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ABSTRACT

Once any country adopts a federal system of government it is taken for granted that there is division of powers among the levels of government, with a written constitution specifying the division, and the coordinate relationships among the levels. This paper attempts to reflect on the level of autonomy enjoyed by the local governments in Nigeria within the context of the classical theory of federalism with a view to drawing lessons for the future. The study relies heavily on secondary sources for its data. It is established that the practice of local government in the country shows a departure from the position of the classical theory possibly because of the prolonged military rule and undemocratic attitude of the state governors who treat that level of government as an extension of their states.

Keywords: Local government, autonomy, coordinacy, independence, federalism.

1 INTRODUCTION

The adoption of a federal arrangement in a country presupposes that there is division of powers among levels of government with a written constitution showing the division, and the coordinate relationships between the levels with regard to their respective functions. This means that each level of government can decide and act on issues within its defined jurisdiction, irrespective of whether or not other levels are disposed towards such decisions and/or actions.

However, it does appear that the various reforms and the practice of local governments in Nigeria over the years have tended to remove much of the autonomy granted this level of government. For example, in an attempt to distinguish local governments from higher levels of government the Guidelines of the 1976 Local Government Reform stipulate that the powers of the local governments are derived from state governments and the local communities, which they represent. This appears to contradict the concept of coordinate relationship. The inherent constraints on the autonomy of Local governments have had serious implications for the level of government in the area of decision-making and the mobilization of resources to carry out the functions assigned to it.

Local government autonomy can be considered within the context of the classical theory of federalism epitomised by Wheare, which stresses a formal division of powers between levels of government.

According to Wheare (1944) federal principle means the method of dividing powers so that general and regional governments are each within a sphere coordinate and independent. This means that the federal principle includes the division of powers among levels of government, the existence of a written constitution showing the division, and the coordinate supremacy of the levels of governments with regard to their respective functions. Vile and Birch (1959) agree with Wheare that some degree of coordinacy and independence is crucial if federalism is not to become a sham.

In this context, local governments are sub national units in a federal state with power legally conferred on them over specified functions and territory. To that extent, the local governments should be free to decide and mobilize resources to execute and manage development activities within their area of jurisdiction without any interference from higher levels of government.

However, a comparative analysis of local government practices in federally governed countries shows that the degree of autonomy varies from country to country. This paper, therefore, examines the level of autonomy enjoyed by local governments in the Nigerian Federation with a view to drawing lessons for the future.

2 RESEARCH METHOD

The data were obtained from the following sources: Publications of 1976 Local Government Reforms Committee, Report of the Committee on the Review of Local Government Administration of 1984, Report of the Political Bureau of 1987, and the 1979 and 1999 Constitutions of the Federal Republic of Nigeria as amended.

3 RESULTS AND DISCUSSION

A comparative analysis of local government practices in federally governed countries shows that the degree of autonomy varies from country to country. Comparative studies have also shown that local governments do not enjoy absolute autonomy anywhere in the world because the central governments usually curtail their independence through political and administrative measures (Roberts 1997).

In Australia, the central government gives grants to local authorities as a matter of policy. These grants are first paid to the states and the states are required to distribute the grants to local authorities in a prescribed manner. Two types of grants are normally made, namely, unconditional grants in the form of tax reimbursement, and conditional grants, which are financial assistance, made upon conditions set by the central government. The conditional grants are usually used to execute nationwide policies in education and community health and the objective of this policy is to achieve a measure of reform and uniformity throughout the local governments. Although the central government has financial power to exert considerable influence on the local authorities, voluntary cooperation has been achieved through the involvement of sub-nationalities in national policies.

In Canada, the provinces (or local authorities) have succeeded in obtaining control over important sources of revenue and this has facilitated their attainment of some degree of autonomy. A high degree of decentralization is evident in the country and this can create imbalances given the size and large income disparities among the provinces but intergovernmental grants are used to correct the imbalances.

The local governments in the United States hold no constitutionally guaranteed sovereign powers on their own but are subunits and administrative agencies of the states and may perform such functions and levy such taxes as are specifically delegated to them. The powers of the local governments are so restricted that they are required to adhere strictly to all conditions stipulated for the use of revenue sharing funds.

The local governments, which increased in number from 301 in 1979 to 774 in 1998, actually became an important issue on the national agenda since the landmark recommendations of the 1976 Local Government Reform. The Reform views the local government as government at the local level exercised through representative councils established by law to exercise powers within defined areas (Guidelines for 1976 Local Government Reform).

Hitherto, local governments had been treated as an extension of state governments and they were under the supervision of erstwhile ministry of local Government in each state. Most often, this supervisory power was used to the detriment of local government autonomy. In fact, the 1976 Reform indicted the existing local government practice then by declaring that local governments had suffered from continuous whittling down of their powers. The Reform, therefore, recommended the recognition of local government as a distinct tier of government, which can exercise some statutory powers. This recognition was expected to translate into a reasonable degree of local government autonomy.

The Federal Military Government accepted the Report by recognizing local governments as a third tier of government and assigning specific duties to them (see Fourth Schedule of the 1979 Constitution). The framework for local government autonomy was put in place at least in a formal sense but the local governments were not given the necessary administrative and financial autonomy that would enable them to operate as a distinct level of government.

The controversy about the autonomy of the local government usually revolves around this constitutional ambiguity that it is a (distinct) third tier of government but it could be created by state government. This ambiguity has created a major problem in the operation of local government autonomy. In spite of constitutional provisions, which seemed to have granted local governments some measure of autonomy, they were up to the end of the Second Republic controlled by, and subordinated to state governments through sundry mechanisms, including manipulation of the disbursement of financial transfers to them.

The Dasuki Committee set up in 1984 to examine local government administration in Nigeria and it recommended that subject to the provision of the fourth Schedule, the following functions should be given top priority:

1. Basic Environmental Sanitation and other aspects of preventive health;
2. Maternity Centers, dispensaries, leprosy clinics and health centers;
3. Roads and drains, excluding federal and state roads;
4. Inland water ways;
5. Rural Water Supply and extension of urban water supply,
6. Community development;
7. Agriculture and Veterinary extension services;
8. Construction, maintenance, equipment of primary schools;
9. Town planning;
10. Markets, motor parks, parks and gardens;
11. Maintenance of law and order;
12. Afforestation;

In addition to the Federation Account, other sources of local government revenue recommended then, include taxes, rates, local licenses, fees, fines and earnings from commercial undertakings. The Committee could not implement its planned reform fully because it ceased to function when the Buhari administration that set it up was overthrown by General Babangida in 1985.

The Political Bureau set up by the Babangida Administration however, endorsed the Dasuki Committee's recommendation (Report of the Political Bureau 1987). Following this endorsement, more responsibilities were devolved on the local governments with some autonomy to function as the third tier of government. To give strength to the devolution of responsibilities President Babangida (1988) declared that, local government will be given the necessary freedom and autonomy to operate within the ambits of the constitution, not as a mere adjunct to the states but as a truly coordinate and effective level of governments (Babangida, 1988).

In accordance with the declaration, ministries of Local Government were abolished in 1988 and the states were directed to hands-off all functions specified in section 1 of the Fourth Schedule of the 1979 constitution which were the exclusive functions of the local governments. Appropriate enabling laws to streamline joint state - local government relations were ordered to be put in place while Local Government Service Commissions were abolished in 1992 (but later reinstated).

In order to strengthen the autonomy of local governments it was decided that the share of this level of government from federation account which had been increased from 10% to 20% be disbursed to them directly. Presidential system of government was also introduced at this level of government to give impetus to the autonomous status with the council chairman as chief executive and the accounting officer.

In spite of all the declared intentions to remove constraints in the exercise of local government autonomy, many of the actions of the government contradicted its declarations. State governments continued to behave as if the old system was still in force. The 10% shares from the state's internally generated revenue meant for the local governments were hardly given to them. In response to the crisis in the primary education sector, the federal government took over the running of the sector from local governments through the establishment of the National Primary Education Commission (NPEC). Deductions were made from councils' share from federation account at source to pay the salaries of primary school teachers without their expressed consent.

Whatever gains were made in the issue of local government autonomy were frittered away with the dismantling of all democratic structures by Abacha regime in 1993. By 1994 when local government administration was reconstituted, it was a return to the status quo ante, which placed local government care taker committees at the mercy of state military administrators.

The controversy over local government autonomy was further aggravated during the Obasanjo administration with the 1999 Constitution simultaneously but contradictorily recognizing local government as the third tier of government and making them derive their powers from the state government.

For example, the 1999 Constitution addresses the issue of local government under two sections (7 and 8) and lists local governments under the First Schedule functions of local governments as conveyed under the Fourth Schedule. The major issue of local government as addressed in section 7 is:

"The system of local government by democratically elected government councils is under this Constitution guaranteed; and accordingly, the government of every state shall, subject to section 8 of this Constitution ensure their existence under a law, which provides for the establishment, structure, composition, finance, and functions of such councils (Odoh, 2001:21) ".

This provision clearly shows that local government derives its existence from the state, and simultaneously, the Constitution stipulates that it should be respected as a third-tier of government. This provision is ambiguous (Anyebe, 2017).

Relying on the constitutional ambiguity some state governors have suspended elected council chairmen, and others have even removed them from office. Many of the local government councils were dissolved following the Supreme Court judgment on the tenure of the chairmen. Caretakers Committees were appointed to oversee the affairs of the Councils pending the time elections would be held for the offices. Whenever the elections were conducted to fill these offices by the State Independent Electoral Commission the party in power in the state would win all the chairmanship and councillorship seats leaving the opposition parties without a seat. The Federal Government itself is sustaining some anti-autonomy measures inherited from previous regimes. For example, the running of primary school education, this time through Universal Basic Education (UBE) and the introduction of the State Joint Local Government Account (SJLGA) which is maintained by the state government. In most cases, the state governments make several deductions such as counterpart funding of projects, income tax (upfront) by local government employees before remitting to local government councils whatever, it deems fit. The situation is worse under caretaker committee chairmanship as no committee chairman has the guts to challenge the state governor who magnanimously appointed him in the first place. There have also been reported cases of revenue collectors helping themselves with the funds collected for the council as well as the practice of giving away revenue sources to persons on the basis of political patronage (Abubakar, 2017). Many of these local governments find it difficult to pay salaries let alone embark on development projects. Even in the area of national development planning the state governments usually plan for their respective local government and include such

plans in the state's plans without any inputs whatsoever, from the local government councils (Anyebe, 2017).

4 SUMMARY AND CONCLUSION

An assessment of the practice of local government in Nigeria shows some departure from the position of the classical theory of federalism probably because of the prolonged military rule. In spite of laudable provisions for local government autonomy the practice differed much from declaration

The actions of the federal and state governments often showed that whatever autonomy was granted to local government was mere concession which must not be misunderstood for real autonomy. In other words, the federal and state government only believed in the theory of local government autonomy but they were not keen on practicing it.

Studies have shown that local governments do not enjoy absolute autonomy anywhere in the world because the central governments always curtail their independence through political and administrative measures. This is especially the case in developing countries where unbridled local government autonomy may threaten nation-building efforts by placing local interests over and above national interest. What this suggests is the need for managing the existing level of autonomy to good effect, rather than simply bemoaning its limitation, while the pressing for relatively more autonomy continues.

We must however, not fall into the temptation of seeing the local government as an institution whose critical success factor is just the granting of more autonomy. Equally important are issues like striving to improve their internally generated revenue and the adoption of measures to curb corruption and instill transparency and accountability

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