THE PLACE OF LOCAL GOVERNMENT IN THE NIGERIAN FEDERAL FRAMEWORK AUTHORITY OR SERVITUDE

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Abstract
This paper examines the place of local government in the Nigerian federal framework autonomy or servitude. It has established that the system is currently entwined between federal and state powers that have left it with little or no decisional power autonomy. The paper revealed that no local self-government or decisional autonomy. Bereft of continual interference by the superior government, it is presently constituted is not worthy of the name. The paper concluded that there is need to open up local governments for more modern challenges. It should be given the opportunity to handle social policies that have failed or are difficult to start up at the federal level.

Keywords: local government, autonomy, federal, state and servitude

INTRODUCTION
Local government all over the world has achieved more importance with the increasing global challenges that national systems have to face in the 21st. Prominent among these challenges are: increasing economic interdependence, democratization, globalization, changing technologies, and privatization (Imuanlahimi & Ikeanyibe 2009). While in some countries more autonomy and functions are granted to local government as a means of empowering the civil society (Fajonyomi, 2013), others merely see the restructuring of local governments as part of national democratic transition. (McCaenwy, 1996). Despite this current tendency of transferring more powers and functions to local governments, their place in the national system still remains
subordinate. While these changes concern them mainly, local governments have never really been involved in the course of actions leading to such decisions.

The Nigerian local system is not excluded from this global trend. Like their counterparts in other parts of the world, their restructuring has been imposed from above. Surprisingly by the federal government instead of the state governments that have constitutional jurisdiction over them. This in itself may not be the real problem as far as the local government system in Nigeria is concerned. The local government system was strengthened during the first transition from military to civil democratic rule in 1979. As part of the transition program, the entire local government system was reviewed with the intention of giving it more power, functions and resources that will make it more relevant to the democratic aspirations of the Forth Republic. Ever since, local governments are considered vital to the survival of the national democratic system. This is demonstrated in the various reforms carried out by successive regimes especially the military administration of General Olusegun Obasanjo (Jacob, Aderonke, Abiodun & David 2013). However, while a number of decrees and constitutional provisions have recognized local government as the third tier of government, with distinct functions and sources of finance, it has not been able to wring itself out of the excessive control and manipulation by both the federal and the state governments. This inability to act independency is as a result of the network of relationship that links local government to both the state and the federal government.

In a classical federalism, direct intervention of the federal government in local government affairs is prohibited (Fajonyomi 2011). However, the enormous nature of projects embarked on by modern local governments has driven them into collaborations with superior governments (Oviasuyi, Idada & Iserajoju 2010). In addition, the increasing concern over the extent to which local governments can provide certain social services on their own, without supervision further exacerbates the requirement for control.

There is a general conviction that local governments need some form of supervision which could be carried out in several ways. First, as a form of political control, the central government can constitute the local authority and designate its area and powers. In addition, it can decide to appoint the chairman and some members, or even use the extreme weapon of dissolving the council. Second, in order to present local government from spending public funds anyhow, the central government gives approval for development plans, annual budgets, local taxation, grants and loans. This serves as a form of economic control. Third, minimum standards and administrative efficiency could be effected through regulations and advice issued from the supervisory ministry. This may involve the approval of appointments to key posts, or prescribed qualifications for the staff; occasional inspection by government supervisors; regular audits of accounts and approval of the award of contracts and other resolutions (Mawhood, 1993).

This paper is intentioned to achieve two purposes. One, to show that local governments based on the actual relationship they have with federal and state governments, can not be said to be autonomous. Two and more importantly, to examine whether or not certain controls should be relaxed to increase the effectiveness and efficiency of this tier of governments. This is warranted by the increasing appeal by local government chairmen that more constitutional powers and recognition be granted to the governmental level. The paper is thus divided into two sections. In the first one we review the nature of the relationship that local governments have state and
federal governments. This is accomplished through a discussion of the source and nature of local government reforms; the local government financial system; and the intervention of federal and state governments in local government decision-making process. In this second section, we take a look at the impact of this relationship on the operation of local government and the arguments for strengthening or relaxing them.

NATURE OF FEDERAL - STATE AND LOCAL GOVERNMENTS RELATIONSHIPS

Source and nature of local government reforms

The Federal Government, since 1976 has been the originator of reforms at the local government level. The most prominent of such reforms that have far reaching impression on the local government system was the 1976 local government reform. This reform was more or less, based on the recommendations of the Public Service Review Commission of 1973 (otherwise known as Udoji Commission). The commission had concentrated some pages of its report on the practice of local government in the country. Among other things, the commission recommended that, states operating a multi-tier Local Government system should re-examine the structure with a view to adopting a single-tier system wherever practicable. It also recommended a population of not less than 100,000 for local authorities. (Jacob, Aderonke, Abiodun and David 2013).

Although both the federal and state government accepted these recommendations, nothing was done toward this direction until 1976, when the Murtala/Obasanjo regime started its return to civil rule programme. The federal government itself recognized that, by doing this, it was stepping on the constitutional function of the states. But it considered the reform necessary to stimulate local development by giving local governments more financial and human resources (Local Government Reform, 1976).

The reform created a uniform decision-making structure all over the country. It abolished all the pre 1976 multi-tier systems and replaced them with a single-tier structure. Local government was also given formal recognition as the third tier of government in the federal architecture of the country, with clearly defined boundaries and established functions. The reform extended statutory allocation of financial resources to local government by both the federal and state governments. This was institutionalized in the 1979 Constitution. The reform limited councilors to political functions. Also, it improved the quality of staff working at that level of government. Local Government Service Commission was established in each state of the federation to oversee the career of local government workers. The promotion, recruitment, discipline and retirement of senior officers are now above the control of local authorities. Moreover, all local government posts now have equivalents in the state service, either in terms of responsibilities or qualifications thereby making it possible for local governments to recruit more qualified staff. Finally, state governments transferred some of their staff to local governments to improve on their services. (Fajonyomi, 2011)

Most of the gains of 1976 were however jettisoned by the excesses of the politicians of the 3rd Republic, who not only disregarded laid down rules, but also misinterpreted it to suit their partisan purposes. Consequently, the military regime of Generals Buhari and Idiagbon set up the Dasuki committee to review, once again, the local government system. Although the committee, in his report found nothing wrong with the structure of local government as established under the
1976 Reforms, it however proposed the decentralization of local government services to make room for more efficient service delivery (Fatiles, 2013).

In 1988, the federal government instigated more radical reforms. The fundamental changes engendered by that reform include the abolition of the Ministry of Local Government, direct payment of allocations from the federation account to the local governments instead of the practice of sending them through the state governments, and the designation of the Chairman of the local government as the Chief Executive and Accounting Officer of the local government.

At times, most of the decisions concerning local governments are taken without seeking the opinion of state governments, under whose jurisdiction local government administration is. An example will suffice. The state governments learnt of the dissolution of their Ministries of Local Government on television on October 1, 1988. President Babangida had announced the more in his Independence Day address as a means of relaxing state and control over local government. All these are flagrant transgressions of the relevant laws of local government administration.

**Local government financial system**

One of the major predicaments facing local governments is finance. It has been recognized right from the 1976 reform that if local governments were to be autonomous, they would require a solid financial base. Following the reform, the federal government took the immediate measure of saving them from bankruptcy (Fajonyomi 1992). To guarantee continuous revenue allocation to local governments, subsequent constitutions have made provisions for their share of federal and state revenues. Section 7(6) of the 1999 constitution states that subject to the provisions of this Constitution, (a) the National Assembly shall make provisions for statutory allocation of public revenue to local government councils in the Federation; and (b) the House of Assembly of a State shall make provisions for statutory allocation of public revenue to local government councils within the State.

Based on this clause, local governments have access to 20% of federal allocation and 10% of state allocation. This has not however saved them from their financial problems. Apart from the fact that, some state governments, without consulting with local governments deduct large sums of money for what they refer to as joint services, local governments have also needed to struggle with state governments for certain revenues (Fatiles, 2013).

Internally generated revenue of local governments is from different sources. Each source yields differently according to the location of the local government and how they manage their investments (Majekodumi; Oni & Adejuwon 2013). The first source is local taxes. Before any local government can impose and collect any form of tax, it must seek the approval of the state government. It means that local governments do not have the liberty to decide the amount. This may come as personal, community, development or cattle tax in some local governments. Some urban local governments, like Ikeja, rely heavily on tenement rates. There are also fines and fees. Fines are paid by those who run foul of local government byelaw. Fees are paid to obtain licenses and permits. Local governments also collect rents on market stalls and motor parks. Many local government invest in short and long term commercial ventures. Some of these yield very well while others yield just a little or not at all (Imhanlahim and Ikeanyibe, 2009).
In spite of all the avenues opened to local governments to increase their finances, they are always in difficulties when statutory allocations are late in coming. Even when these allocations are received they could hardly pay the monthly salaries of workers (103.5 radio link 2013). This is why most of the time they are obliged to follow federal and state directives when it comes to policy formulation. Three reasons can be adduced for the dwindling financial capacity of local governments. The first one is the role of state governments in determining imposing, and revoking local taxes on their behalf (Werlin, 1995). Another reason is the problem of fraud. Local government rate collectors, in collusion with their superior officers, divert the money realized. Lastly, the rate of evasion is very high. Many taxable adults do not see any reason to pay, since they benefit nothing according to them, from the council.

The nature of their expenditure is also faulty. The expenditures of local governments are mostly directed to recurrent expenses like personnel and overhead costs. These consume more than 50% of the expenditure of many local governments.

This financial relationship also extends to budgetary control. The Federal and State Government interferes right from the preparation to the voting into law of local government budgets. Apart from setting limits for certain budgetary allocations, it is not unusual for state government to force local governments to make allocations for certain programs, which has nothing to do with particular local governments. Although the Constitution permits local governments to participate in the economic development of the state, it specifies that such should be done “particularly in so far as the areas of authority of the council (is) affected.” (The 1999 Constitution, Fourth schedule).

**Interference in local government decision-making**

The situation of local government administration under the 1999 Constitution is also very confusing and complex. Although the 1999 Constitution also guarantees the existence of a democratically elected local government system, however, like the 1979 Constitution it also gives the states the responsibility to handle issues of organization and structure. The constitutional confusion and complexity led to a prolonged disagreement between the Federal Government of Nigeria and the Lagos State Government of Nigeria over the creation of local governments. The issues in contention are yet to be fully resolved and these are negatively affecting the development principle of local government administration.

Constitutionally and currently, there are seven hundred and seventy four (774) Local Government Council Areas in Nigeria and they operate a uniform system of local government administration (Oviasuyi, Idada and Isiraojie, 2010).

According to section 7(1) of the 1999 Constitution of the Federal Republic of Nigeria, “the system of local government by democratically elected local government councils is under the constitution guaranteed, and accordingly, the government ensures their existence under a law which provides for the establishment, structure, composition, finance and functions of such councils.” Section (4) adds: “The Government of a state shall ensure that every person who is entitled to vote or be voted for at an election to the House of Assembly shall have the right to vote or be voted for at an election to a local government council.”
This disposition allowed the state government to exercise a close control of the activities of local governments. This was to the displeasure of local government executive, councilors and officers, who saw the constant interference as more of domination than supervision (Fajonyomi 2013). That is why local governments mounted pressure on the Nation Assembly on direct found to local government. Did this development change the type of relationship between states and local governments? Did it increase the degree of liberty that local governments have over local decisions? Apparently, this is not the case. The local government authority as it is called in some states that replaced this ministry exercise similar control over local governments. Though, its influence may be less encompassing than that or its predecessor, the differences in their operations are less glaring.

DEMAND FOR NEW RELATIONSHIP

The last two decades have witnessed the arrival of new sets of personnel, political and administrative, at the local level. Before the 1976 reform, elective offices at the local level were the preserves successful local businessmen, mostly illiterate, and village teachers, serving and retired. The new constitutional status granted local governments since 1979 has attracted new brand of actors, whose profile depict the new image of the third tier of government. In the present local government elections for example, there were lawyers and many other successful men and women of high caliber who decided to start their political career from the local level (FatIle 2013). The following elections also showed the increasing presence of civil servants and university lecturers who resign their posts to contest local government elections (Fajonyomi, 2011). In a research carried out in three local governments in 1990, it was discovered that about 40% of councilors had university degrees. (Fajonyomi, 1997).

These new breed local politicians have refused to settle for the traditional relationship of master-servant with other levels of government. This view is currently rampant among the newly elected local government chairmen, who have expressed their disappointment at the present constitutional status of local governments that is nothing but an appendage of the state government. Two lines of arguments are being canvassed. One, that the 1999 constitution be amended to properly define the status of local government councils (FatIle, 2013). In effect, the 1999 constitution is very vague on the status of local government in the federal setup. It has failed to stipulate provisions for their establishment, structure, composition and finance. In addition, the tenure of chairmen is not stipulated neither were the rules guiding the appointment of secretaries to local governments. The constitution merely passes the power play to state houses of assembly. One fear that is being expressed by the chairmen which is appropriate is that state governments can manipulate them anyhow, without paying due respect to the fact that they too were duly elected by their people. Apart from this, failure to give constitutional guarantees to certain practices may lead each state legislative assembly to promulgate its own local government laws, which in the best will reverse the gains of the 1976 uniform local government laws.

The second line of argument being solicited is for a review of the federal revenue allocation formula. As it has been mentioned earlier on under the current formula, local governments are entitled to 20% of the federation account and 10% of internally generated revenue of their states. It is argued that given the enormous development problems at the level and the fact that more
than 70% of the people are directly affected by local government programs, the formula should be skewed in their favor. The percentages that are being canvassed range between 30 to 35% (Radio link103.5f.m,2013).

Concluding Remarks: The way forward

This paper has tried to review the current position of local government in the Nigerian federal system. It has established that the system is currently entwined between federal and state powers that have left it with little or no decisional autonomy. The 1999 constitution has not really helped the matter as it did not give any meaningful constitutional role to local governments in the national development. The two sections that are related to local government, section 7 and the fourth schedule, are inadequate in terms of the role that a third tier of government is expected to perform in a democratic system. If local self-government means the presence of a relative decisional autonomy, bereft of continual interference by the superior governments, then the local government system as it is presently constituted is not worthy of the name. This predicament is further worsened by the meager amount of revenue available to local governments. No meaningful economic or social programs can be realized with the level of financial resources actually available to local governments. It is expected that both federal and state governments will take some of their functions like primary and secondary education from local governments. This will surely attract adequate service to them but he who pays the piper dictates the tune. There is no way local governments can be autonomous if they go cap in hand to state and federal governments for money. As the situation is, the end of money begging is not in sight since most local governments could not survive without allocations.

Nevertheless, there is the need to open up local governments for more modern challenges. There is nothing bad in giving them more autonomy to enter into international economic partnership with other local governments. This practice allowed exchange of management ideas and technology, in addition, if given the opportunity local governments can handle with more success those social policies that have failed or are difficult to start up at the federal level, in the case of SUREP for example, local governments can better manage it than federal or state institutions. The same thing with poverty alleviation programme, local governments could have been given the materials to implement the scheme. If this had been done, the story perhaps could have been different today. It is this type of programs that will valorize the local government system and make it more relevant to the yearnings of an evolving democratic federal system that we have in Nigeria.

References


Radio one F.M (103.5 radio link, 2013)
