third tier of government with specific functions. The decree that declared local government as the third tier of government was included in the 1979 constitution (and much later the 1999 constitution) that anchored the transition from military to civilian rule in 1999, and can be found in the fourth schedule of the 1999 constitution.

From empirical evidence in extant literature, the rationale behind the declaration, principally, was to bring government closer to the people and effective service delivery to the rural areas. It is in connection with the aforementioned rationale amongst others that several local government reforms have been initiated by successive governments to ensure that they are achieved (Olowu, 1984). The Babangida local government reforms initiated from 1986-1992, is the most remarkable of all the reforms. The reforms comprise the Dasuki Report initiated by the Buhari administration of 1983-1985 and the Political Bureau Report, which the Babangida administration initiated in 1986 “to search for a viable political future” for Nigeria. The reforms were remarkable for a number of reasons. First, it did not only introduce, but also amplified the issue of local government financial autonomy by ensuring that local governments got their share of the “national cake” directly from the federation account. Second, it abrogated the Ministry of Local Government and third, introduced the legislative and executive arms of government to the local government system in Nigeria. The reform also tacitly freed the local governments financially from the apron string of the state governments. Arguably, the Babangida reforms that freed the local government financially from the interferences of state governments was only possible because the military administrators that oversee the administration at the state level could not defy the commander-in-chief and Head of state that appointed them in the first place; a strong attribute of the military command structure.

Unfortunately, rather than build on the gains of the administration, successive administrations after the Babangida regime further emasculated both the administrative and financial autonomies of the local government. This is one consequence of political instability. Consequently, just like the local governments were seriously abused financially and administratively

during the military era before and after the Babangida administration, local governments have suffered similar fate, from 1999 when the country returned to civil governance to date.

In essence, the local government system in Nigeria is problematic. The problem expresses itself in the law establishing local government, its structure and the kind of autonomy both the federal and state governments' devolve to the local government as the third tier of government. This article addresses a number of issues; first, what is local government autonomy? Second, what influences the kind of autonomy that both the federal and state governments entrust to the local government? And lastly, what are the impediments to local government autonomy? These questions are the concerns of this article.

### **Theoretical Postulation**

In discussing the problem of interference of the higher tiers of government in the local government affairs, we wish to indicate the main areas of such interferences to ease our discussion and facilitate the comprehension of our position. By simple observation, if we look at the way politics is played in Nigeria, we see that there is so much of prebendalism a la' Joseph (1989). There is a complex network of clientelism and patronage. This seeps through the political structures starting with the political party in power, at the local, state and federal levels. Those who command much cash and also fund the ruling party are those who determine who gets what, when and how. They are the ones who hand pick the delegates to the party convention. They are those who determine the pattern of voting and the results of the election at the primary level. They are the ones who influence who the party candidates are, and ultimately who wins election into the available institutions at various levels. They have a network of clients too. This is the root of the matter across party lines.

A survey of party opinions and conventions reveal easily the syndrome of "consensus candidate". How this consensus is reached is usually murky. This is an indication of the 'invisible' hand of the patron that sponsors the winning candidates. At the state level, contenders of local government chairmanship, Vice Chairmanship and Councillors compete with one another in winning the approval of the state Governor first before that of the delegates. With that, the state Governor maintains a strangle hold of the party at that level either alone or in league with the state party chairman. At the end of the local government elections these two especially the state Governor dictates the tempo, style and rhythm of local government and who is appointed and how the money allocated is spent usually with the Governor having the lion-share. This is done clandestinely. Aggrieved politicians at

this level, say that the State House of Assembly leadership also has their informal allocations from the local government funds.

Apart from the above, the allocation that comes from the federation account to the local governments is also controlled by the state Governor, even though the money does not pass through the office of the Governor. As a puppet, the Council Chairmen are expected to willingly sign off a percentage of their allocation to the state Governor. Any chairman who refuses to abide by this contraption has the state House of Assembly to contend with. The case of Diamen Okon, the former Chairman of Akpabuyo local government area in Cross River state versus Donald Duke, the former Governor of the state is a good example. Okon was kicked out of office by the state House of Assembly ingeniously for refusing to comply with the state Governor's instruction over local government allocation from the federation account. Other examples abound across the country.

Hence, we see that it is not the federal government that controls the local government as such. If it does, it is in the area of making sure that federal based policies like public health, primary education and public works are implemented at the local government level. Even at that, the local governments hardly get the total sum of the amount voted for such federal funded projects for a number of reasons: first, what each local government gets depend on the support they gave to the ruling party in the elections that brought it to power. Second, local governments controlled by the opposing party to the one in government get less than the local governments controlled by the party in government and third, local governments whose state Governor is perceived to be disloyal to the President not minding that they belong to the same party also gets less intervention grant from the federal government. This is the fate of local governments in Rivers state under Governor Ameachi, who is currently at loggerhead with President Goodluck Jonathan.

Local government in this kind of situation suffers double blows. Generally, the federal government cheats on the lower tiers of governments in the generation and distribution of national wealth which it controls in practical terms. On its part, unable to fight the federal government, the state government preys on the weaker partner without restraint. This is the plight of the local government in Nigeria. The control is on political recruitment at the leadership level and at the subversion of local government financial rights.

This thesis is not original. It is anchored on the work of Richard Joseph who constructed a mode of analysis and interpretation about the state and politics in Nigeria, in his book, *Democracy and Prebendal politics in Nigeria: the rise and fall of the Second Republic*. Joseph's position is that state offices are regarded as prebends that can be appropriated by office

holders, who use them to generate material benefit for themselves and their Constituents and kin group. This mode of analysis is the theoretical strand upon which this study is built.

### **Local Government Autonomy**

The debate on local government autonomy focuses on what powers and functions the central or regional or state government should grant to the local units within the political system (for more discussion on this issue see Clark, 1984). However, within the Nigerian context, the 1976 local government reform gave us not only the definition of local government, but also the basic rudiments of local government autonomy. The 1976 reform defines local government as:

Government at the local level exercised through Representative Council established by law to exercise specific powers within defined areas. These powers should give the council substantial control over local affairs as well as the staff... institutional and financial powers to initiate and direct the provision of services and to determine and implement projects so as to implement the activities of the state and federal government in their areas, and to ensure, through devolution of these 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 (p,111).

The above definition brings out the key elements of local government autonomy. First, the local government unit should have a legal personality distinct from the state and federal governments. Second, the local government ought to have specified powers and functions distinct from the state and federal governments. Third, the local government has to operate independently of the state and federal governments. That means that the local government is not an appendage or field office of the state or federal government. Fourth, local government ought to have the ability to make its own laws, rules and regulations. Fifth, local government should have the ability to formulate and execute its own policies and the right to recruit, promote, develop and discipline its own staff.

It is pertinent to note that there is never a time that local government in Nigeria has been granted the kind of autonomy expounded in our definition above. And like we earlier pointed out, in all political systems, the kind of autonomy the central or regional government entrust to the local units depend largely on the nature and character of state politics. For example, in the United States of America, the degree of autonomy granted local authorities is derived from ideals and values such as liberty, equality, democracy, individualism, unity and diversity. Such ideals are at the very core of their national identity and shape the nature and character of state

politics. As Rogoveanu (2013) rightly argues, it also shapes the vision which Americans have upon the world. These perennial principles, which are an important part of the American psyche, have greatly influenced the way public policies and laws are made in the United States of America. Furthermore, lettering on the same issue, Rogoveanu (2013) aptly points out:

The concept of liberty has been at the forefront of American political culture, and the sheer dominance of liberty-related discourses is indicative of this theory. “Life, Liberty and the Pursuit of Happiness” as the core principles of declaration of Independence are restated in the preamble to the Constitution, as “the Blessing of Liberty to ourselves and our Posterity” or sublimated in an artistic form in the Statue of Liberty(p.6).

These principles shape federal-state-local relations in the United States. Thus, the kind of powers and functions the federal or state government devolves to the local unit is remarkably influenced by the concept of liberty. The principle of liberty has long guided the American experiment with government during and after the American Revolution.

It is also important to note that there is no political system that the local units operate completely independent of the central or regional or state government. In an intergovernmental context, there is variety of ways in which federal and state governments might contribute to the fiscal sustainability of the local government. For example, in older federations like the United States of America and Switzerland, the federal and state governments do interfere in the activities of the local councils through grant-in-aid and other intervention programmes, to ensure that they meet their obligations to the citizens as a tier of government (see Gamkhar and Pickerill (2012) and Rivlin (2012) for a discussion of federal and state governments’ positive contribution to local governments in the United States). In this regard, the interference is a positive one; therefore it does not generate any negative controversies. The point being made here is that federal and state governments’ interferences in the activities of the local government can be positive or negative. It is negative when such interference impedes on the capacity of the local government to carry out its statutory functions and vice versa. It is the former that generates controversies, litigations and seminar research. Positive interferences’ lead to more effective governance at the local level and negative ones intensify crises of federalism at the sub national level. The negative genus of interference is predominant in the Nigerian federation. Scholars, including Ammani (2012) and Akindele and Olaopa (2002), commenting on this issue, have described how state governments seize federal allocations meant for local governments in their domain and misappropriate them; leaving the local governments debilitated. This is the kind of interference we will discuss in detail in the subsequent section of this article.

## **Local Government Autonomy: The Nigerian Experience**

Nigeria has experimented with various models of local government administration before and after independence. According to Ige (1996) Nigeria is the only federation in the whole world where the federal government decides how, where and when a local government council must run. In all other countries, it is the state or regional government that legislates on local government. As a matter of fact, we are not surprised because this is evident in the kind of federation the military instituted in Nigeria (for a detail discussion on this issue see Nnoli (2011) and Elaigwu, (1979)).

In the colonial era, local government enjoyed a wide range of both financial and administrative autonomy. The local government system was derived from the British Whitehall model. The colonial government allowed each region to oversee the activities of local government under its jurisdiction. This means that the legal frame work for local government was provided for by each region: The Eastern region local government ordinance of 1950, the Western region local government law of 1952 and the 1954 native authority law in Northern Nigeria. According to Otiye (1999), during this period, the councils were given a wide range of functions including primary education, health, police, and judiciary among others. Furthermore, the councils also enjoyed a great measure of autonomy in financial, personnel and general administration. As one analyst rightly argues, “it can therefore be said that the 1950s, was the era of pupilage for councils in modern local government throughout Nigeria”. In other words, the local governments were under the regional governments and there was relatively little or no interference in the activities of local governments by the federal government. In popular Nigerian parlance, the local governments run their own show: they were free to decide their own fate among other things, generate and spend their revenues, make laws, formulate and execute their own policies. The reason for this is not farfetched. The local governments were offshoots of the native authority system that were in existence before, or created by the British colonialists. They were formidable structures the British used to administer the country. They preceded the regional governments that were created in 1946. The dominant political culture was greatly influenced by the British ethos of governance. This explains in part why in spite of the resentment the educated Nigerians had for the native authority system and by extension the local government, it took them time to erode the powers and functions the local councils wielded in each of the regions. Thus, the nature and character of politics in the 1950s influenced the kind of local councils that were in operation at that time.

The post-colonial era and specifically, between 1960 and 1965, witnessed a decline in both the financial and administrative autonomy local

governments wielded in the colonial era. This was accompanied by a decline in the responsibilities assigned to local governments in the four regions: North, East, West and Mid-West. Although, the first Republic was short lived, it is not difficult to discern that the intrusiveness of the regional governments in local government affairs was as a result of the nature and character of the politics of the time. Each region wanted to be in-charge of its affairs by usurping some functions of the local councils. During this period, the federal government had very little hold on local government councils. The local councils were at the clemency of their respective regional governments. Most importantly, each region experimented with different models of local government administrative system: the Anglo-Saxon and French models were widely used. This trend continued and became worse under the military with the creation of 12 states, and other subsequent restructuring of the Nigerian federation.

A major reform of the local government system in Nigeria was carried out under the military in 1976. Nigeria adopted a unified local government administrative system. Local government officially became recognized as the third tier of government. The objectives of the reform were outlined as follows:

- To make appropriate services and development activities responsive to local wishes and initiatives by devolving or delegating them to local representative bodies.
- To facilitate the exercise of democratic self-government close to the grassroots of our society, and to encourage initiative and leadership potential.
- Mobilization of human and material resources through the involvement of members of the public in their local development and
- To provide a two-way channel of communication between local communities and government (both state and federal) (1976 local government Reform).

In certain quarters, the unification policy introduced by the military is believed to be the genesis of the vexed issue of local government autonomy in Nigeria. According to Otiye (1999), the 1976 reform completely eroded local government autonomy and laid the basis of interference in the conduct of local affairs of local government by military and civilian government thereafter. Furthermore, he posits that “the military laid the basis for the undemocratic nature of the local government and the erosion of local government autonomy”. But this by itself is a wrong conclusion because the 1989 Babagida reforms had cancelled all the errors of the previous reforms, both civilian and military. At best it is a paradox.

This abnormality was subtly addressed by the 1999 Constitution in a phony manner. Though the Constitution allows the State House of



Assembly to legislate over local governments within their domain; they are not allowed to create local governments. 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. However, these two provisions have become the ammunition used by some state governors to incapacitate local governments within their states.

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. 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. At the moment, members of the National Assembly seem to be inclined to the first perspective; freeing the local governments from the loathsome interferences of state governments, which explains why they want to amend section 7 and 162 of the 1999 Constitution. In the draft amendment, they recommended the establishment of a Special Federal Account upon which the 774 local governments would draw their federal allocation; thus circumventing the abhorrent intercession of various state governments in local government finances. To be sure, this is what they describe as local government financial autonomy. What the National Assembly forgets, which they need to be reminded of, is that this method of financing local governments in the country has in the past been experimented by successive military regimes in the past. It is pertinent to note that principally, what the National Assembly did in its review of the 1999 Constitution was to merely amend the two sections (section 7 and 162 ), that places the local government areas under the control of state governments. However, the mere alteration of the above sections of the Constitution does not free the local governments from the control of the federal government. It rather strengthens it. This explains why state governors and the National Association of Local Government Employees are opposed to it. They also argued that local governments are an integral part of the state and therefore cannot be completely independent of the state government. Furthermore, they do not want the federal government meddling in the affairs of local governments. Going by the debate in the political sphere, the proposed

amendment to section 7 and 162 of the 1999 Constitution is not likely to succeed, since it requires 2/3 majority votes of members of the National Assembly and 1/3 majority votes of members of the 36 Houses of Assembly (state legislatures ) in the country. The possibility of the state governments surrendering their financial control of local government to the federal government is unlikely, given the nature and character of state politics in Nigeria. In Nigerian politics, people think more of what they can benefit from the system rather than offering themselves up for service to their fatherland. This is what informs the struggle by the state and federal governments to control local government allocation from the distributive pool account or federation account.

In essence, there is nothing fundamentally wrong with any of the models expounded above. However, there is something deeply wrong with the operators of the Nigerian state apparatus. Thus, any of these models can suffice if the corresponding political culture prevails in the wider political system. In all political systems, the political culture defines the principles and attitudes that shape the way government is designed and the political decisions leaders make. Such political ethics are lacking in Nigeria. The characteristics which are predominantly part of the Nigerian psyche are ethnicity, nepotism and corruption. These manifestations are at the core of her national identity and shape politics and public policies at all spheres of governance (federal, state and local). The struggle to control local government by state and federal governments is simply a matter of what each of them stands to benefit from such control, rather than how such control can deliver political dividends to the people at the local level. This argument falls within the trajectory of François Bayart's perception of African politics as contained in his book, *L'Etat en Afrique: La Politique du Ventre*<sup>1</sup>. With this kind of political culture in place, nothing positive can be achieved in terms of instituting a veritable local government system in Nigeria.

### **Impediments to Local Government Autonomy**

There exists ample evidence of statutory policies introduced by successive governments over the years to curb local government autonomy in spite of the fact that the Constitution officially recognizes local government as the third tier of government. These measures make it impossible for local government to operate independent of both federal and state governments. The policies are the institution of Ministry of Local Government, Local Government Service Commission, Caretaker Committee and appointment of a Sole Administrator to oversee the activities of local government. Others include Office of the Special Adviser to the President on local government matters, Office of the Special Adviser to the Governor on local government matters, the Senate and House of Representative

Committees on local government matters, the State Houses of Assembly Committee on local government matters. Closely following the foregoing are the hijacking of local government statutory allocations from the federation account by some state Governors and non-remittance of 10% internally generated revenues to local governments by some state governors as stipulated by section 162 of the 1999 constitution. A recent survey by authors on the financial subversion of local governments by state Governors shows that in Cross River state, as a rule, the allocation from the federation account is controlled by the state Governor such that in a local government where the monthly allocation is 80 million naira, the Chairman of the local government is given 4 million naira by the state Governor and is required to spend out of pocket, and submit receipt for refund. These measures contribute significantly to the non-performance of local government and the erosion of local government autonomy.

It is important to note that with the exception of the Babangida reforms, all other reforms that have been made in the local government system over the years consistently decreased local government autonomy and increased the interferences of both federal and state governments in the activities of local government. The Babangida administration as earlier stated, introduced direct federal allocation to local government, abolished the Ministry of local government and established executive and legislative arms in local government. The administration also increased local government statutory allocation from 15% to 20% with effect from 1992. Rather than consolidate the gains made during the Babangida administration, subsequent governments have disrupted the floundering local government autonomy and democratic processes at the grass root, which were earlier initiated by the Babangida administration. As a result, there has been a significant reduction in the capacity of the local government in meeting its mandatory objectives. Protagonists of the policies earlier mentioned believed it is their duty to exercise close oversight over the operation of local governments. The symbolism of their argument is in line with our submission on the relationship between the nature and character of state politics and local government autonomy. It is important to note that most of these measures that impede local government autonomy were initiated based on the patronage system, which is the dominant nature of state politics in Nigeria. Political patronage pervades all levels of governance in Nigeria (federal, state and local). However, the local government suffers the most. The ruling elites at state and federal levels use local government to distribute all kinds of patronage to their supporters. In part, this explains why the ruling elites are literally at war to control the local government system in the country. It is in connection with this that it is not difficult to understand why the ruling

elites at state and federal levels favour measures that will not allow local government operate as an independent third tier of government.

### **Conclusion**

This paper argues that in Nigeria, the kind of autonomy the federal and state governments devolve the local government via the Constitution is largely determined by the nature and character of the politics of the state. This explains why political elites at the federal and state levels are at war with each other over who controls the affairs of the local government. In Nigeria, politics at all levels of governance (federal, state and local governments) is driven by ethnicity, nepotism and corruption. These perennial values, which are an important part of the Nigerian psyche, have greatly influenced the way public policy and laws are made in Nigeria. These values shape federal-state-local relations in the country. Thus, the kind of autonomy the federal and state governments allow the local government to enjoy is remarkably influenced by these values. Consequently, with this kind of political culture in place, nothing positive can be achieved in terms of instituting a veritable local government system in Nigeria. We say this because there is no political system where the local unit is totally free from the regulation of the central or regional or state government. However, they do not interfere negatively by usurping the financial resources of the local councils and misappropriating them as it is currently being done in Nigeria. This is the kind of interference that led to the vex issue of local government autonomy. Nevertheless, if the federal and state governments can interfere positively in the activities of local governments in Nigeria, there is nothing wrong with that, since the local governments cannot operate in isolation. They can do that by taking responsibility for functions that can be best performed by them and devolve other functions to the local government with adequate financial backing.

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