

STATE CONTROL OF LOCAL GOVERNMENT IN NIGERIA: AN ASSESSMENT OF MUHAMMADU BUHARI ADMINISTRATION

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Abstract

Globally, local government is considered as a structure of government capable of aggregating and attending to peoples' needs timely and efficiently. In Nigeria, it is part of the tripod federalism; federal, state and local government. However, the performance of this important structure compared to her constitutional duties are not impressive. Thus, the study an assessment of state control of local government in Nigeria, using Muhammadu Buhari administration as case study became imperative. It adopted desk research method through the use of secondary data and vertical and horizontal decentralisation model to analyse the ideal state-local government relations. The study found out that despite many efforts of Buhari's administration to ensure autonomy of local government from the grip of state governors, the problem persist due to constitutional ambiguity on the role of local government, anti-democratic credentials and idiosyncrasy of state governors, lack fiscal autonomy and among others. The study recommends constitutional amendment and abolition of State –Local Government Joint Account, prosecution of state governors found guilty in the interference on local government allocation among other measures.

Keywords: Administration, autonomy, federalism, local government, state control

Introduction

The key roles of local government as a veritable tool of engendering development and smooth running of governance at the local level has received scholarly attention throughout the world. In Nigeria, issues surrounding local government efficiency and autonomy from other levels of government have enjoyed unending conversation and rhetoric in the Nigeria's fashion of federalism. In social discourse and community interaction, the simplest understanding of the word local government typifies governance at the local level. Attention to these local settlers is not only informed by their vulnerability to diseases, depression and hunger, they also constitute significant population power in political calculations. Umehali (2000) reiterates this when he declared that almost 70% of Nigeria population lives in shanties and other rural area. Thus, the rural people, who supposedly exist within the confines of local government, do not enjoy the presence of governance as they so deserve. According to Okemeri (2020) the low level of performance of local government in Nigeria is a product of the overwhelming control of its affairs by the state government. Although, conversely from what Okemeri has stated, Nigeria comprises of federating units under a tripartite structure of government such as federal, state and local government, with each having its spheres of responsibilities and limitations under exclusive, concurrent and residual arrangements as provided by the 1999 Constitution (Adedire, 2019).

Armed with the philosophy and fundamental objectives of providing grassroots governance,

political awareness, civic orientation and bringing good governance nearer to the people at the local level, the 1976 Local Government reform had previously granted autonomous recognition to local government as a third tier level of government, assigned with specific responsibilities, primary of which is the need to affect the lives of the locals positively. Despite decades of many reforms on the autonomy and constitutional amendments on the status and roles of local government in Nigeria, it has failed to live up to expectations in Nigeria. State government have remained desperate in their overzealous control of local government finance, election of their chairmen and usurpation of their constitutionally assigned roles. This disturbing reality was captured by Ayodeji (2008) who opined that wide disconnection between the people and governments' programmes grow unabated, responsive leadership and fiscal accountability have been greatly eroded, while people at the local level appeared to have been left without government impacts. The tragic fate of local government has not changed in Nigeria even during the Buhari's administration, owing to the overbearing influence of state governors who have tied the operations of local governments to their apron strings through habitual ways of imposing loyal party men as council chairmen, caretaker committees and community leaders to garner unhindered control of public patrimony as against the choices of party supporters and the electorate. These among others have led to infrastructural decay, weakness of democratic institution and geometric poverty, thus making nonsense of the principle of federalism that strives to enhance the ability of the component units to develop at their own pace. It then becomes important to assess the state control of local governments under President Muhammadu Buhari administration in Nigeria.

Conceptual and Theoretical Issues

There are two perception to local government or governance at the local level; normative and institutional perceptions. The normative aspect deals with various definitions of local government. While the institutional aspect sees local governance as a form of decentralisation, arising from the sub-division of a state. The normative perception of local government deals with the legion of definitions that mainly see local government as series of political responsibility from the lowest structural levels of government. Normative definitions of local government do not give priority to the structural workings of the concept. While the institutional definition of local government takes a holistic review of the operating political system or government structure that makes such third tier inevitable, the institutional definition hovers around some fundamental variables, such as autonomy, legitimacy and electoral fairness.

Adebajo and Oyekanmi (2020) described local government as a bottom-up approach to governance through a coordinated constitutional roles among federal, state and local government. This definition is emanate from institutional perception of local government as government and rules at the lowest strata of federal structure. Ebuku (1992) also emphasized that local government is a political authority set up by a nation or state as a subordinate authority for the purpose of dispersing or decentralising political power. In the submission, Wraith (1972, p.12) posited local government to be the act of decentralising political power. Emezi (2006) on the other hand sees local government as a system of administration under local communities, organised to maintain law and order, provide some limited range of social facilities, to ensuring that people and the needs of the rural dwellers are captured by the political decisions from the other levels of government. The local communities are encouraged to submit themselves to mutually organised authority as precursor to enjoying good governance and priorities for local needs. Emeze's definition panders to the historical foundation of local government system in Nigeria, as it is traceable to the tact of British colonial master through the introduction of indirect rule system. Local

government generally acts within the powers as derived from the constitution where distinctions between local government and states are also spelt out. In [federal-states](#), local government is referred to the third tier of government, while under a [unitary states](#) arrangement local government is placed at the second layer of administrative structure (Oniyegun, 2009).

Framework of Analysis

The study adopted the vertical and horizontal decentralisation model for effective local governance as articulated by Kauzya (2003) as its framework of analysis. According to Kauzya (2003) leveraging on the views of Rondinelli (1981) and others, understanding the effectiveness of decentralisation should be approached from two positions, the vertical and horizontal. The vertical decentralisation as espoused by Kauzya (2003) represents the relocation of political power and authority from the central government to government at the sub-national level. As for the horizontal decentralisation, attention should be focused on evolving mechanisms allowing other actors in local governance such as community-based organisations, civil society organisation and the private sector to be involved in the governance process (Kauzya, 2003). The model maintains that reform of the existing laws and the formation of a new political structure within the context of vertical decentralisation must be undertaken in the interest of good governance. Horizontal decentralisation leverages on the empowerment of grassroots communities so as to put them in a vantage position to determine, plan, administer and execute their socio-political and economic development. It does not essentially call for the re-evaluation or promulgation of new laws. Instead, it requires determined mobilisation and organisation of local communities to participate fully in the planning and implementation of socio-economic activities that are aimed at strengthening their capacities to determine and enjoy their socio-economic livelihood (Kauzya, 2003, p.4).

However, the theory is too prescriptive and legalistic in its analysis of the role of local government as a veritable structure of good governance without giving attention to other intervening factors such as leadership qualities of local government henchmen and the political will of other levels of government to allow proper decentralisation and autonomy of power for local government. This theoretical model is apt in giving an insight into how the challenges of local government can be overcome in Nigeria. It does not only suggest the proper transfer of political power and authority from the Federal government to government local governments, it also pontificates on creating strategies which pave ways for the involvement of other actors in local governance ranging from such community-based entities to civil society organisations including the private sector in the governance process.

State Control of Local Government in Buhari's Administration and Development

Against the principle of federalism on the need for coordinated responsibility among the three tiers and cooperative relationship, the ensuing relationship between state and local government is best described as servitude. This is a great danger to Nigeria's development trajectory if not redressed (Oyekanmi, 2016). In Nigeria, local government is commissioned to perform essential services such as provision of maternity centres, drainages, construction of street roads and other important needs of the local people. These services when provided have the possibility of enriching the financial capacity of the local people and convenience. However, many of the areas of revenue generating responsibilities of local government have been usurped by state government and their monthly allocation are being embezzled in the same manner. A cursory look at government at local level show debris from dirty environment capable of causing environmental hazards and pollution that can lead to other communicable diseases. Unfortunately, the local

government are cash strapped from attending to these responsibility.

The excessive control of local government by state governors through their unilateral decision of handpicking local individuals, forcing them on the party as candidate and subsequently manipulating their election into councils via State Independent Electoral Commission will continue to deny people at the local level of the service of competent, empathetic and development-oriented council chairmen. This in turn will lead to governance deficit in the needed welfare, social service and sense of inclusiveness of the people in local affairs. It should also be reiterated that whatever gains and giant development strides credited to President Muhammadu Buhari's administration on economy, infrastructural generation and agricultural revival, such development will not be felt by the people at the third spectrum of governmental structure and thus, the challenges of Nigeria's development will be a continuum.

Challenges of state control over Local Government in Buhari's Administration

The underlying *raison d'être* of local government as a tier of government either in a mayoral, prefectorial or conciliar model is to link development from the table of policy makers to the local people. The expectations of the people in villages or rural areas from all structure of political authority are good governance, sense of devotion and accountability. With this in mind, the concept of local government is meaningless if devoid of autonomy from state government in such a way that the people express confidence and honest legitimacy to the closer constituted authority around which are the local government chairmen. This underscores the place of local government as a veritable tool of getting things done through proper mobilisation of men and resources for general accomplishments (Gurlick & Urwick, 1987).

The reality of the challenges confronting local government in Nigeria is as revealed by *This Day* (2015, p.1) when it fumed that:

In Nigeria, local government today is plagued by series of reinforcing ailments, ranging from lack of capacity through low viability, elite capture, limited legitimacy, and mind-boggling corruption to low level accountability. Among others, Local government are run as private fiefdoms of governors who in most instances appoint their loyalist as sole administrators, glaringly manipulate elections to favour their supporters and arbitrarily determine the tenure of elected local officials.

From the foregoing and based on the submission of various local government scholars such as Ola (2014), Gboyega (1987), Bello-Imam (1992), among others, various problems of local government remain unresolved in Nigeria. However, for purpose of this study the major ones are identified. These range from constitutional ambiguity, poor leadership, personal idiosyncrasies of leaders of the other levels of government, overbearing primordial interest to lack of fiscal autonomy and responsibility.

Constitutional Ambiguity

Imuetinyan (2012) posited that the first clear recognition of the third tier status of local government in Nigeria was offered by the Local Government Reform of the 1979 which inadvertently reels out clear duties and responsibilities, as well as its place in the federating units. This was followed with the proper gazette of issues of local government concerns as expressed in the 1976 reforms into the 1979 Federal Constitution. With the foregoing, Section 7 (1) of the 1999 Constitution has it that "the government of every state shall ensure their existence under a law which provides for the establishment, structure, composition, finance and functions of such councils. This was also captured by Iyoha (2001) that local authorities are creatures of the state

governments and their relevance, strength and degree of autonomy were subject to the state governments. This power as vested in the hands of many overbearing state governor over local authorities have been abused and deployed to weaken elected and participatory governance and development at the grassroots.

The operation of local government councils under the 1999 Constitution is also very ambiguous, confusing and generating many imploding crises. In a different way, while the 1999 Constitution guarantees the operation of a democratically elected local government system, many state governors had at one time or the other abandoned the need to conduct elections into various local governments in defiance of the mandates of the Constitution. The local council men operate in accordance with the wishes of the governors (Awotokun, 2016). In Nigeria, very significantly in the South-West, appointments of Caretaker Council Members have become perverting political norms, an abuse of power and mockery of democratic creeds. These governors hide behind the constitutional misrepresentation of section 7 (1) which stated that the government of every state shall ensure the existence of local government under the law; whereas the law provides for a democratically elected council. A second major problem is the failure to provide expressly for the state government, the power to create new local government councils. In the 1999 Constitution, local government is to be created by states subject to the approval of the National Assembly for its operation); this clause has been described by (Okafor, 2021) as double standard. The situation had once created tension between federal and state governments. For example, is the face-off between the Lagos state government under Bola Ahmed Tinubu administration and federal government of Nigeria under Olusegun Obasanjo administration in 2004 over the creation of new local government area, the latter ordered the stoppage of statutory allocation to Lagos state.

Poor Leadership

The Nigerian state is in short supply of leaders with democratic credentials while few that profess democratic ideas are practically dominated by autocratic personality, a wrong democratic anathema, daily affecting good governance at the local level. The existence of local government as the third tier of government has suffered serious threat of extinction because of its non-performance occasioned by the leadership of other levels of government from federal to state government. A good number of the state governors in Nigeria are not democratic enough to allow the institution of local government flourish for the good of the rural dwellers, while it also remains a verifiable fact that their campaign rhetoric is laced promises without action (Awotokun, 2016; Chuka, 2015). Anwuka and Chuka (2015) posit that performing local government chairmen are considered politically dangerous by their state governors as it portends tortuous succession battle. It is evident from the foregoing discussion that the local government is the most vilified of the three tiers of government in Nigeria. It has come under very serious obloquy for adducible reasons vis-à-vis not meeting up with its responsibilities as enshrined in the Fourth Schedule of the 1999 Constitution. Admittedly, majority of the local government councils have not also given Nigerians the cause to appreciate its nearness to the people and to bridge the gap between the governed and other tiers of government.

Overbearing Primordial Interest

The recruitment process at local level has been identified as a serious challenge of the government at grassroots. The recruitment has been popularly seen as basically on primordial interest. The spill over of which has crept into the operation and performances of Local Government as it relates to the welfare of the urban dwellers. As espoused by Oyekanmi (2016), 60 percent of local government projects in Nigeria are not approved based on the needs of the areas or wards they

are sited, but rather influenced by particularised contacts and primordial interest. Even the choice of candidates for the local government election is characterised by rotational arrangement, appeasement of high ranking politicians. This among other contentious pluralist nature of Nigeria federalism is seriously manifesting as a cog in the wheel of local government performance.

Personal Idiosyncrasies of Leaders of the other Levels of Government

Majority of the state governors, in collusion with the Houses of Assembly, have remained unswerving in the pursuit of a surreptitious agenda to continually armpit the local government as a pun on their chess boards. The governors are in the habit of misused the noticeable blank gap in the 1999 Constitution. They have consciously and covertly converted local government councils to one of their parastatals departments or agencies because of the lacuna created in sections 7 and 162 of the 1999 Constitution. The council's umbilical cord has been tied to the state governments who confer a nomenclature of an appendage or field office on them and leave the councils at the beggarly existence of the state. The captivity of the local government councils by the state government is a cankerworm that has undermined the functionality of the councils. In similar vein, Ojo (2018) stated that many governors complain of maltreatment by the federal might, whereas their dealings with the local government show clearly their poor understanding on how a federation should operate. There is no doubt that many of them need education on what federalism is all about. This situation has in great measure impoverished in all ramifications the operations and successes of local government councils under President Muhammadu Buhari administration.

Lack of Fiscal Autonomy and Responsibility

The hijack of local government resources by state government and corruption at local level is another serious area which has undermined governance at the local level. According to Ayodeji (2008), it has been an unaccountable galore in local government councils under the current democratic dispensation by state governors and chairmen. Thus, usually, Joint Account Committee (JAC) has been identified as instrument of controlling, usurping, embezzling and eroding the autonomy of local government by the state governments (Awotokun, 2016). This was evident in T. Oladunjoye's petition to Economic and Financial Crimes Commission (EFCC) that Otunba Gbenga Daniel, the former governor of Ogun state mismanaged and misappropriated local government fund via JAC (Punch, 2015). Also, the arrested and prosecution of the former governor of Enugu state, Chimaroke Nnamani by the EFCC over the allegation of diversion of local governments funds is evident (Nnamani & Anikwe, 2013). It was on this note that Mallam El-Rufai abolished JAC in Kaduna State on assumption of office as Governor in 2015, with promise to always remit all dues belonging to Councils (Odunsi, 2015). The decision has been widely applauded by stakeholders especially the Association of Local Government of Nigeria (ALGON) who are usually mainly affected by the menace. ALGON stated that to guarantee speedy development at the grassroots, the abolition of JAC was necessary to ensure a healthy local government (Koni, 2016).

Effort and Measure to ensure Local Government Autonomy from State Government

Successive state government in Nigeria have been treating local government with disdain and as appendage structure in Nigeria's federalism. State control on local government make them a drain pipes to local government monthly allocations. Many of the state governors who clamoured for restructuring and true fiscal federalism have turned deaf ears to the agitation for financial autonomy in local government. As part of the efforts to address the excessive control of state on local government, President Muhammadu Buhari in 2021 warned the local government chairmen of the danger in allowing the state governors a sharing spree of the local government allocation.

He noted that the responsibility would be on them to account for every kobo allocated to their councils (*The Guardian, 2021*)

In May 2020, President Muhammadu Buhari also signed Executive Order to grant financial autonomy judiciary, legislature and most importantly, local government in Nigeria. This effort is commendable for mandating the Accountant General of the federation to deduct from money from source from any state government that refused to grant such financial autonomy to local government. Agbedo (2020) had noted that President Muhammadu Buhari had issued similar directive in 2019 in a bid to navigate the pathways for local government financial autonomy. The Nigerian Financial Intelligence Unit (NFIU) was mandated to stop state governors from interfering with statutory allocation accruing to local councils from the Federation Account. This was vehemently opposed by the state governors through the Nigeria Governors Forum. Thus, it has been an unending wait for local government financial autonomy as state governors have circumvented the NFIU's directive. In spite of this, the situation can be remedied through clear legislation for local government autonomy, financial independence and other strong fiscal measure to put off other levels of government from exploiting the third tier (Lamidi & Fagbohun, 2013). Another noteworthy effort was the move to address the anomaly of state governments manipulating the council electoral system through their appointed SIECs. The House of Representatives previously made efforts to transfer the conduct of council polls to the Independent National Electoral Commission (INEC). This was contained in a bill sponsored by Musa Bagos (PDP, Plateau) which moved to amend Section 7 of the 1999 Constitution. The proposed amendment provides broad functions of the local government and empowers INEC to conduct the elections of local government. Mr Bagos' alteration seeks to delete the entire Section Seven in the Constitution and provide a new section of functions of the council, election, process of removal of the council and other sundry matters relating to the local government system. The proposed Section 7(1) e by Bago reads: "An election to the office of the chairman shall be held on a date to be appointed by the Independent National Electoral Commission (INEC)." By implication, the proposed Section 7(1) e, if passed, will delete the State Independent Electoral Commissions, as the commissions will no longer have any role, since the only responsibility they have is conducting elections into the local governments.

In the 8th Assembly (2015-2019), the Senate passed an alteration that sought to achieve this same purpose. Then, the Ike Ekweremadu-led Constitutional amendment committee had made 32 recommendations. Dino Melaye, who represented Kogi West in the Assembly, moved an amendment that SIEC should be abrogated. According to Mr Melaye, local government autonomy will mean little if SIEC continues to conduct elections. That amendment was passed by the upper chamber. But it was not concurred by the House, hence it died in the course of that alteration. However, these efforts have remained futile as most of the bills could not get 2/3 majority support of members of national assembly and the required supports from 24 houses of assembly throughout the federation before the president can append his assent.

Conclusion and Recommendations

Local government is constitutionally designated as the third tier of government for good governance at the local level for the betterment of the people at the grassroots. However, under the present Buhari administration like other successive government, local government has been unjustifiably subsumed under other levels of government, especially the state governments, in ways that have limited its capacity to achieve its mandate. The study concluded that inherent complexities arising from the operations of local government in Nigeria have adversely affected

it and have put expected governance at the local level in abeyance.

In line with the prescriptions of the vertical and horizontal decentralisation model which serves as the framework of this study, there should be relocation of political power and authority from the state government to local government and genuinely amend the 1999 Constitution with an unadulterated intent and purpose to erase contradiction and clauses that inhibit the existence and operations of the local government autonomously from state government.

Secondly, it also essential that other actors such civil society groups, human rights groups, the Nigeria Union of Local Government Employees (NULGE) and all other major stakeholders should be allowed to be involved in the local governance process so as to determine, plan, manage and implement their socio-politico and economic development at the grassroots. It also recommends that local government elections should also be taken over by the Independent National Electoral Commission (INEC) with the involvement of all stakeholders at the local level. The INEC should be empowered to see into the tenure of elected officials and conduct elections as prescribed by law. This study believes that the taking over of elections at grassroots by INEC and the serious involvement of civil society organisations and other critical stakeholders will ensure periodic elections as against the appointment of caretaker or sole administrators, promote grassroots democracy and reduce the level of imposition by state governors of local council candidates.

Lastly, there is a need for continuous orientation and education of political actors and operators of Nigeria's federal system. The orientation must emphasise that no superior government exists in a federation, as such relations should be complimentary. In some federal settings, president is not superior to the governors neither is governor superior to a local government chairman. Hence, operators of local government system should be educated on their status as heads of a government who enjoy same degree of autonomy like other tiers of government in a federation that recognises local government as a third tier government. Thus, there is an urgent need for the political class to depoliticise their actions in office and operate more as statesmen rather than self-serving politicians.

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