

## **An Appraisal of the Autonomy of Local Government as a Pre-Condition for National Development**

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### **ABSTRACT**

This work is to appraise the autonomy of local government as a pre-condition for national development. As a third tier of government enshrined in the constitution, local government is expected to perform some responsibilities to the grassroots. The study will make use of documentary method of secondary sources of data collection and content analysis to examine the relationship of the three tiers with references to authority, finance, personnel, political and ecological relationship vis-à-vis social and economic development. The study will adopt decentralization theory of inter-governmental relations in the literature review. The findings of the paper shows that local government in Nigeria is not operating full autonomous status because of some limitations in the constitutional provision of its operation particularly in terms of its structure, composition, control, revenue and other administrative matters and this has greatly affected her optimal performance to the rural people. Thus, the study recommends more constitutional powers to enhance and strengthen her autonomous status for effective and efficient service delivery as a third tier of government in Nigeria.

**Keywords:** Economic development, Constitutional powers, Autonomy, and Decentralization.

### **1. INTRODUCTION**

Local governments are the nearest government of the people at the grassroots in Nigeria and they are expected to play frontier role to the National development of the country.

However, the granting of full autonomy to local government will serve as a pre-condition for the socio-economic development of the country.

Historically, it is important to state that the Native authorities under the colonial rule were neither local government in the sense of the world, nor autonomous in practical terms as documented by (Awofose .O (2004:132). This argument was documented as the resident district officer could not have permitted the desired autonomy required for their effective functioning.

Little wonder, Gboyega (1987) observed that:-

The relationship that subsisted between the district offices and the native authorities, the recognition of the existence of a general right of the former to supervise and control the latter, has let an ineradicable constraint on the development of local authorities as autonomous institutions.

It was also observed that the non-autonomous operations of the native authorities continue to thrive throughout the colonial rule except for a period of recipient in the Southern Nigeria when in 1950 a representative system was operational which was later subordinated to the regional government (Afowose, 2004).

According to Okoli (2009:108) the period of operationalization of autonomy of local government became in the year 1984-1998, the Dasuki report of 1984 addressed the autonomy issue especially in the areas of finances and functional institutions.

The report stated that local government share of federation account was increased from 10% to 15% and later to 20%.

Secondly, the share was passed directly to local government unlike the old practice of passing it through state government. Equally, local governments in a state formed a Loans Board into which they contributed 5% of their receipts from the federation Account.

Observably, all these measures were intended to fill local government council from the clutches of state governments, and to ensure autonomy for them.

Equally, the promulgation of Decree no. 15 local government (Basic constitutional and transitional provision) Decree 1989 was to enhance the modality for operationalization of local government council in Nigeria.

Taking all together, despite the frantic effort made by successive government through various administrative reforms to make local government autonomous in Nigeria, local government in practical terms is never autonomous, this lacuna justify for this study.

The relevant provisions of 1976 local government reforms, the 1979 constitution and subsequent decrees by the military, on local government as a third tier of government were meant to take direct care of the grassroot people, that is the people in the rural areas.

However, this group of people some times lack essential facilities and condition of modern civilization. Research shows that they lack social amenities like pipe borne water, electricity, good access roads, poor educational infrastructure and other facilities.

It is therefore worthy to note that, this is one of the major reasons of rural-urban migration of movement. Based on the above, it is noted that the autonomy of local government have not significantly transformed the lives of the rural poor in Nigeria. Sincerely speaking a veritable question that readily comes to mind is;

- Are there legal instruments that inhibits operational autonomy of the local government?

- Why have the local government despite huge federal and state allocation justify its financial resources to transform the lives of the rural people?
- Why are there still poor socio-economic development of the rural area?
- Why is it that the local government still lacks full relative autonomy?
- What is the mechanism for this autonomy?

The cardinal objective of this paper is therefore not only to address the above questions with a view of highlighting other specific objectives of the socio-economic development of the rural areas, but also to examine the autonomous status of the local government system in Nigeria vis-à-vis its service delivery.

Operationally, in order to examine the autonomous status of the local government, the work will focus on authority relationship, financial relationship, personnel relationship, political and ecological relationship as postulated by Okoli (2004) to unveil the theoretical and empirical justification.

In doing this for effective comprehension of the work, the paper is divided into four sections: section one focuses on introduction, section two discusses the conceptual clarifications, section three dwells on the empirical, theoretical framework analysis, while section four rapped it with conclusion and recommendation.

## CONCEPTUAL CLARIFICATIONS

### 2.1 LOCAL GOVERNMENT

To Bello-Ima (2001) local government is a public sector organization with assigned functions and responsibilities, administrative structure and financial arrangements for maintaining both itself and rendering its statutorily assigned functions to its citizens.

According to Hill (1974) Local Government is a system of territorial units with defined boundaries, a legal identity, an institutional structure, and power and duties laid down in general and special statutes and a degree of financial autonomy.

Mgbachi (2014), quoting Emezie (1997:87) “Local government is a political subdivision of nation which is constituted by law and has substantial control of local affairs including the power to impose taxes or exert labour for prescribed purposes.

Accordingly, the important features from the three definitions are:-

- i. Local governments are lower governments compared to state or national government.
- ii. It is set-up by law and has certain responsibilities.
- iii. It is normally elected or selected.
- iv. It has legal personality
- v. It exercises authority over a given territory and population

## **AUTONOMY**

According to Awotokun (1979), the concept autonomy in political sense, is the ability of a self governing unit to regulate it's internal activities without intervention from external bodies.

Longmans' dictionary of contemporary English (2003:59) "Autonomy connotes the right of self government or management of one's own affairs" This definition carries with it the notion of not being subject to the authority of another. (Wada Enejo & Aminu Isa, 2014).

To Okoli (2004:161) autonomy implies the various levels and types of area dispersion of powers. The range of dispersion varies from total decentralization to complete decentralization.

## **NATIONAL DEVELOPMENT**

National, according to Longman dictionary of contemporary English, refers to a phenomenon that embraces a whole nation. National development therefore can be described as the overall development or a collective socio-economic, political, as well as religious advancement of a country or nation.

National development is also the ability of a country to improve the social welfare of the people e.g by providing social amenities like quality education, potable water, transportation, infrastructure, medical care e.t.c.

It is development that is a general or specific who's goal is to help build up various areas within a nation. (<http://answers.ask.com>).

The important and significant features are total, collective, socio-economic, political advancement of the people which includes improving the living conditions of the people, equitable distributions, provision of health care, education, housing and other services.

### **3.1 EMPIRICAL REVIEW**

Ukertor (2009:339) in his own assertion posited that local government autonomy refers to the degree accorded the 3<sup>rd</sup> tier of government with respect to legal, administrative, and financial independence within constitution limits.

Similarly, Awofeso (2004) quoting Nwabueze asserts that each government enjoys a separate existence and independence from the control of the other governments. It is autonomy which requires not just the legal and physical existence of an apparatus of government like a legislative assembly, governor, courts e.t.c, but that each government must exist, not as an appendage of another government, but as autonomous entity in the sense of being able to exercise it's own will in the conduct of its affairs free from direction of another government.

Supporting this view, Darey (1991) also averred that local autonomy is primarily concerned with the question of responsibilities resources and discretion conferred on the responsibility are at the core of local government. This presumes that local government must possess the power to take decisions independent of external control within the limits laid down by the law.

Quoting copiously, Awofeso (2004) it appears that the military regimes are more committed to the task of enhancing the autonomous status of our experience of local government administration in Nigeria till date and not proved otherwise. This fact was attested to by William Graf in the following words:

“In Nigeria a context at least, grassroots federalism has so far fared better under military government, perhaps in part confirming that a secure, more or less legitimate central authority is a pre-requisite to effective decentralization at the base.

However, it was noted that the very first attempt at making local government autonomy after the 1950's experiment in the southern Nigeria was in 1976. The provision that the local government authorities should be entitled to a fixed share of national revenue and certain percentages from the state revenue by the 1976 guidelines on local government reforms was an attempt to move local government authorities towards a direction for future financial autonomy.

On the other hand, we can argue on the contrary that financial autonomy press opposes an independent source and control over all local resources, a situation which the reform never existence regular statutory financial allocation from higher authorities stand the opportunity of making local government economically viable. Further more, the 1979 constitution following the 1976 local government reform legalized the existence of the local government as the third tier of government. Thus, in the words of William Graf, “Both fiscal and political autonomy were formally ranted first by decrees, then by the constitution.

Further more, Bhattacharya in Wada and Aminu (2014) posited that two issues have always dominated the discussion on local government autonomy. These are paternalism and populism”. Paternalism refers to the view that local government have to be regularly controlled, supervised, guided and occasionally punished to get to work.

Populism on the other hand advocates and entails unbridled local democracy opposed to any form of central interference.

### **3.2 ASSESSMENT ELEMENTS OF AUTONOMY**

Ogunna (1996:350) sees local government autonomy as the freedom of local government to recruit and manage its own staff, raise and manage its finances, make bye laws and policies and discharge its functions as provided by law without interference from the higher governments.

He was quick however to add that local government autonomy in theory and practice is never absolute. Like the doctrine of separation of powers which is limited by checks and balances, local government autonomy is limited by local government relations with higher levels of government.

However, Awofeso (2004) posited that despite the frantic efforts made by successive governments through various administrative reforms to make local government autonomous in Nigeria, local government still remained, in practical terms, far from being autonomous due to the combination of the following facts:-

- i. The intermittent disregard to the constitutional requirement that local government authorities be constituted by a democratically elected council via periodic election.
- ii. Absence of financial autonomy of local government.
- iii. The dual problem of usurpation of revenue generating functions of local government by higher levels of government, and the imposition of responsibilities on local government without a commensurate financial capability to handle them.

Equally, other practices which affects the gradual erosion of local government autonomy in Nigeria include; the control over local government senior staff from grade level 07 and above in the areas of appointment, promotion discipline and training which ordinarily should be an exclusive concern of local government if the principle of autonomy must be adhered to. Also, the subjection of local government capital project annual budget and sanctions, spending limit to the approval of higher levels of government, all constitute undue restraints on local government autonomy.

All these factors stated above have negated the position of local government as an agent of national development.

Empirically, Awofose (2004) quoting Oyediran as cited in Emil Sady's work (1988) identified five different ways local government contributes to national development. They are:-

- i. Decongesting government of the centre and thereby freeing national leaders from onerous duties and unnecessary involvement in local issues.
- ii. Increasing the people's understanding and support of social and economic development activities.
- iii. Making programmes to foster social and economic betterment of the local population more realistic and lasting,
- iv. Training people in the art of government
- v. Strengthening national unity.

Similarly, both Ola (1984), Oyediran (1988) has cited Emil Sady's five functional analysis of local government as developmental function in the terminology of Ola.

The efficient services school of thought on local government also believed that provision of infrastructural facilities helps in the national development of the local government.

Furthermore, Gboyega (1987) emphasized on economic and development grounds of local government otherwise refer to as holistic integration school of thought by Ola (1984) as effort to contribute to the strengthening of the role of the local government to the national development.

Okoli (2009:108-134) copiously observed that the operationalization of local government autonomy dated 1984 to 1998 and was basically centered on the four key elements:-

- a) Authority relationship
- b) Financial relationship
- c) Personnel relationship
- d) Political and ecological relationship

**Authority relationship:-** accordingly, Decree No. 15 of 1989 clearly specified the constitutional and legal status of local government. Without prejudice to section 1 (i) of the

Decree, section 1, sub-sections (3,4,5 and 6) made the state government a watchdog over the activities of local government councils. Thus, section 1, sub-section 3 provides as follows:

The local government area shall be the only unit in respect of which the government of a state is empowered to establish an authority for the purpose of local government.

Section 1, sub-section 4 stated that “without prejudice to the provisions of the sub-section (3) of this section, the government of a state may, by Edict or law, create for any local government area in the state, up to a maximum of seven (7) development areas, having regard to such factors as common historical and traditional ties, geographical contiguity and administrative experience”.

Section 1 sub section (5) stated; subject to sub-section (2) of this section, the person authorized by law to prescribe the area over which a local government may exercise authority shall define such area as clearly as practicable and in conformity with the provisions of schedule 1 to this Decree. The implications of all these constitutional and legal issues were that the local government cannot operate in isolation; the state government still has power over the authority and operations of the local government. The power of local government here is decentralized and not devoluted as analyzed by Hyden Goran (1983).

**Financial relationship:** Taking a cursory look at section (1) sub-sections (8, 9 and 10) of the Decree subordinated the financial fortunes of the local government to the full glare and, sometimes scrutiny of state government.

Even though the statutory allocations due to the local government councils were paid to them directly, the mere fact that both the National and state Assemblies should, in accordance with the provisions of section 1 (8a and b), make provisions for statutory allocations of public revenue to the local government councils within the state, was a limiting factor.

Furthermore, section 1 (a) of the Decree, as well as section 34A, as amended, provided for an Auditor-General for local governments of a state, who should be appointed by the Governor of the state, to audit annually the accounts of the local government, and the report therefore should be laid before the House of Assembly of the state.

Again, section 1(a) stated that “subject to the provisions of part I to IV of this Decree, the House of Assembly of state, shall enact a law providing for the structure, composition, revenue, expenditure, financial matters, staff, meeting, and other relevant matters for the local governments in the state.

Validity of those Decree and constitution shows that the local government is under the clutches of the state both in terms of structure, composition, control, revenue and other financial matters.

Indeed, the autonomous inhabitation is highly manifested by the relevant laws

**Personnel relationship:** Succinctly put, sections 29 to 33 provided for the existence and functions of a local government service commission. The main functions of the commission included the following:

- a. To set-up general and uniform guidelines for appointments, promotions and discipline.

- b. To monitor the activities of each local government to ensure that the guidelines are strictly and uniformly adhered to, and
- c. To serve as a review body for all petitions from local governments in respect of appointment, promotions and discipline.

In addition to the personnel functions of the local government services commission, there were also the provisions of sections 34 and 34 A, as amended by Decree No 25 of 1990, on the removal of the chairman or vice-chairman of a local government council.

It is interesting to highlight here that the law has also given the state a supervisory role both in terms to hire and fire, appointment, promotion and discipline over local government operations.

**Political and ecological relationship:** local government exists within certain political and ecological area that makes them different from the other. Infact the very rationale for local government can be found within the ecological and political imperatives of the areas concerned. It is the duty of the local government to take care of the special ecological challenges in certain parts of the state, as well as the political orientation of the national government.

### 3.3 THEORETICAL FRAMEWORK OF ANALYSIS

The theory which informs our discussion is fiscal federation obtained from the work of K.C Wheare in 1943. Wheare in Obiajulu and Obi (2003:223) observed as follows:-

“If the government authorities in a federation are to be co-ordinate with each other, in actual practice as in law, it is essential that there should be available to each of them, under its resources sufficient for the performance of the functions assigned to it under the constitution... for if state authorities, for example, find that the services allotted to them are too expensive for them to perform, and if they call upon the federal authority for grants and subsidies to assist them, they are no longer coordination makes be preserved”.

It follows therefore that both state and federal authorities in a federation must be given the power in the constitution each to have access to and to control its own sufficient financial resources, each must have power to tax and to borrow for the financing of it own services by itself.

The above show that each of the governmental authorities in a federation should operate independently financially in other words, should not be under the control of other levels of government if it should perform its constitutional roles.

Bello-Imam (2007) describes the third layer of government as the most critical level of government at which the momentum to sustain national development can be created.

However, Job (2010) went further to state that while the local government has essentially been regarded as the path to and guarantor of national integration, administration and development, its importance is a function of its ability to generate sense of belongingness, safety and satisfaction among the populace.



Persuasively argue, Uchendu (2004) saw it as a political-economic arrangement whereby the public revenue of a federation is shared among the levels of government. These levels are the centre, the federating states or provinces and local governments. Where a local government is regarded as a states responsibility then such an allocation is between the centre and the states.

### **3.4 SYNTHESIS OF THE DISCOURSE**

To accomplish the stated objectives of the study, we employed a documentary method. Thus, data collected through secondary sources were descriptively analyzed. Using content analysis we critically analyzed various Decrees of 1976, 1984, Decree No. 15 of 1989 as amended especially by Decree 41, of 1991, Decree No. 3 of 1991, Decree No. 25 of 1990, constitutions of 1979, 1989 and 1999 and other relevant documents for the purpose of this study.

Accordingly the 4 schedule, section 7 of the 1999 constitution mandated local government to collect rates, radio, markets, park fees, etc as internal revenue spelt out under the forth schedule. They have been given powers to collect from their citizens as internal revenue to assist in the provision of services they are to provide in line with the constitution or law.

However, it is observed that they have not showed seriousness in this area of autonomy in other words they have performed below capacity.

Ikejiana Clark & Okoli (1995:172-173) observed that the provision of adequate finances for local governments has been a recurring decimal in all efforts geared towards improving the functional capability of local governments. Starting from the point when local governments did not have assured sources of revenue to the time when they now have a significant share from the federation account, the financial position of local governments has been a hopeless one. It would appear then that the more money local governments get the less service they render.

Indeed, a synthesis of the above objectives and reviewed related literature shows that scholars acknowledged that granting of full autonomy to the local government will enhance grassroot and national development because the present situation is encumbered with identifiable limitations of relevant laws.

### **4.1 CONCLUSION**

The paper has attempted to appraise the autonomy of local government as a pre-condition for national development. From the synthesis, these provisions on the authority relationship, financial relationship, personnel relationship and political and ecological relationship of local government shows a measure of both dependency and autonomy on the part of the local government, despite the intention of the decrees and constitution.

Infact, the local government by the limitations of the constitutional provision remains infra sovereign authority which means that she has to interact with other tiers of government within the federal system. In other words, the lack of autonomy has exposed the duplicity and lack of sincerity of the decentralization theory of Nigeria federalism.

### **4.2 RECOMMENDATIONS**

With reference to observations and findings made in this study the following recommendations are:

1. Although, we have observed that there can not be absolute autonomy in spite the fact that local government in Nigeria have been given constitutional and legal status as a third tier of government with the relevant provisions of 1976 local government reforms, 1979 constitution and subsequent decrees, but one of the main reason behind the creation of local government is to ensure that government is closer to the grassroot which could be done by decongesting the center. Thus, the improvement in statutory allocation of the council will enable her have strong economic base which will promote development and stability of the nation.
2. Equally, it is suggested that the state government should abide by the 1999 constitution by paying their 10% internally generated revenue to local government to justify her constitutional responsibility in terms of contributing to the council towards fostering socio-economic betterment of the local population in a more realistic and lasting approach.
3. However, with reference to constitutional amendment, the various synthesis of decrees and constitutions highlighted in this work shows that it is difficult to have full autonomy in the local government operations, unless the constitution is completely amended to grant full autonomy as a third tier of government especially section 162 (6) and section 162 (8) of 1999 constitution of the federal republic of Nigeria tied the local government to the clutches or apron string of state joint local government account.
4. Finally, the paper posits a paradigm shift approach in the operational leadership level in the local government which should be dynamic and pragmatic with vision and ideas, thus making the leadership to be encapsulated with quality, content and character with these; meaningful task, effectiveness and efficiency will enhance the goals and objectivity of the system.

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