

Chapter One: Introduction

1.1 Background of the Study

Federalism, according to K.C Wheare, is the method of dividing powers so that the central and regional governments are each, within a sphere, co-ordinate and independent. He said that the characteristics of this Federal Principle are the division of powers among levels of government, a written constitution showing this division of powers and co-ordinate not subordinate supremacy of the two levels of government with respect to their functions (K.C Wheare, 1953: 10). The practice of federalism in Nigeria is one of the legacies the British colonial masters bequeathed to Nigeria. Local government is born out of federalism because federalism has to do with the division of power between the central and the component units local government is a component in a federal system, it is recognized as a third tier of government which is charged with the responsibility at the grass root. The local government performs certain functions assigned to it by the constitution and the local government is to be autonomous in its own to

carry out all its responsibilities without interference from the central government. The local government should do precisely the word government in its own sphere. The evolution of local government in Nigeria has undergone a lot of changes and all these are geared towards making the local government a system that could serve the purpose for its creation. But specifically in 1976, under General Olusegun Obasanjo's regime introduced the 1976 local government reform. The reform recognized the local government as the third tier of government in the Nation and it is expected to do precisely what the word local government implies that is, governing at the local level. The reforms also intend to stimulate democratic self government, encourage initiative and leadership potential and entrain the principle of this reform for the local government to be autonomous having the freedom to recruit and manage its own staff, raise and manage its own finances, make policies, laws and provide services within the limits of its resources and functions without interference, the local government system in Nigeria still have some constraints that have impeded it's autonomy. (Okoli, 2005: 107). This research work puts in focus, Ofu local government area in

Kogi state. It will investigate the autonomous nature of the local government area and see the level of services that has been delivered in the area. Ofu local government area of Kogi state was created out of Idah local Government Area In May, 1989 in the then Benue state by the Federal Military Administration of Nigeria led by General Ibrahim Badamasi Babangida. It has nine districts. They are; Ugwolawo, Itobe, Igalaogba, Ojokogbe, Aloji, Ejule, Ogbonicha, Igo, Omache and Ofoke. The hand-quarter of the goo-political entity is Ugwolawo, the historical town that provides haven for the only Federal Government College in the Kogi Eastern Senatorial district. Graphically, the local government share boundaries with Dekina Local Government Area of Kogi state to the North while also sharing boundary with Ankpa local government to the south. Ofu local government equally shares boundary with Olamaboro local government area to the South East and also sharing boundary with Ajaokuta local government area to the west. The local government area occupies a landmass of almost 8,747.5 square kilometer and a perimeter of 252.5 kilometers. The 1991 census figure of National population commission puts the population of the

people at 112,697. The people are predominantly Farmers. The Land is fertile for large scale production of crops like maize, beans, groundnuts, rice, cassava, melon, guinea corn, Barbara nuts and so on while mangoes, cashew, palm trees, cocoa e.t.c yield in abundance for commercialization. The place is equally endowed with mineral resources like caoline, lime, marble, galena, fieldpars e.t.c lie beneath the earth there in large quantity for exploration. As it is the characteristic that is always endemic of the countries of the Sub-Saharan Africa, cultural activities are of paramount importance to the people of Ofu. Their tourist delights include Uloko Amo Waterfalls at Ofokopi, Ugbakoji hills in Itobe, Egane Waterfalls, Ofakete Natural Bridge and Ala Natural funnel.

1.2 Statement of the Problems

Local government Autonomy is meant the Freedom of the local government to recruit and manage its own staff, raise and manage its own Finances, make policies, laws and provide services within the limits of its resources and functions without interference. Before the 1976 Local Government Reform, Local Governments were under the direct tutelage of the state

government which vested with the exclusive powers to make and unmake them. As a result, Local Governments were subjected to excessive controls by their respective state governments. These controls by their respective state governments were carried out through such mediums as approval of bye-laws and major contracts, appointment of certain categories of professional and administrative staff, approval of annual estimates and loan proposals and funding through grants-in-aid. These control measures posed negative consequences as they culminated into delays which in turn frustrated many important policies and programmes in the local government area. In addition, state governments created, modified, dissolved and suspended local government councils at will. The states had the power to abolish their local government system. In fact, local government existed at the mercy of the state.

The autonomy of local government in Africa countries such as Nigeria is more in theory than in practice. As Olowu (1988:71) succinctly puts it:

Most government has opted for the direct control by central government of their local governments through a battery of legal, financial and administrative controls... So called "local government" units of central governments or worse still, exist as parallel institutions to the government's field administration controlled by both the central and field units.

The heavy dependence of local governments in Nigeria for instance on statutory allocation from the Federal government whittles down the autonomy of the former. It puts local government at the mercy of the federal government. Furthermore, successive Nigerian governments (both federal and state) have interfered in the actual functioning of the local government. For instance, between 1984 and late 1987, local government councils were abolished and the administration of the affairs of the local government were placed entirely on the sole administrator. Again, in 1994, the elected local government council were disbanded by the military government of General Abacha and replaced with caretaker committees (Ezeani, 2004). Also the financial autonomy of local governments has on many occasions been tempered with by the state governments. This is currently the case in Nigeria

were some state governments confiscate federal allocations to the local government and give whatever amount they like to the chairman to run the local government. (Ezeani, 2004:86). Despite these far-reaching measures as recommended by the 1976 local government reform thereby making it the bedrock of modern local government system in Nigeria, One can safely assert that the local government still has some constraints that have actually impeded its success. These in the view of Olugbemi (1986) can be summarized as;

- Continued jurisdiction of state government over the most important functions allocated to local government in the guidelines and as stipulated in the fourth schedule of 1999 constitution of the federal republic of Nigeria.
- Continued imposition of various central government, it controls the selection of councilors, in budgeting and budget control, in policy determination including the determination of fiscal policies, in personnel management etc which tend to diminish the value of government in local governments.

Therefore, the study will seek to provide empirical and verifiable answers to these problems based on the following questions.

- Does Federalism guarantee local government autonomy?
- Is Nigeria local government system (Ofu Local Government) autonomous?
- Does the granting of full autonomy to the local government enhance its service delivery?

1.3 Objectives of the study

Every research work encapsulates and embodies diverse objectives to be achieved at the end of the research. Thus, the broad objective of this research work is to assess “the Nigerian Federalism and local government autonomy specifically Ofu local government area of Kogi state. Specifically however, the study attempts to:

- To ascertain if federalism guarantees local government autonomy.
- To investigate if Nigeria local government system (Ofu local government) is fully autonomous.

- To explain if full autonomy is given to Nigeria local government system (Ofu local government) will enhance its service delivery.

1.4 Significance of the Study

The significance of this study is divided into two viz: Theoretical and practical.

At the theoretical level, it will add to the frontier of knowledge of Nigerian Federalism and local government autonomy. This research will serve as a resource base to other scholars and researchers interested in carrying out further research in this field subsequently, if applied will go to an extent to provide new explanation to the topic. At the practical level, the study will help our policy makers and those in power to see the negative effect of lack of local government autonomy, and in a way make the leaders see reasons or how effective the government at the grass root (local government) will become if given full autonomy.

1.5 Literature Review

As a topical area of study, a number of scholarly works had been done, especially on interpretations of variables related to this topic. The importance of reviewing relevant literature cannot be over emphasized. Fox (1969) and Leary (1974) argued that if contemplated research is to contribute to the relevant discipline then the researcher must understand the discipline. They pointed out that the most directed way of doing this is to read the basic writing of other thinkers. As a style of organizing the review, this work adopts the thematic approach to organize the literature. By this, issues are reviewed based on similarity, conformity or ideas. The review is therefore done under three themes identified as variables under study. This is also to ensure proper organization and easier understanding for readers. The themes are; Federalism, local government and local government autonomy in Nigeria.

Federalism:

The concepts of Federalism bristles with difficulties as there are quite a number of views or opinions trying to explain this elusive term (there is no unanimity of opinions). As Daniel Elazer (1992) observed, “there are several varieties of political arrangements to which the term is properly been applied” (Jinadu, 1980:26). William Ricker also pointed out that “an initial difficulty in any discussion of federalism is that the meaning of the word has been thoroughly confused by dramatic changes in the institutions to which it refers” (Ibid). The word Federalism etymologically has its root from the Latin word “Foedus” meaning compact or league. From the same Latin word “Foedus” the following English words “Federal, Federate,” and the word federation” came into existence and found their ways into the stream of English language, politics and law. In constitutional law the word “Federal” is commonly employed to express a league or compact between two or more states to become a United Nation under the central government called the “federal government.”

According to K.C., Wheare, (1953:10) is the method of dividing powers so that central and regional governments are each, within a sphere, co-ordinate and independent. According to him, the characteristics of this federal principle are the division of powers among levels of government, a written constitution showing this division and co-ordinate, not sub-ordinate supremacy of the two levels of government with respect to their functions. Wheare's central argument is that federalism will be adopted if people in the constitutional units

Desire to be under a single independent government for some purposes at any rate and desire at the same time to retain or to establish independent regional government on some matter at least. (K.C Wheare, 1963: 35-36).

From Wheare's definition of federalism, the constitutional provision protects the autonomy of different regional levels of governments and as such neither the central or regional governments are subordinate to each other, but rather the two levels of government are coordinate and independent.

William Livingston (1956:1-2) looked beyond the narrow confines of legal formulation to the general systemic view and saw federalism as the product of the interaction of socio-cultural and political factors, while observing that the documentary constitution may be a poor guide to whether a political system is Federal or otherwise. He explained that:

The essential nature of Federalism is to be sought for not in the shade of legal and constitutional terminology, but in the forces, economic, social, political and cultural that has made the outward forms of Federalism lies not in the institutional structure but in the society itself. Federal government is a device by which the federal qualities of the society are protected. (Livingston, 1956:3).

This is a departure from Wheare's legal construct; Livingston demonstrates interaction between constitutions framework and socio-cultural structures. In effect, he shows that the form of constitution is not dependent of the centripetal and centrifugal forces operating in the society. Livingston went further to distinguish between a federal constitution; which is the legal document, and a federal society necessitates the federal constitution. He notes the Federal constitution to mean the arrangement incorporating the

federal principles, such as the division of powers while the federal society is one with a plurality of ethnic groups with different historical, cultural and linguistic backgrounds, but in which each ethnic group occupies a marked and distinct geographical location from the others. Federalism therefore becomes a device for compromising unity in diversity. Livingston (1956:3).however emphasized the need for common political tradition if federalism is to survive asserting that “of all the factors that go into matrix out of which Federations are produced similarly of social and political tradition is probably the most important.

Livingston concluded that the political institutions of Federalism once created, “May themselves shape the pattern of society by determining the channels which these social pressures will flow, in short, the constitution affects and is effected by societal diversities”.

The problem with the above analysis is while stating the factors, which affect the operations of a federal system; it is vague on which of these factors are necessary conditions for the formation of a federation. Similarly, Livingston’s definition of federal system’s so broad that all societies with

division of powers can find niche in the classification. For example, this approach does not help in sorting out the boundaries between federal states like U.S.A and decentralized system like Britain.

Carl Friedrich (1963:35), shares a similar view with K.C Wheare. According to him, Federalism should be seen as a process by which unity and diversity are politically organized and this process include all political phenomena, persons, institutions and ideas. He described a federation as union of group selves, united by one or more objectives but retaining their distinctive group level, while association is on the interpersonal level. He noted that federalism without destroying themselves that are uniting and is meant to strengthen them in their mutual relations. Friedrich argued that federalism should be a process. The process by which a number of separate political communities enter into arrangements for working out solutions, adopting joint policies and making joint decisions on joint problems and conversely also the process by which a unitary political community becomes differential into a federally organized whole.

Itse Sagay (2003) corroborates with Wheare by posting that Federalism is;

An arrangement whereby political power within a multinational country are shared between a Federal or central authority and a number of regionalized governments, in such a way that each unit, including the central authority, exists as a government separately and independently from the others, operating directly on persons and property within its territorial area, with a will of its own and its own apparatus for the conduct of affairs and with an authority in some matters exclusive of all others. In a federation each government enjoys autonomy, a separate existence and independence of the control of any other government. Each government exists, not as an appendage of another government but as an autonomous entity in the sense of being able to exercise its will on the conduct of its affairs far from the direction by any government.

The above definition is in line with Wheare's own stipulation that in the Federal system, there is no hierarchy of authorities, with the central government on the others. All governments have a horizontal relationship with each other.

Another scholar on the discussion of federalism is Austin Ranny (1993: 789) who sees federalism as a system of government where power is divided between a national government and several sub-national governments, each of which is legally supreme on its assigned sphere. He noted that

Federalism was adopted as political expediency, adding that Federalism has been widely praised as of the grant American contribution to the art of government

A number of different nations have adopted it as a way of enabling regions with sharp different cultures and interest to join together as one nation. The clearest examples are nations like Australia, Canada, Germany and Switzerland also in Brazil, India and Mexico.

Osaghie (1990) also argues that an important characteristic which distinguishes Federal character systems from non Federal systems is contractual, non-concentration of power. According to him, in a Federal state, there is an irrevocable division of power as a product of constitutional compact among the nationalities or sub-communities that compose the Federation.

Tekena Tamuno (1989:18), Federalism as a form of government where the component units of a political organization participate in sharing powers and functions in a cooperative manner though the combined forces of ethnic

pluralism and cultural diversity, among others, tend to pull their people apart. Delicate arrangements of this kind were carefully worked out, provide sufficient room for the co-existence of centre-seeking and centre fleeing forces, peace, for lucky communities which achieve and sustain measure of this, under these arrangements, is not necessarily that of the grave, where people agree sometimes and disagree sometimes, concerning the goals and means of co-operative governments of this kind, friction and conflict resolution is quite possible through the time and effective intervention of accredited authorities and organs of government.

Professor Attahiru M. Jega (1999) gave a seemingly elementary but useful definition of federalism, by saying a federal system is a government in which the written constitution or an inviolable statutory precedent specifies that certain fundamental authority adheres to a central government and that other fundamental authority belongs to smaller areas. (Eligwu, 1996: 88). In this sense, Federalism is essentially about the distribution of political and economic decision making power among constitutions units or levels of government. Some inferences can be drawn from the above literatures on

the concept of federalism; the first is that the study of federalism is still in a state of partial theory with the numerous writers, each speaking a language particular to him. On close examination, it can be observed that no fundamental disagreement exists among the scholar in their divergent approaches to the topic. Each approach is a narrow perspective of the broad theme and none by itself explains the totality of the federal concept. For example, Wheare provides a legal framework of what constitutes a federal constitution, Livingston looks beyond the surface to the social diversities that the constitutional divisions of powers is supposed to mirror, while Friedrich looks intensely at the actual operation of the societal centripetal and centrifugal forces and how they affect the constitutional arrangement.

On the whole it could be inferred that the existing literature that pictures what is federal government and what is not, remains as blurred as ever. The student of federalism is therefore in a sort of quandary.

But for the purpose of this study, the definition as given by K.C. Wheare (1953) would be adopted as a working definition because it is still not possible except by this Wheare's definition to determine the prerequisite of

federalism and basis on which to establish which countries are federal and which are not.

Local Government

This part will focus on the views of different scholars which forces us to ask new questions; to consider views of diverse range of thinkers, and provide access to competing explanations of what is really Local Government.

Orewa (1992) sees local government as the lowest unit of administration to whose laws and regulation, the communities who live in a defined geographical area and with common social and political ties are subject. The implication of this in his view is that, the territorial jurisdiction of the local government has to be clearly determined and defined to enable the residents of the local government aware of their civic and financial claim for the provision of service and for protection against health & hazard. He went further to state that, local government is the product of decentralized administration. Decentralization per se refers to the arrangement by which the management of the public affairs of a country is shared by the central/State provincial and the local government in such a manner that the

local government is given reasonable scope to raise funds and to use its resource to provide a range of socio-economic services and establish programmes to enhance the welfare of those resident in its area of authority. (ibid).

In the view of the United Nations office for public administration

Local government is a political division of a nation or (in federal system), state, which is constituted by law, and has control of local affairs, including the power to impose taxes or exact labour for prescribed purpose. The government of such an entity is elected or otherwise locally selected (quoted in Ola 1984:7).

According to Ola (1984) who is in line with the above assertion, indicates some elements which precipitate the establishment of local government as the third tier of government;

- citizen's participation in the management of local affairs
- efficient and equitable provision of essential service
- Resource mobilization for development purpose

He went further to explain that local government is a cooperate body which can sue and can be sued. Thus, it has its own independent legal existence. Local governments are distinguished from other social institution due to judicial or legislative powers to make bye-laws and regulations. It does not make substantial law but bye-laws and regulation under the power derived from the constitution.

Ogunna (1976), sees the local government as a political authority which is purposely created by law or constitution for local communities by which they manage their local public affairs within the limits.

William Robson in Mahal (2006) asserts that local government involves the conception of territorial, non-sovereign community possessing the legal right and the necessary organization to regulate it own affairs. This in turn presupposes the existence of a local authority with power to act independently of external control as well as the participation of the local community in the administration of its own affairs.

In the 1976 local government reform hand book, local government was defined as

Government at the local level exercised through representative councils established by law to exercise specific power within defined areas. These powers should give the council substantial control over local affairs as well as the staff and institutional and financial power to initiate and direct the provision of services and to determine and implement project so as to complement the activities of the state and federal government in their areas, and to ensure and through devolution of function to council and through the active participation of the people and their traditional institutions that local initiatives and response to local needs and condition are maximized.

Price (1975:160) sees local government as:

An attempt to make use of its citizens' local loyalties by delegating local function to local administrative bodies, which may be various type, such as locally elected representative body, a recognized traditional authority or local representative, with clearly defined power of the central government.

Drain (2000) in his book "Local Government Administration", perceives local government as the lower level of government responsible for domestic enhancement. To him, he said development must start from the grassroots with an organized system and with public enlightenment. Development should be every body's business, local government is the government close to the

people and that listens to the people. Local government is therefore all about enhancement and agent of rural or community development.

Odenigwe (1979) sees the local government in Nigeria as the ultimate agency for mobilizing citizens and material resource for rural development under the new system. Local governments are now in a better position to mobilize, direct and co-ordinate the efforts of the people on rural development.

Venkataranyaiga and Pattabhiram see the local government as

The administration of a locality a village, a town, a city or any other area smaller than the state by a body representing local Inhabitants, possessing a fairly large amount of authority, raising at least a part of its revenue through local taxation and spending its income on service which are regarded as local and therefore distinct from state and central services.

According to L. Ademolekun and L. Rowland, (1979:1) sees the local government as a tier of government with formal and unequivocal recognition of local government as constituting a distinct level of government with defined boundaries clearly stated functions and provision. To el-borate on this definition above, being a tier means that unlike before when local

government was placed under the ministry or department, with limited responsibilities, it is now regarded as the third level of government and charged with greater and additional responsibilities of mobilizing, sensitizing and harnessing the human and material resource at the local level for the development of such localities. As the third tier of government the local government now enjoys the following autonomy.

- Staff: the local government can now recruit, pay and discipline their staff through the local government service commission.
- The local government now enjoys high level manpower unlike before.
- Financial autonomy: the local government as a third tier of government now gets its fiscal allocation from revenue allocation and mobilization commission. It also exercise control over its annual budget.
- Fiscal autonomy: it can now generate its own money through rent, rate and tolls.

From the assertions of all the scholars reviewed above, it is seen that they all agree that the local government is a third tier of government and as such is an agent of rural development.

Local Government Autonomy

There is a good deal of confusion and misinterpretation to what the term “autonomy“ connotes, despite its regular usage, yet the real understanding of the term leaves much to be desired. The numerous scholars and government functionaries who used the term assumed that their audience understands the concept furthermore; government’s reform that is intended to preserve or extend local government autonomy ends up short of their objectives because the full meaning of the term autonomy has not been fully explained (Odunfa, 1991). Local government autonomy is the freedom of the local government to recruit and manage its own staff, raise and manage its own finances, make policies, laws and provide services within the limits of its resources and functions without interference from the federal and state government. The work of different scholars will be reviewed on the meaning of local government autonomy.

Nwabueze (1983) defines the autonomy under a federal system to mean “each government enjoys a separate existence and independence from the control of the other government. It is an autonomy which requires just legal

and physical existence of an apparatus of government like a legislative assembly, Governor, Court e.t.c. but that each government must exist not as an appendage of another government but as an autonomous entity in the sense of being able to exercise its own will in the conduct of its affairs free from direction of another government. According to Nwabueze, autonomy would only be meaningful in a situation whereby each level of government is not constitutionally bound to accept dictation or directive from another.

In the view of the defunct centre for democratic studies local government autonomy refers to “the relative discretion which local government enjoys in regulating their own affairs the extent to which local government are free from the control of the state and federal government in the management of local affairs. In this contribution on the literature of autonomy Davey (1991) opines that “local autonomy is primarily concerned with the question of responsibilities, resources and discretion conferred on the local authorities. As such discretion and responsibility at the care of local government it presumes that local government must poss. the power to take decision independent of external control within the limits laid at own by the law. It

must garner efficient resumes particularly of finance to meet their responsibilities put differently lead autonomy is the freedom of independence in clearly defined issue, are as separate legal identity from other level of government. In essence, when one talks of local government autonomy in Nigeria's policy we refer to the relative independence of local government control by the state and federal governments. Therefore it is the nature and structure of transactions or interaction between the three levels of government that reveals the degree of local government autonomy.

The autonomy of local government in African countries such as Nigeria is more a theory than in practice. As Olowu (1998:71) succinctly puts it:

A battery of legal, financial and administrative controls... so called "local government units". In Most government in African have opted for direct control by central government of the local government through reality operate like field administrative units of central Government or worse still exist as parallel institutions to the government's field administration controlled by both the central and field units.

The heavy dependence of local government in Nigeria for instance to statutory allocation from the federal government whittles down the

autonomy of the former, it puts local government at the mercy of the federal government. Furthermore, successive Nigerian government (both federal & state) has interfered in the actual functioning of the local government. For instance between 1984 and late 1987, local government council were abolished and the administration of the affairs of the local government were placed entirely on the sole administrator. Again in 1991, the elected local government council were disbanded by the military government of General Abacha and replaced with caretaker committees.

Also the financial autonomy of local government has on many occasions been confiscated by the State Government. This is currently the case in Nigeria where some state government confiscate federal allocations to local government and give whatever amount they like to the chairman to run local government (Ezeani, 2004: 186).

In the critique of the government of the then Eastern Region of Nigeria, Akpan (1982:160)

By the use of these central government official in these roles, by limiting the financial and executive

powers and functions of local government to the whims and pleasures of the central government by taking over control of staff serving local government, by assuming the main financial responsibility for local government services; Nigeria from independence practiced a veiled form of integrated administration decentralization with the so-called local government serving as nothing but mere arms and agents to the central government.

It is no surprise therefore, that Ronald Wraith who has written extensively on local government, once had to change the title of his book from “local government in West Africa” to local administration in West Africa” because he realized that in most cases that what exist in West African countries were mere local administration rather than local government (Wraith 1982: 224). Despite these far reaching measures as recommended by the reforms especially 1976 thereby making it the bedrock of modern local government system in Nigeria, one can safely assert that the local government’s autonomy is more of a theory than in the real practice of it and this is an impediment to its success. These in the view of Olugbemi (1986) can be summarized as,

- Continued jurisdiction of state government over the most important functions allocated to local government in the guideline and as stipulated in the fourth schedule of 1999 constitution of the Federal Republic of Nigeria.
- The failure of the federal government to effect a more equitable sharing of the tax field among the three levels of government.
- Continued imposition of various central government controls in the selection of councilors, in budgeting and budget control, in policy determination including the determination of fiscal policies, in personnel management e.t.c. which tend to diminish the value of government in local government.

1.6 Theoretical Framework

Theory has been defined as set of interrelated constructs, concepts, propositions or ideas that presents a systematic view of a phenomenon by specifying relations among variables with the purpose of explaining and predicting the phenomenon (kerlinger 1977:57). Following from the above, we can deduce that theory serves as a foundation of any social science

research. It provides a logical explanation of a phenomenon or event and at the same time, predicting its possible outcome. Theoretical framework on the other hand has been identified by Igwe (2005: 442-443) as “the guide on the school of thought expressing some level or form of existing relevant knowledge and adopted by the student or the researcher as the foundation of his work. Chosen normally from any array of political theories reviewed after thorough literature review.

Saliu (2004:9) had underscored the importance of theoretical framework in social science as he holds that the importance of applying theories to social science research efforts has long been realized. In view of the scholars of the behavioral approach social science is not scientifically based unless it is backed up by a theory.

Saliu further maintains that, “theoretical frame work” refers to the conscious and deliberate decision that a researcher has made in terms of the theory or a combination of theories, which guide his research efforts. In view of the foregoing, and in bid to conduct a systematic research, we shall anchor our investigation on the theory and persuasion of the structural functional theory.

Structural functionalism as described by Haralambos and Holborn (2004: 936-937) is a theoretical framework that is intended to explain the basis for the maintenance of order and stability in society and the relevant arrangement within the society which maintain from the biological sciences was abinitio adopted as a mode of analysis by Gabriel Almond. Almond contends that every political system has structures that are there to perform certain functions. It goes further to say that every political system involves structure and functions according to Robert Marton (quoted in Nwaogu 2002: 47) are “those observed consequences which make for the adaptation or adjustment of a given system “structures on the other hand, refer to “the arrangement within the system which perform the function” it is therefore evident in the view expressed above that for the continued existence of a political system, all structures must be allowed to perform its functions allocated to it by the constitution freely.

Gabriel Almond the main proponent of this theory developed seven (7) specific functions which every political system must perform;

Input functions

Political Socialization & Recruitment

Interest Articulation

Interest Aggregation

Political Communication

Output functions

Rule-Making

Rule-application

Rule adjudication. (Almond analyzed in Varma (1975: 209)

In collaborating Almond's position, Varma (1975:211) holds that structural functionalism revolves around two main concepts- functions and structures, on the basis of which three questions could be posed,

- What basic functions are fulfilled in any given political system?
- By what structure?
- Under what conditions?

Following the above analysis the relevance of structural functional theory in Nigeria Federalism and local government autonomy cannot be overemphasized. In Nigeria, power is shared among the three level of government (federal, state, and local) which in this regard are the structures: these structure are expected to be taken care of by the constitution taking cognizance of the notion that constitution is the frame or composition of government, to the way in which a government is actually structured in terms of its levels, the distribution of power within it, the relations of the organs, and the procedures for exercising powers (Nwabueze, 1993:1) inherent in Nwabueze's view is that constitution creates structures, assign roles or functions to them as well as co-ordinates and regulates their respective and collective activities and relationship with each other. In Nigeria federation, the executive legislature and judiciary is assigned specific functions by the constitution. Also the three levels of government, federal state and local governments have their own powers delineated and delimited in the constitution. It is expected that the levels of government performs their respective functions as drawn in the constitution, the aim and

maintenance of order and stability which is about the most essential of the state based on the liberal scholars, could have been achieved. Again in a federal state, the various component units are equally structures which are expected to perform certain functions. Since it is expected that the central and regional government should exist independently and also co-ordinately, and not a situation where the central government assumes a dictatorial role on other levels, performing the functions the regional government is to perform, it is then logical that all the component units should be autonomous & economically viable as to ensure uniformity in size of the government units as anything contrary to this could suggest J.S. mills' "law of instability" if a particular structure is not viable there will certainly be limitations on the functions it is expected to perform for the continuous existence of the federation. Moreover, since the constitution has a pride of place in federal practice, it then becomes imperative that the various structures in a federation should participate in its making as this is also part of their function. A deviation from this view, could amount to a situation where the constitution will fail to reflect the aspiration of the people. The

constitution might as well fail to institutionalize the appropriate structures whose functions it also ought to define and delimit. In other words the constitution may even create structures, but fail to assign appropriate functions to them. Furthermore, it is important to note that the federal system of government has the local government as the third tier and not an administration under any other level of government as provided by the 1976 local government reform, and also in the constitution (1999) 4th schedule, it assigns some functions to the local government thus, in a federal system practice, the various level of government are supposed to be sharing powers & functions in such a way that power will not be concentrated or centralized on a particular tier at the detriment of others. In line with structural functional theory, if the local government is allowed with a full autonomy to perform its function within its jurisdiction, in a way will enhance service delivery at the grassroots. Both the input & output functions should be performed simultaneously, output should be a product of input function therefore constitution making as output functions should reflect the inputs made by various structures. In a situation where there is a deviation from

this practice, structural defects set in and if not properly managed, could lead to system decay.

1.7 Hypotheses

This research work is anchored on the following assumptions:

- It seems Federalism guarantees local government autonomy.
- Nigeria local government system (Ofu Local Government) is not autonomous.
- There is a correlation between the granting of full autonomy to local government (Ofu Local Government) and enhanced service delivery.

1.8 Method of Data Collection and Analysis

Just as a builder relies on a building plan and a voyager uses a compass to guide his voyage. In this study, we adopt the use of both primary and secondary source of data collection. The primary source was based on personal interview with some Ofu local government officials' while the secondary source of data collection is also justified due to its reliable and scientific facts and ideas must be supplemented with empiricism.

The secondary source of data includes materials like; text books, newspapers, magazines, government publications research papers, journals handbooks, internet e.t.c.

Moreover, we shall adopt content analysis as our method of investigation. This involves reading meaning into materials that are collected for the purpose of achieving reliable and verifiable conclusion.

1.9 Operationalization of Terms:

The following terms will be operationalized for a better understanding;

- i. Federalism
 - ii. Local government
 - iii. Local government autonomy
 - iv. Functions
 - v. Structures
 - vi. Local government officials
- i. **Federalism:** it is a system of government in a country otherwise referred to as a federation, is a system of government in which the

political and socio-economic powers are shared between the central government (referred to as federal government) and the co-ordinate political sub-division of the country, referred to in Nigeria as region but now referred to as states and local government.

- ii. **Local government:** it is a government at the local level exercised through representative council established by law to exercise specific powers within defined areas. These powers should give the council substantial control over local affairs as well as the staff, institutional and financial powers to initiate and direct the provision of service and to determine and implement projects so as to complement the activities of the state and federal government in their areas and to ensure through active participation of the people and their traditional institution that local initiatives and responses to local needs are maximized.
- iii. **Local government autonomy:** is the freedom of the local government to recruit and manage its own staff, raise and manage its own finances, make policies, laws and provide service within the

limits of its resource and functions without interference from the federal and state government.

- iv. **Functions:** observed consequences which made for the adoption or adjustment of a given system.
- v. **Structure:** the arrangement within the system which performs the functions.
- vi. **Local government reform:** it is an attempt to re-organize the local government so as to improve the whole activities at that level.

Chapter Two

Federalism and Local Government in Nigeria

The chapter will dwell basically on the evolution of Federalism in Nigeria and the evolution of local government system in Nigeria before during and after colonial period showing all the reforms and constitutional provisions to back the autonomy of local government system. The main objective of this chapter is to clear the doubt about the granting of autonomy to local government in a federal system like Nigeria.

2.1 Historical Survey of Nigerian Federalism.

Historically, the structure of Nigerian Federalism can be traced back to 1914 when the Northern and Southern protectorates were amalgamated though with a unitary system of administration. Since then, governmental power that existed in Nigeria started to be shared between the central government headed by the Governor-General and government of northern and southern protectorates headed by the lieutenant Governor. Therefore with the existence and recognition of the two autonomous parts of Northern and Southern provinces, the administrative system of Nigeria somehow finds the

outlook of a federation. The further division of the country into three regions by the Governor of Nigeria Sir Author Richards under the Richards constitution of 1946 gave more support to the emergence of Nigeria as a federal state. The Macpherson constitution of 1951 gave concrete support in the sense that, this constitution appointed Lieutenant Governors to head these three regions and granted legislative power to the legislature and executive councils that were established. The Littleton constitution of 1954 removed the share of a unitary system of government from Nigeria establishing a true federal state in the sense that it shared powers between the central and the regional governments. To avoid constitutional conflict that might arise between the central and the regional government, a supreme court was established to handle such conflict. After independence, Nigeria constitution continued to retain the federal system imposed by the departed colonialist but with some minor modification. Nigeria after independence continued with the federal setting but when Nigeria first had had her military coup d' etat which brought in General Aguyi Ironsi in 1966 wanted to change Nigeria to a unitary system but as power changed back after six

months in a counter-coup that ousted General Aguyi Ironsi and Ushered in General Yakubu Gowon. Nigeria changed back to a federal system and from then till now, Nigeria has been practicing a federal system of government. (Nwabueze, 1983)

2.2 Evolution of Local Government system in Nigeria.

The whole idea about local government is underpinned by the concept of devolution. This involves giving legal powers to sub national unit of government to carry out specified or residual functions on behalf of the central government. Local government is therefore mainly a derivative from the aspect of devolution of power and authority. According to UN (1959) “local government is a political subdivision of a nation which is constituted by law and has substantial control over local affairs including the power to impose taxes. Usually the government of such is elected. Local government in Nigeria refers to the third tier of government created either by edict/ instrument or law/ constitution or decree to carry out certain political, social and economic functions or responsibilities within a defined territorial area. These political administrative units exist within a wider and more powerful

political structure that is the states and the federal government. As the third tier of government, local government are the lowest level of public governments in Nigeria in terms of power areas of jurisdiction and resource allowed them by the Nigeria state. As creations of edict /instruments or law/ constitution or decree, the local governments are bound by law made for their existence and are legal entities (they can sue and be sued). They are perceived to constitute a system because they are a distinct group of public government found performing the same set of functions all over that country. The major premise on which local government are built presupposes the existence of a local community having a will of its own which must be discovered and respected by giving it due consideration in the formulation and execution of public policies especially towards rural transformation. The idea of local government in Nigeria started with the traditional administration of the family, a big compound, a village and a kindred or clan as a unit of governance. In this system, the oldest surviving man was naturally and traditionally the head leaver of a family or village unit especially that most societies were structured along patria-lineal

lineages. For proper maintenance of peace and settlement of disputes many family group or villages had a head or a ruler, and people who err will be punished accordingly. Men of integrity were traditionally elected as representatives into the village councils.

Ajor in Denga (2003: 15), states that the chief and his council of elders occupied a sacred place and they derive authority from the ancestors and the deities, which they represent and could also communicate with spirits. The chief and his council of elders have a duty to defend the traditional laws and custom, guide the entire society from straying away from the norms and traditions which were capable of provoking the wrath of the ancestors if not properly observed. The same council legislates on economic and social welfare matters. Decisions affecting the people will be taken by the council of elders, in many cases, it's made known to the village assembly comprising all age grades. If the issue in question like land disputes, societal disorder e.t.c becomes controversial then full participation by everybody will be needed.

2.3 Pre-colonial Era.

Before the emergence of the British colonial administration, various communities in Nigeria were governed through the instrumentality of their traditional political institutions. These institutions were anchored on the people's habit of thought, prestige and custom and are adapted to meet the new conditions.

In the Northern part, the Hausa/Fulani Emirate operated a highly centralized hierarchically organized political system. They were predominantly authoritarian vesting much power on the emirs. There was clear specificity of function of the political structure with a long standing system of tax assessment and collection. The emirate was divided into districts, which were headed by Hakimis while each district was divided into villages each of which was headed by a village head. In effect, the local government administration under the Hausa/Fulani traditional political system was under the district heads (Hakimis) and village heads. They were charged with the duty of law maintenance, collection of taxes within their respective areas

and settling minor disputes. In the discharge of these function however, the district and village heads were responsible and accountable to the emir.

In the western part of Nigeria, the Yoruba operated centralized chiefdoms in which the Obas ruled their various chiefdoms. The Obas played roles as constitutional monarchs in the sense that they ruled their respective kingdoms with a council of chiefs which exercised dormant power. Each Yoruba kingdom consist the Oba's town or capital city and the subordinate towns. The capital city was directly administered by the Oba while he governed the subordinate towns through Chiefs known as Baale or Olojo. The Baales and their subordinate chief conducted the affairs of the subordinate town which constituted the local government functions of the political system. The Baales settled minor cases and disputes, maintained law and order, allocated vacant lands and paid annual tributes to the Oba (Ajiboye 2002: 99)

In eastern Nigeria, the Igbo's had fragmented and diffused autonomous communities. The system comprised many groups and institutions like age grades, women associations, Ozo title societies, the council of elders, the

people's assembly (Oka) shared political authority with the chief of the community. One of the distinctive feature of the Igbo political system is that it functioned with many groups and institutions which shared political authority in the system. The autonomous community in the Igbo traditional political system was a federation of villages. The village and kindred traditional authorities' maintained law and order within their areas, settled disputes, established and maintained village market, constructed village paths and ensured regular cleaning of stream and springs which supply water. The village and authorities made rules and regulation for their villages and protected their customs and tradition. (Nwankwo 2002)

2.4 The development of Local Government under Colonial Administration in Nigeria.

With the advent of British colonial rule in Nigeria, some of the traditional political institutions, especially the chieftaincy institutions were involved in the system of local administration known as indirect rule. The indirect rule system implies government through local authority with overall supervision by the colonial powers. The use of indigenous political institution for

purpose of local government was contingent on modification of some aspects of traditional government repugnant to European ideas. The indirect rule system held sway for three decades. As a system of local government, it achieved a measure of success in the centralized and powerful system of Northern provinces and partly in the western region in Nigeria. In the Eastern provinces, an artificial base known as the “warrant chief” was created for its operation.

The indirect rule system began to crumble in the early 1930s following the “Aba women’ Riot “of 1929. It was replaced with the council system which introduced an element of representative democracy into local government which was neglected by the “warrant chief system”. The system of representation was then known as “best man policy”.

As the country made political progress under colonial rule, it was felt that the system of local government needed reorganization. It had been argued that the reforms were undertaken by the colonial administration to stem the rising tide of the nationalist movement. It is evident that political activities and other forms of social change forced local government reform and other

forms of direction of elected representatives which was associated with young, literate and progressive and titled men and other person holding offices for life. The policy of the colonial government was to replace the native administration system based broadly in the English model of country councils. Following on the re-organization, local government legislations patterned along the British model of country, urban and distinct council were passed on Eastern and Western Nigeria in the 1950s, (Nwankwo 2002: 180-181)

2.5 Post-Colonial Era and the Rise of Modern Local Government

The proper local government system can be said to be a colonial creation and it served the colonial masters and their indigenous successors in the political administration of Nigeria. It has undergone several changes since Nigeria became independent of British colonial rule since 52 years ago.

The Babangida reforms that sought to give some level of autonomy to the local government by introducing among other the presidential system of government at the local government level, which was intended to improve on democratic decision making through active participation in the local

government council, is one of the numerous reforms that has taken place since independence. Before giving a critical appraisal of local government autonomy in Nigeria which is thrust of this research, it is important to recall the various reforms in the history of the local government system in Nigeria. With the attainment of independence in 1960 each region introduced different system of local government that suited it. In all cases, the local government system adopted was multi-tiered ranging from district to divisional to local council each tier exercised different level of authorities. They rendered a wide range of services from small health services, management of primary schools to provision of water to the communities. In the then Mid West region created in 1963, many administration reforms in local government took place during post independence era but of most profound nature were the Development Administration (DAD) introduced in 1974. About the same time specifically in 1973, Western region introduced the American Styled local government system known as “Council manager” type of local government system (Ebonyi 1986).

The first one i.e. Development Administration (DAD) sought to establish a local administration without any autonomy at the local level. It considered the management of local affairs as an extension of the state government with the provision, that state government officials responsible for the decentralized activities of state should work in association with selected or elected representatives of the people organized within council or committees. That is to say with Development Administration, residents were appointed to manage each of the divisions and were the representative of the Military Governor. Division and Subordinate Area Development Committees were established numbering about 243 in the Mid-West region. The Subordinate Development Committees were left with low level staff to maintain their secretariats. All staff of the Development Administration became civil servants. In other words, local government became an extension of the civil service with the resident accountable not to the communities but to the State Governor. The Development Committees were able to achieve some measure of success; Opening up of rural roads with bulldozer brought from capital grant from the state government, constructed

market stalls, maternity centers e.t.c. In many cases, revenue yield were in the increase as the committees continuously embarked on tax raids.

In the East Central State, the system faced financial difficulties as each unit were too small. In some places, a deliberate attempt was made to ensure that the geographical areas of the local council and committees coincided as much as possible with the selected /elected representative of the people organized within council or communities.

The second major reform initiative was the establishment in the western state a Council Manager System modeled on American and Canadian experiences. It was aimed at integrating some private sector techniques into public sector management. The structure of the council of elected or appointed members which played the role of a board of directors in a business organization and secretary who performed the function of a chief executive in a company. Each council had a standing committee responsible for formulating policies, preparing and receiving annual council's budgets and offering support to the secretary who served as the chief executive officer. The chairman of the standing committee was also the chairman of

the council and was selected on an annual basis by the members of council from among themselves. In the council manager system, an enhanced status was accorded the secretary who was also known as council manager to really carry out his function as the chief executive officer of a business organization. Although the government paid some attention to the size of the council and resource at their disposal, the critical prerequisite of the qualified staff that would really be the “manger” in the Northern tradition was not met. By the time the western sate was further subdivided into three states in April 1976, the council- manager system had not shown any sign of producing the desired result. (ibid)

Also there were some minor reforms carried out in the Benue Plateau area, the Provincial Administration was abolished, the native authority was now known as Local Government Administration. The division were increased from 9-12 with the breakup of the TIV native authority into three divisions. Senior administrative officers took charge of the division. The chief council status was abolished. The portfolio councilors system continued and council decision was by majority vote and district heads were in future to be

appointed from the local people and not to be imposed from outside as was the case. The district council was in effect from the second tier of local government and village head composed the council, it is important to mention that the proceeding of this national conference on local government organized in 1974 under the auspices of the institution of administration, Obafemi Awolowo University, Ile-Ife then university of Ile-Ife. Between 1974 merely confirmed the failure of the various state governments to find meaningful solution to the basic problem of local government in the country. It was against this background that the federal military government which came to power in July 1975 announced as part of its political programmes a commitment to a systematic and deliberate re-organization of the local government. It was on account of this that a committee was set up leading to elections at the local government on individual merit without party politics. After extensive consultation and detailed review of previous reform recommendations, the Federal Military Government issued a document with the self explanatory title, Guideline for Local Government Reform. Perhaps the first point to consider about the guideline is the extent to which it has

answered the question on the desirability or other wise of effectiveness mass involvement in the management of local affairs, the guidelines came out with a loud and clear positive response. But above all, this reform was intended to entrust political responsibility to where it is most crucial and most beneficial. That is to say, to the people. The government hopes that the reform would further enshrine the principle of participatory democracy and political responsibility to every Nigeria (Brigadier Shehu Musa Yar' Adua in his forward to Guidelines for Local Government Reform Lagos: Government Printer 1976).

2.6 The 1976 Local Government Reform

The 1976 local government reform has antecedent in the recommendations of the Public Service Review Commission of 1976 popularly known as Udoji Commission. Report recorded a major land mark in enhancing the autonomy of local government in Nigeria.

The objective of the reform set out briefly the guidelines to the 1976 local government reform stated as follows:

The reform of our system of local government is not only important and desirable in itself but it is a

crucial element of the political programme of the Federal Military Government which was essentially motivated by the necessity to stabilize and rationalize government at the local level. This necessity entails the decentralization of state government of local levels in order to harness local resource for rapid development. Local government should to precisely what the word government implies, that is governing at the grassroots. (Guidelines for Local Government Reform. Kaduna Government printer. August, 1976).

The 1976 reform was an important landmark in the development of local government system in Nigeria. It has the following significant features.

- a) There should be a local government council, which would operate through a uniform single tier local government structure all over the country.
- b) Complete democratization of local government system. This system tactfully removed the control of local government from traditional rulers.
- c) The abolishing of provincial and divisional administrations which in essence means the removal of the control of local governments from state governments.
- d) The local government council operated through chief executives.

- e) Each local government was expected to serve a population of about 150,000 to 800,000.
- f) Provision was made for the first time in the history of local government in Nigeria, the statutory allocation to be made by both federal and state government to the local governments.
- g) The establishment of Local Government Service Board which is charged with the responsibility of recruiting, posting, promotion and discipline of the senior staff in the local government.

Activities increased in scale but in many cases not in scope. Staff strength was more than double in many local governments. However, the staffing and man-power-mix were outrageous on some local governments. In Kaduna state for example, by 1989 the 13 local governments had a total of 432 senior staff out of which Kaduna local government council which is semi-metropolitan had only 80 among which only 6 were appropriately qualified in their respective cadre. The supporting junior staff strength in the state was 4,870 among which Kaduna local government had 964 to back up its 80 senior staff. (Ekumakamar, 1996). This is a simple illustration of the general

trend of the quantity and quality of staff available to local government for development of the grassroots. Apart from the irrelevance of staff to the demand for service, it is inconceivable how much relevant leadership can be articulated in such circumstance for high performance demands. Generally following the 1976 reforms expenditures of local government were showed more in favor of recurrent expenditure, largely salaries and wages and other overheads than capital development. For example between 1982 and 1986 (5years period) Okpebbo Local government in the then Bendel state had ranges of recurrent expenditure of between 15.2% to 90.7% over the period while capital expenditure rose from 13.65% -48.8% within the same period. Average capital expenditure was less than 20% of total expenditure Olasupo, F.A (2001) in Orekoya, T. et.al Although, under spending existed in capital development, but within the capital expenditure, spending was over the various sub-sectors, more in favour of the economic sector. This was the general trend not only in Bendel state but also in Kwara, Ogun, Ondo and Oyo were on the average, a little over 55% of local government capital expenditure was allocated to the economic system while the share of the

social and administrative sector stood at 21.9% and 22.5% respectively. If this pattern of expenditure had continued the provisions of economic goods and service would facilitate and this would in turn have put Nigeria in the verge of development at the grassroots level. One of the cardinal objectives of the 1976 reform is the provision of goods and service to every Nigerian no matter your location. On the negative sides, within the massive increase in the revenue from the federation's account following the 1976 reform, many local governments engaged in reckless spending on grandiose projects which have little relevance to the needs of local communities. With the oscillation and dwindling of revenue from oil, many of these projects were abandoned leading to colossal waste of resource .The state also undermined the financial viability of local government by diverting statutory allocated grants to local governments as well as encroaching on their revenue yielding functions like market, Motor Park, tenet rating, liquor, licensing e.t.c. Grants from federal and state government was not released in full. And the existence of state ministries of local government hindered the much- needed

autonomy of local government hence affecting meaningful development at the grassroots.

Functions of the local government under the 1976 local government reform

Under the 1976 national guideline in the local government reform in Nigeria, local governments were assigned the function which requires local knowledge for the sake of efficiency. Also, functions which are of personal nature that require function and understanding of the individual, were also assigned to local government. Local governments are responsible for the maintenance of peace and good governance in their areas of jurisdiction. A Local government can delegate its power relating to the running of a commercial or industrial undertaking to its employee or duty appointed agents. It can also engage in any form of trade, commerce or industry provides that the law allows it.

2.7 The 1979 constitution and the local government system.

The provisions in the 1979 constitution in respect of local government were meant to achieve the objective of the 1976 guidelines. Under the 1979

constitution, local government were mere appendages to the state within which they existed, that is to say, they were subsidiary institution of the state government, their creation and existence were matters exclusively reserve for the state by the constitution. In a nutshell, the 1979 constitution indeed assured the existence of local government provided for its functions and powers. However, both its existence and functions were meant to be provided for in a law enacted by state government. According to section 7 (1) of the 1979 constitution

The system of local government by democratically elected Local government council is under this constitution guaranteed, and accordingly, the government of every state shall ensure their existence under a law which provides for their establishment, structure, Composition, finance and function of such councils.

It was this general fashion in which local government was provided for in the 1979 constitution that made second republic politician to interfere without restraints with local government civilian political actor. In the second republic, state could create and dissolve local government at will. It

was this abnormality that gave rise to 1985 local government reform in Nigeria.

2.8 The 1985 local government reform in Nigeria.

One major reform that followed that of 1976 was the Review of Local Government Administration in Nigeria in 1985 popularly known as “Dansuki Review Committee”. A 20 man committee was inaugurated on the 29th of May 1984 by the Chief of Supreme Headquarter, Major General Tunde Idiagbon with the following terms of reference.

- i. To evolve the most suitable mode of managing the local government within the context of the present military administration.
- ii. To re-examine the existing structure, functions and financial resource available to local government for the performance of these functions.
- iii. To look into the accounts/management (staff) problems of local government, including the standardization of the various department of the council.
- iv. To evolve a proper place for traditional authorities in local governments.

- v. To propose how best to manage inter-governmental relations between federal, state and local governments and also between local government service board/commission e.t.c
- vi. To work out manpower development scheme for all cadres of local government staff and
- vii. To deliberate and recommend on other matters the committee considers relevant for the improvement of local government administration in the country.

The main policy outcome of the review committee affected the following aspects of the local government administration in Nigeria.

- a. Structure has not been the problem but the operations of local government i.e. operational problems arising directly from the behavior and attitudes of operators of the 1976 reform.
- b. Priority function of local government
- c. Management of local government including remuneration of councilors, budgetary control and management auditing

- d. Local government finance including the granting of 10% share of the duration account in local government. The granting of the 10% internally generated revenue of the state to local governments and development planning by local government are constitutional requirement.
- e. Staff and management development were including the need for the formulation of a coordinated scheme of service for various categories of local government staff, staff regulations, a coordinated staff training policy by each state government, establishment of 1% training fund by local government and harmonization of training fund by local government and harmonization of training programmes, the enactment of staff pension fund edict by all state welfare.
- f. Inter-governmental relations including the place of traditional rulers in local government emirate/traditional council and its functions and their insulation from partisan politics
- g. The need to mobilize the people for development as well as their socialization in participatory culture for political and other activities of these committees.

Looking from the DANSUKI committee, it appears to be the main to have tackled micro issues top fill the gaps not covered by the 1976 fundamental reforms

2.9 The 1989 local government reform.

The enhanced status of the local government in the 1989 constitution has to be seen against the background of the emasculated autonomy which this level of government has in the second republic. The 1989 reform of local government was backed up by decree Number 12 of 1989 promulgated to bring into existence the 1989 constitution and with the same ambition of eroding all the past anomalies associated with the subordinate existence of local government as extension of the state. The first radical portion taken by the government was the abolition of the various ministries of local government throughout the country. This is aimed at making the local government more autonomous hence the state was stripped of its instrument of domination. Ministries of local government which was used in maintaining suffocating control over local government was provided. In addition, the 1989 constitution provides for 449 local governments though

there was provision for creating more or even adjusting the existing ones. By this reform, the council was to consist of democratically elected members. According to the 1989 reform, “the system of government by democratically elected council was constitutionally guaranteed”. Another significant change brought about by the 1989 reform is the strengthening of the status of local government. By the provisions of section 160 of the 1989 constitution, any amount standing to the credit of local government in the federation account shall be allocated directly to the local government concerned on such terms in such manners as may be prescribed by the National Assembly. This direct disbursement of the statutory allocations to the local government is a significant improvement on hitherto fiscal arrangements whereby state government not only neglected to make the requirement 10%-15% and currently is about 25% .The implication of this direct revenue allocation is that, it is expected to facilitate the fulfillments of constitutionally mandated functions by the local government without the constraint of financial dependence on higher level of government. Also direct allocation of revenue

qualifies as a major innovation of the 1989 constitution and augurs well for the future of genuinely representative of local government system in Nigeria.

As part of the reform, the management and funding of primary education and primary health care became the responsibility of the local government.

This means that salaries of primary school teachers and staff of primary health care clinic will be paid by various local governments. Also the combined effects of the 1989 constitution and decree 15 and the subsequent amendments to the later is that, a single tier multipurpose system of local government originally provided for before the amendments was sharply changed into two tiers system hence the introduction of the presidential system of government at the local government level in 1991.

2.10 The 1991 local government reform (the presidential system of government at the local level).

In April, 1991 the vice president Augustus Alkhoma gave a nationwide broadcast which announced a two-tier system of local government i.e. the executive and the legislative house. This was backed up by the local

government (basic constitutional and transitional provisions) amendment decree Number 10 of 1991. With the provision that they should be an executive and legislative arms, the local government was all but local in name, it became a modern government in rural setting. For the first time 220 councils concentrated on making law and the executive in running the administration. Under this reform, the executive power was vested on the chairman, who could exercise it personally or delegate it to the vice chairman. The chairman, vice chairman, supervisors and the secretary who are appointed by the chairman formed the executive arm. The legislators according to the reform were to be elected from among themselves, one councilor usually from the majority party as leader of the council. He played role similar to that of the speaker in the State House of Assembly. He was called “speaker” rather than a “leader” of the council. There were no longer supervisory councilors, a councilor appoints when a supervisor vacates his seat in the council, the secretary acted as the chief administrative adviser to the administrative arm and kept proper records of local government. There was also a head of personal management department, designated as the clerk

of the council meetings. Though in 2001, in Kogi state, administrative officer not below grade level 10 were appointed and posted to all the local government councils to serve as clerk of the house. The clerk also liaised with the secretary to the local government for the smooth running of the administration of local government.

The assessment of various reforms on local government in Nigeria has been made in order to give us the insight to the meaning of local government autonomy. This will lead us to 2.11 which will explain local government autonomy.

2.11 Local Government Autonomy

There is a good deal of confusion and interpretation and misinterpretation as to what the term “Autonomy” connotes, despite its regular usage, yet the real understanding of the term leaves much to be desired. The numerous scholars and government functionaries who used the term assumed that their audience understands the concept. Furthermore, government’s reform that is intended to preserve or extend local government autonomy ends up short of

their objectives because the full meaning of the term autonomy has not been fully explain (Odunfa, 1991). In view of these conflicting conceptual interpretations, the term “local government autonomy is perceived as local self government or grassroots democracy” this grassroots democracy is primarily aimed at giving the vast majority of the people the fullest opportunity to participate in determining their own destiny. (Nwabueze 1983) defines the autonomy under a federal system to mean “each government enjoys a separate existence and independence from the control of the other government. It is an autonomy which requires just legal and physical existence of an apparatus of government like a legislative assembly, Governor, Court e.t.c. but that each government must exist not as an appendage of another government but as an autonomous entity in the sense of being able to exercise its own will in the conduct of its affairs free from direction of another government. According to Nwabueze, autonomy would only be meaningful in a situation whereby each level of government is not constitutionally bound to accept dictation or directive from another. In the view of the Defunct Centre for Democratic studies, local government’s

autonomy refers to “the relative discretion which local government enjoys in regulating their own affairs”. The extent to which local governments are free from the control of the federal and state governments in the management of local affairs. In his contribution on the Literature of Autonomy Davey (1991), opines that “local autonomy is primarily concerned with the question of responsibilities, resource and discretion conferred on the local authorities. As such discretion and responsibility are at the core of local government. It presumes that local government must possess the power to take decision independent of external control within the limit laid down by the law. It must have efficient resources particularly of finance to meet their responsibilities. Local government autonomy is the freedom of independence in clearly defined issue, area as well as separate legal identity from other levels of government.

Indices for measuring Autonomy

1. **Personnel:** the importance of human resource in any organization cannot be over emphasized. The ability of any organization to achieve its goals

depends largely on the caliber of its human resource and more importantly, on how effectively. Thus according to Likert (1974:9)

... All the activities of any enterprise are initiated and determined by the Persons who make up that institution. Plant, offices, computers, automated equipments, and all else that a modern firm uses are unproductive except for human effort and direction.

Similarly, Drucker (1978: 273) opined that “good organization structure does not by itself guarantee good performance. Human resources are as a fact of life of the existence, survival and development of an organization as food is to man”. And according to Likert (1974:9), “of all the tasks of management, managing the human component is central and most important task because all else depends on how will it is done”.

There is no doubt therefore that the ability of the local government system to accomplish its primary task of rural development depends on the quality of its human resource and, how effectively they are: this point was succinctly captured by Orewa (1991:166) thus:

Local government is an essential service oriented institution. Once the roads and drains are constructed the incinerators installed, the health centers constructed and equipped and stocked with drugs, school buildings constructed and furnished... all that is left to make the local government function effectively. It is the manpower that operates and maintains these institution and facilities...

For a local government to be autonomous it should be able or have the freedom to recruit qualified people into positions, and manage its own staff without external influence.

2. Financial autonomy: financial autonomy is meant the freedom of the local government to raise and manage its own finances. Also the allocation from the federal government and staff should be paid directly to the account of local government at the appropriate time and in the right proportion without deduction except on the permission of the local government Chairman. In Nigeria, there are various sources that could generate funds for the local government. They include;

- ❖ Property taxation such as tenement rate

- ❖ Licenses, examples of which are licenses on liquor, television and bicycle.
- ❖ Fines and fees
- ❖ Markets, shops, kiosk, motor parks and towing operation
- ❖ Local flat rates/community rates (poll tax and capitation rate)
- ❖ Cattle tax
- ❖ Grants and view of rate
- ❖ Out-doors advertisement/hoarding and entertainment.
- ❖ Restaurants laundries e.t.c
- ❖ Revenue from sales
- ❖ Interest payment and dividend
- ❖ Revenue from commercial undertaking such as markets, mass transit, vehicles e.t.c
- ❖ Registration of contracts
- ❖ Identification certificate
- ❖ Rent on local government property
- ❖ Capital enterprises

- ❖ Miscellaneous (sales of seized goods, recovery of losses and payment)
(Ashiru, 1998:5)

The financial autonomy of local government will bring about its ability to take its responsibility as specified in the constitution instead of living at the mercy of the other governments.

3. Authority Relationship: Delegation of powers and functions is the act whereby political authority invested with certain powers turns over the exercise of those powers in full or in part, to another authority. The implication of this statement is that when delegations of power takes place, the power of the delegates are precisely those that belonged to the delegated, and the actions performed in the virtue of the delegations have the same judicial nature as if they had been performed by the delegate himself.

In the local government system, the need to delegate some substantial portions of the principal officers to subordinate staff cannot be over emphasized. It is important that appropriate delegation of functions to deserving staff, and effective supervision of function delegated to such staff to ensure proper execution is essential. Delegation of power/function from

the top management of the local to the subordinates is not new development. The hand book on local government administration in Nigeria, published by the presidency, Abuja, 1992 made an elaborate provision for delegation of power in the local government when it stated:

The chairman shall delegate substantial part of his administrative and financial functions and authorities to the vice chairman, supervisors, councilors and the secretary, who shall further delegate powers and functions for the live in each Local government department. Each chairman shall exercise his power in consultation with his vice chairman, supervisor and secretary.

The above statements aptly explain the importance of delegation of powers to subordinate staff of the local government.

However, delegations of authority in the local government must observe the following conditions:

- a. Such delegation must be in writing and should not be assumed
- b. Specific actions or instructions for which the right of delegation is granted must be clearly indicated and delineated.

- c. Delegated power cannot be re-delegated without the prior permission to the delegate.
- d. It must be limited in time and scope.

For a local government to be termed autonomous, it must possess the all mentioned above without interference from the other tiers of government.

Having gotten an understanding on the evolution of Nigeria federalism, the evolution of Nigerian local government system analyzing all the reforms of local government and also the autonomy of local government. The question now is does federalism guarantee local government autonomy?

To begin with the answer to the above question, we will look at it from the meaning of the concept federalism from the view of It Se Sagay (2003) who shares the same view with K.C. Wheare:

An arrangement whereby political power within a multi-national country are shared between central authority and a number of regionalized government in such a way that each unit, including the central authority, exist as a government separately and independently from the others, Operating directly on persons and property within its territorial area with a will of its own and its own

apparatus for the conduct of affairs and with an authority in some matters exclusive of all other. In a federation each government enjoys autonomy, a separate existence and independence of the control of any other government each government exists not as an appendage of another Government but as an autonomous entity in the sense of being able to exercise its will on the conduct of its affairs, far from the direction by any government.

Federalism shares power among the level of government because in other system of government like in a unitary state where power, role and functions are merely administratively delegated the lower authorities tend to act as mere agents, conduct or surrogates of the central national government. This is a weak form of decentralization because downward accountability to local communities is de-emphasized in favour of upward accountability to the central authorities. But in federal or quasi-federal settings, the sub-national including the local government have varying degree of autonomy to the extent defined by the National Constitution. In Federal settings, significant fiscal functions (revenue generation and expenditure functions) are shared between the central and lower levels of government. Looking at it from K.C Wheare whose perspective on federalism is mostly accepted. In his book he

talked about “federal principle” i.e. the method of dividing power so that the general and regional governments are each within a sphere co-ordinate and independent of one another. Wheare’s proposition posits that the federal principle essentially entails a large division of powers and functions among level of government with a written constitution guaranteeing and reflecting the division. Wheare’s formulation of federalism is drawn from the United State of American which is regarded by him as the archetype of federal government. Wheare basic tenants of a true federal state will be seen.

- There must be at least two levels and there must be a constitutional division of power among the levels of government.
- Each level of government must be co-ordinate and independent.
- Each level of government must be financially independent. He argued that, this will afford each level of government the opportunity of performing their functions without depending or appealing to the others for financial assistance.

- There must be a supreme court of independent judiciary. He argued that in terms of power sharing, there is likely to be conflict hence, there must be independent judiciary to resolve the case.
- In terms of amendment of the constitution no level of government should have undue power over the amendment process.

Judging from the basic tenets of federalism postulated by K.C Wheare, in a federal system there must be at least two levels of government. So in federal system there can be more than two levels of government and as such what is applicable when there are two levels of government should also be applicable if it's three or more. Local government or whatever a country decides to call any other level of government apart from the state government is bound to be treated in line with the basic tenants of federalism as postulated by K.C Wheare.

Federalism does not undermine local autonomy rather it preaches the autonomy of local government. Thus, federalism guarantees local government autonomy.

Chapter Three: The Autonomy of Local Government under Nigerian Federalism: Ofu Local Government Experience.

This chapter is to examine the state of local government autonomy under Nigerian Federalism with particular reference to Ofu Local Government Area of Kogi State. At the end of this Chapter, the real state of autonomy of local government will be known if it is autonomous or not.

3.1 The Struggle for Local Government Autonomy in Nigeria.

The struggle for local government autonomy in Nigeria has been a reoccurring issue. It is as old as the history of Nigeria colonial state. In the 1950s various reforms such as the Northern Nigeria Local Government Law of 1954, the Western and Eastern Nigeria Local Government Law of 1954 respectively aimed at democratizing local government administration, which were initiated by the various regional governments. It was an era of participatory local governments in Nigeria. Despite these attempts, the regions had strong grip of the control of local government for varying political reasons. This Master-Servant relationship did not change for the

better until the 1976 local government reforms. In recent times, the Federal government changed its posture and championed local government autonomy. In the guidelines of 1976 local government reforms, it was remarked that “the state government have continued to encroach upon what would have been the exclusive preserve of local government” with this reform, the Federal government granted the local government the power of grassroots governance, thus became the third tier of government in the country. Undoubtedly, there has been improvement in the degree of autonomy granted to the local government since 1976 with more functions given to it. To strengthen the philosophy of the government, it went further to guarantee the statutory nature of local government by embodying it in the 1979 constitution section 7(1) of the said constitution, which stated a system of democratically elected local government councils. In spite of the inclusion of this in the constitution, the civilian administrations between 1979 and 1983 seriously basterdized the so-called autonomy. It should be noted that successful military regimes have tried to give local governments its rightful position through the revitalization and restructuring of local government

system in Nigeria. The Babangida administration in 1985 made conscious efforts to strengthen local government system by enhancing its autonomy. Certain measure of autonomy started coming the way of local government in January 1988 with the scrapping of the ministries of local governments throughout the country. This was to remove the political control and bureaucratic redtapism created by the ministries in the developmental performance of local government councils. Apart from the above steps, there was the local government election in December 1987; it was an attempt to restore democracy to the grassroots since the last of the local councils in 1976 expired in December 1979. Other efforts geared towards local government autonomy were the approval scheme of service of local government employees following the recommendations of the Oyeyipo committee report of March 1988. To enhance the financial autonomy and regular sources of revenue, there was the direct disbursement of funds to local governments, thus preventing the hijacking of the funds of local governments by the state governments. In a similar direction, the Federal government increased the statutory allocation to local governments, for

instance it was increased from 10 – 15% in 1990 and 15-20% in 1992. To further ensure the via-ability of the local governments, the Federal allocation to local government increased from N1.77 billion in 1986 to N8.1 billion in 1991. The monthly allocation from the Federal account moved from N675 million in 1991 to N1billion in January 1992. (Adeyemo, 1997). Apart from the direct allocation to the local governments, substantial amount of money was made annually as grants to training institutions such as Obafemi Awolowo University, Ile-Ife, Ahmadu Bello University, Zaria, and the University of Nigeria, Nsukka, for the purpose of training middle and upper level manpower for local governments. Series of seminars and workshops were organized by the Federal government and institutions to improve the performance of local government officials. The application of the 1988 Civil Service reforms in the local government service was another means of enhancing the status of local government as the third tier of government. The measure was to professionalize the service of local governments and to strengthen accountability through the use of audit alarm system and the creation of the office of the Auditor General for the local government. The

Federal government had made numerous reformatations in 1989 constitution which are designed to remove the inadequacies of local government system in its preparation for the third republic. Other provision of the 1989 constitution which gives powers for the removal of the chairman of local government are contained in section 292 and those of the electorate to “recall” any member of local government council including the chairman and vice chairman is specified in section 304, section 7(8), same constitution guarantees the local government a steady and assured sources of income. By virtue of these provisions, the local government system is increasingly becoming autonomous and recognized as third tier of government. In the aborted third republic, the Federal government in obedience to ensuring meaningful grassroots democracy took further steps to guarantee local government autonomy, so as to facilitate development of democratic culture at the grassroots. In December 1990, there were elections in the councils.

According to the guidelines on application of the presidential system and its logic to local government in 1991 and in accordance with the implementation of its basic constitution and transactional provision

(amendment) decree 1922, the local government council which constitutes the legislative and executive arms was charged with some functions.

In view of the importance of local government as the bedrock for democracy, there was the creation of 148 local governments in 1989, and now totaling 774. These efforts were to bring the government much closer to the grass roots. (Fagonyomi, 1977)

3.2 Constitutional Backing Responsible for the Unautonomous State of Local Government.

Constitution itself that provided for the functions of local government making it responsible for rural democracy and its autonomy also has some provisions that keep a doubt if the constitution of Nigeria is real on the autonomy of local government. The 1999 constitution in its provision of section 7 recognizes the local government system and also guarantees it. But the state by the same provision of section 7 of the constitution exercises authority over the local government; by virtue of this provision, every state government is to ensure the existence of democratically elected local

government councils under a law which provides for their establishment, structures, composition, finance and function.

The implication of the above is that, a local government council cannot exercise the functions allocated to it in the fourth (4) schedule of the 1999 constitution until the state House of Assembly had passed a law, which empowers the local government councils to perform its functions listed in the fourth schedule of the constitution.

Nwabueze (1983) had argued that, the constitution empowers the state government to establish local governments, define its structure, composition and functions. He went further to state that, if state governments are to define its structure and functions, it clearly implies that local government is a mere agency or a creation of the state government (Nwabueze 1983.129).

Therefore, it will be erroneous to see it as an independent third tier of government. Furthermore, the issue of autonomy of local government becomes a myth and not a reality.

a) A cursory look at the provision of section 7 of the 1999 constitution will leave one in no doubt but in complete acquiesce to the law Professor's view "the existence of the local government is dependent upon the enabling law which the constitution empowers the State House of Assembly to enact". Generally, local government is to stand on its own but it is pertinent to note that their existence, functions and to a large extent their operational dynamics, are determined and shaped by the State House of Assembly Laws. Despite the provision of section 7(1) of the constitution which is called Local Government Service Board. It was established during the process of implementing the provisions of the 1976 local government reform guidelines. It was mainly established for the recruitment of qualified senior staff for the local government and to deploy them appropriately. This Board guaranteed job security, brighter promotion prospects and protection against arbitrary termination of appointments but in 1978, the Local Government Service Board was renamed and it became Local Government Service Commission with the following functions;

- a) Setting up general and uniform guidelines for appointments, promotion and discipline.
- b) Monitor the activities of local government to ensure that the guidelines are strictly adhered to;
- c) Serve as a review body for all petitions from local government in respect of appointment promotion and discipline.
- d) By regulation provide for;
 - i. Periodical returns and information to be supplied to the service commission by all local government.
 - ii. The term and conditions of service (including without prejudice to the generality of that expression, the salaries and allowances, the grant of advances, the provision of staff quarters, annual maternity leave, medical and dental treatment and equate them with those obtaining in respect of employees in the state's public service.
 - iii. The transfer of officers.

Borrowing from the New Enugu State Local Government Law 2000, part IX, section 53 and 54;

There shall be for state, a local government service commission. The local government service commission shall comprise the chairman and not less than two and not more than six members who shall in the opinion of the Governor of the state are persons of unquestionable integrity and sound political judgment. This statement implies that the local government service commission is an instrument of state government in further exercise of effective control over the local government. Having earlier been empowered to use the State House of Assembly to ensure enactment of a law establishing the local government in the state, the provision for the establishment of local government service commission is another means of control by the state over the local government system.

Section 55 of the local government law further applies this control when it states that: subject to the provisions of this law and other enactment, power to appoint persons to hold or act in offices in a local government (including power to make appointments and to dismiss) and exercise disciplinary control over persons holding or acting in such offices shall vest in the service commission provided that the service commission provided that the service commission may, with the approval of the Governor and subject to such conditions as it may think fit any of its powers under this section

to its members or a committee of the local government or any other officer in the service of the local government.

The Law also in section 56(1) made a clear provision for the immunity of members of the local government service commission as it states that; “the chairman or any other member of the service commission shall not be liable for any act done or thing said in the execution of his duty”. In spite of the 1976 reforms and provision of 1999 constitution, the financial autonomy of the local government has been frequently violated by state governments (Ezeani, 2004: 29 – 30) and this also stems from some provisions of the constitution. For instance section 7(6) of the 1999 constitution of the Federal Republic of Nigeria provides for statutory allocation of revenue to local government councils as follow;

- a. The National Assembly shall make provisions for statutory allocation of public revenue to local government councils in the federation.
- b. The House of Assembly of a state shall make provision for statutory allocation of public revenue to revenue government councils within the state.

Furthermore, section 162(5 – 8) states:

- The amount standing to the credit of local government councils in the federation account shall also be allocated to the states for the benefit of their local government councils on such terms and in such manners as may be prescribed by the National Assembly.
- Each state shall maintain a special Account to be called “State Joint Local Government Account” to which shall be paid all allocations to the local government councils of the state from the federation account and from the government of the state.
- Each state shall pay to the local government councils in its area of jurisdiction such proportion of its total revenue on such terms and in such manner as may be prescribed by the National Assembly.
- The amount standing to the credit of local government councils of a state shall be distributed among the local government councils of the state on such term as may be described by the House of Assembly of the state.

The constitution of Nigeria is also a contributor as to the unautonomous nature of local government in Nigeria. If the constitution is what specifies the functions of all tiers of governments and it's power then it should be in a way that no part of it gives another level of government control over the other which is the case of the state's control over the local government in Nigeria. We shall turn to the next part of this chapter to discuss in details the autonomous state of Ofu local government which is the case study of this work.

3.3 Local Government Autonomy: The Ofu Local Government Experience.

Ofu local government like any other local government in Nigeria lacks autonomy to carry out its functions as specified in the 4th schedule of the 1999 constitution of the Federal Republic of Nigeria.

In Ofu Local Government, the Chairman is not encouraged to speak to the press but he can only do that when it is necessary. Apart from directing him

to ensure that his public utterances are consistent with the policy of the administration of the State and Federal levels, the chairman is expected to send copies of press releases to the office of the commissioner or permanent secretary in the ministry of local government and chieftaincy affairs. Decision or policies enunciated by Former Chairman of Ofu Local government on economy, policies and social matters cannot be reversed without proper appraisal and understanding of the rationale behind such reversal. To reverse such policies, the chairman is expected to obtain clearance from the office of the Governor. (Ichado, J.O. 17-06-2013).

The ministry for local government often summons the chairman in the name of the Governor for every little and insignificant issue up to three to four times in a week. Sometimes in a month one gets to see the chairman for just once in the name of summon and supervision from the state. This situation gives little or no time for him to sit and talk on developmental issues as it affects the people of Ofu Local government area and this situation limits service delivery in the area. The chairman of Ofu local government like any other local government risk their lives on the road every now and then to the

state capital due to calls from different ministries and boards in charge of the local government. In the face of stiffly rules coupled with coercive letters and directives emanating from the State government to local government, it is inconceivable how Ofu local government council is autonomous. For about 5-7 years now, the local government has not recruited any staff (that is GL 01-06) and there are vacancies for such positions in various fields in the local government. This is simply because an embargo has been placed on employment by the State government. On the other hand, some of the local government staff over the years have either died or left the service through resignation/withdrawal from service there by leaving some positions vacant, added to the existing ones. Because of the embargo, the local government could not employ even after series of letters and appeal to the State government on the issue. The only alternative left to the local government was to employ casual staff on month to month basis. This was done to help the teaming youth and school dropouts as strategy for poverty eradication and to fill some professional areas in works and head of departments of the local government pending approval for full employment from the state

government. Financial resources are the pillar of all institutions. The quest for autonomy will be meaningless if such autonomy is not backed by financial autonomy. Over the years the major sources of revenue for Ofu Local government has been tax and rates, licenses and fees, revenue from commercial ventures and miscellaneous sources. These local sources in the past provided the bases for the financial autonomy of Ofu Local government, however, as a result of changes in these sources and its low yield as well as increased functions of Ofu Local Government; the revenue from these sources became grossly inadequate. It is the need for increased finances to meet the ever increasing local government responsibilities that makes available federal and state fund to Local governments which was given constitutional backing in the 1979 constitution. However, once it is accepted that a certain amount of fund belongs constitutionally to Ofu local government, the use of such funds attracts the strings of supervision and control both in its transfer and usage. The relationship between Ofu local government, Kogi state and the federal government is likened to the adage “he who plays the piper dictates the tune”. A colossal amount of money

running to several millions is being deducted monthly from the statutory allocation of Ofu local government. This is done without a concrete explanation by the state government. Between may 2008 and August 2008, Ofu local government council faced problem with paying the salaries of staff, also between 1999 and 2002, Ofu local government had the same problem of not been able to pay its staff and running the administration. The reason was the deduction from the monthly subvention by both the Federal and Kogi state government and though its deduction still it does not come frequently. The common practice is that of joint account of Kogi state and Ofu local government so when there is a meeting to share the Federal allocation, the state government will issue circulars directing that they should come with only their salary voucher containing personal emolument or salary. The wage bill or salary is usually paid or released to the local government while the rest of the money meant for capital project is always withheld by the state government. Sometimes with a promise to pay back to the local government which most times are not fulfilled? These affect ofu local government negatively because it will not make them carry out

developmental project or deliver their constitutional services and their staff suffers this as their salaries can be delayed up to three to five months before it's paid and mostly not paid in full.(Ocholi, M.O. 21-06-2013).

Ofu local government is also a battle field for top government officials of the state to display their political power. Top government officials of the state sponsor most of the elections in Ofu. These government officials try by all means to make sure their candidate emerge as the winner. These government political holders come from different political parties, so it's during the elections that the highest bidder gets to power like the recent chairmanship election held on the 4th of May 2013. Most of these chairmen when they come to position have to listen to whatever their godfather tells them to do. The most of the Chairmen who have been in charge of Ofu local government since 2005 come from the same political party with the Governor of the state, so it's evident that most chairmen are the Governor's candidate and as such must do whatever the Governor says. So if the governor of the state dictates to the chairman, then what is the autonomy? Because the chairman cannot take concrete decisions without the Governor's

approval. From the above analysis, we have seen in one way or the other how the higher governments unduly supervise and interfere with the smooth running of Ofu local government. This in effect renders autonomy of local government as enunciated by the local government reform a farce; Ofu local government on this ground, can be regarded as an administrative unit of the deputy Governor/Ministry for local government or that of the vice president.

3.4 General Survey of Local Government Autonomy in Nigeria: Lack of autonomy and undue Interference by higher political authorities.

The Nigerian constitution of 1999 is rather equivocal on the autonomy and powers of local governments in relation to the state government. Section 7 empowers the state government to enact legislation without regard to “the establishment, structure composition, Finance and Functions” of democratically elected local government councils. Also, the Fourth schedule of the Nigeria constitution of 1999 assigns some roles to local governments in the provision of critical basic services including primary education, health

services and the development of agriculture. However in a practical term, state governments exercise virtually unlimited jurisdiction in these same areas. In many cases, the role of local governments is largely relegated to more participation in the execution of functions. For instance, the constitution states that: “the functions of a local government council shall include participation of such council in the government of a state as respects the following matter; (a) the provision and maintenance of primary, adult and vocational education; (b) the development of agriculture and natural resources; (c) the provision and maintenance of health services and (d) such other functions as may be conferred on a local government council by the House of Assembly of the State” hence, critical basic public services which determine the MDEs status primary education and health, water and sanitation are given as responsibility of the state and local governments without clear distinction. The contradiction regarding the status of local governments is even more pronounced on revenue, spending and fiscal matters. Section 162(5) – (6) of the Nigerian constitution 1999 provides for the channeling of local government share from the federation account to the

local government councils when it specifically states that “ the amount standing to the credit of local government councils in the federation account shall be allocated to the states for the benefit of their local government councils on such terms and in such a manner as may be prescribed by the National Assembly” and that “each state shall maintain a special account to be called state Joint Local Government account into which shall be paid all allocations to the local government councils of the state from the federation account and from the government of the state.” Because of ample discretion powers allowed state government in control of local governments, different states accord different levels of autonomy/independence to local governments. Hence, in many cases, local governments function as extensions or appendages of state governments. In practice, there is a high degree of external influence and interference in local government affairs by the higher levels of government particularly, the state governments. There have been instances where state governors unconstitutionally dissolve the entire elected council officers without proper recourse and due process. There is also in practice, a one-party system, which tends to monopolize

political power, and is cautious about delegating real decision-making power. Local governments are no doubt referred to as the third tier of government, but it is pertinent to note that their existence, functions and to a large extent their operational dynamics are determined and shaped by the State House of Assembly.

Chapter Four

Local Government Autonomy and Service Delivery

This chapter will focus on service delivery as a role of local government assessing how efficient local governments in Nigeria particularly Ofu Local government has been delivering services with her jurisdiction. The objective of this chapter is to unravel the guess that if full autonomy is given to Local government, will enhance its service delivery or not.

4.1 Service delivery as a role of local government

Local government has been fully discussed in chapter two of this work but an attempt will be made to give a simple definition to link up with service delivery. Local government is a system of government whereby the state allows the establishment of local units of government with powers and authority to make local decisions on matters that affect the local communities and to mobilize local resources for implementation or execution of the decisions made. As the government close to the grassroots, it's charged with the responsibility of service delivery.

Service delivery has several meanings but in the community development foundation summarized service delivery as the role that is voluntarily carried out by community organization in the following ways: specialized services supported with service agreements, contracts or grants by public sector with moderate accountability. Local governments worldwide are considered as strategic institutions for the provisions of basic socio-economic, environment and other services. Their strategic advantage proximity to the grassroots makes them valuable and viable for providing effective and efficient services required by the community. They are agents of service delivery at the grassroots. They provide cultural, educational, management, research, commerce and political services. They also offer employment, health facilities and boost local economy and by extension, the national economy. Service delivery can be delegated with some limitation, to any level or unit of government, but responsibility is typically assigned to the organization that has direct contact with the consumer and since Local government is directly responsible to the people at the grassroots, it is charged with the responsibility of service delivery to the local communities.

According to Olowu (1988:5) asserts that the role of local government is providing basic community services which both improve the quality of people's lives and enable the community to generate and attract economic activities. Local government is justified on the ground that it is an efficient agent for service delivery for the local. According to Mackenzie (1954:14) "Local government exists to provide services and it must be judged.... by its success in providing services up to a standard measured by a national inspectorate". Because of its closeness to the grassroots, local government is in the best position to provide certain service to the local communities efficiently than the federal and state government.

According to 1976 guideline for Local government reform in Nigeria states that "Local government exist to make appropriate services and development activities responsive to local wishes and initiation by developing or delegating them to local representative bodies. In Nigeria, local government has long been recognized as a veritable agent of local service delivery, mobilization of community based human and material resources, and organization of a wide variety of local aspiration and needs (Abubakar,

1993: 1). In the fourth schedule of the constitution of the Federal Republic of Nigeria 1999 provide for the functions of the local government and by this provision, gives the local government some responsibilities to carry out or deliver some services to the locals. Some of those services will be outlined verbatim from the fourth schedule of 1999 constitution.

- Establishment and maintenance of cemeteries, burial ground and homes for the destitute or infirm
- Establishment, maintenance and regulation of slaughter houses, slaughter slabs, markets, motor parks and public conveniences.
- Construction and maintenance of roads, street, street lightings, drains and other public facilities as may be described as from time to time by the House of Assembly of a state .
- Provision and maintenance of public conveniences, sewage and refuse disposal.

2. The functions of a local government council shall include participation of such council in the Government of a state as respects the following matters.

- a) The provision and maintenance of primary, adult and vocational education.
- b) The development of agriculture and natural resources, other than the exploitation of minerals.
- c) The provision and maintenance of health services, and
- d) Such other function as may be conferred on a local government council by the House of Assembly of a state (fourth schedule: 150-151)

The function of local government includes the provision of service to the locals so they can enjoy some social service like the urban settlers because service to the people is a constitutional right that must be provided by the government of a state. Since the local government has more direct contact to the people at the grass root, it's their responsibilities to carry out service like the federal and state governments. For the effective service delivery of the local government, there is much to be contributed material, human and financial resource, the lack in any of these impedes the level of service delivery.

4.2 Assessment of Service Delivery in Ofu Local Government.

Assessing service delivery in Ofu local government has to do with looking at the quality of the service delivered by Ofu Local Government Council. Based on the quality of the service that a judgment or rating will be made on how efficient Ofu local government has been able to deliver service. Ofu Local Government has been making progress despite major obstacles relating to finance and limited autonomy. There has been positive stories in service delivery in Ofu area, though the violations of the state government in the areas of finance which limits the financial stand of the local government and other forms of control, like it's a must for Ofu local government to make returns and information to the local government service commission even with all these control and interferences Ofu local government has been able to deliver some service in the area. Some of these services will be considered and it will be grouped under health, education, social amenities and infrastructure and agriculture, after which an assessment will be made on them.

Health Services

According to World Health Organization (WHO) primary health care means essential health care based on practical, scientifically, sound and socially acceptable methods and technology, made universally accessible to individuals and families in the community through their full participation and at a cost which the country can afford to maintain at every stage of their development in the spirit of self reliance and self determination. Primary health care has its foundation at the local level and forms an integral part of the Nigerian social and economic development. It is the first level contact of the individual and community in the national health system, thus bringing health care as close as possible to where people live and work and contribute the first element of a continuing health care process. The health care system begins at the local level where its widest reach can be achieved.

The primary health care system attempt to address people's health needs through an integrated approach utilizing other sectors such as agriculture, education, housing, social and medical service. The integrated approach supposed to encourage active horizontal relationships between people and

their local service as opposed to the traditional vertical relationships. a health care system that is sound rooted in a local government that is closer to the people is specially poised to be more effective as it can intervene in the community on different level and it different ways. The constitution entrust primary health care to the local government because the local government has more potentials of making health care service more effective and closer to the grassroots. During the interview session with Ichado, J.O he explained that as a way of meeting its constitutional duties in the area of health, Ofu local government has been able to build three main primary health care centers in Ugwolawo (the headquarter) in Ejule and Alloma. In addition to these primary health centers there are smaller clinics in about eight villages namely Alla-Ejima, Udanebiomi, Okele, Itobe, Agojeju-ejule, Umomi, Ochadamu, Onisha-Igo. In the primary health centers, Ofu local government have been employing mostly trained personnel for a better health service and also efforts have been made to equip the primary health centers with modern facilities that are lacking in the village clinics, so that health cases that can't be taken care of in the village clinics can be transferred to the primary health

centers. In addition to trained personnel, from time to time let's say three to six month either from the state or any other places, the local government pays some specialist like opticians, gynecologists and surgeons to come to the health centers to assist in special cases. During these periods people with special health case like eye problem, tooth ache, misconception around birth e.t.c will come for treatment or check-up as the case may be. Also in terms of immunization especially since 2001, the local government has been sending medical staff to all villages even to the villages without clinics to give immunization at different stage to children against all forms of disease. Also mosquito nets were distributed in 2010 and 2011 as a measure to fight malaria. Then as a measure to keep healthy environment for the locals, waste management and sanitation is another health service that Ofu local government council introduced in 2001. According to world health organization (WHO) sanitations generally refers to the provision of facilities and services for the safe disposal of human urine and feces. Sanitation also refers to the maintenance of Hygiene conditions, through services such as garbage collection and waste water disposal. Inadequate sanitations is a

major cause of disease world-wide and improving sanitation is known to have a significant beneficial impact on health both in households and across communities. Improved health has direct impact on human capital and its productivity. The local government council has built dumping yards in most villages and also fumigation was also introduced first in the headquarter then to some towns. From the health area, these are the main services that have been delivered.

Social amenities and infrastructure

Infrastructure refers to basic facilities, and installation which underpins the operations of firms and households depend while social amenities are building, piece of equipment or services that is provided for people's comfort or enjoyment. This definition covers the gamut of service that are essential for the conduct, growth, sustenance of social, business and economic process of a community. Common examples include motor parks, water, roads, electricity, parks, etc. infrastructure whether social or economic plays a significant role in the economy. It eases productive activities by alleviating costs and hence, makes firms more competitive.

While some aspects of infrastructure development may depend heavily on the federal government, local governments have key roles in the provision and enhancement of certain infrastructural services. For instance, in transportation, many roads in rural areas come under the authority of local government. When one considers that agriculture production in Nigeria is largely rural affairs the condition of rural roads takes an added significance.

According to Mr. Ichado, some of infrastructure that has been built in the area by Ofu local government council includes construction of roads e.g. Okele- Ejule, Ugwolawo -Idah, Ochadamu- Umomi road. Also motor parks in different towns like Ejule, Itobe, Ugwolawo, Alloma with public conveniences, bore- hole in these towns while some villages have over head tanks, street light in Ejule, Alloma and Ugwolawo, market in different towns and villages but the major market are two that is in Itobe (Aja- Itobe) and Ejule (Aja-Ejule) with slaughters slabs then electricity in towns and extended to some villages.

Education

According to the 4th schedule 2 the functions of a local government council shall include participation of such council in the government as respects the following matters

- a. The provision and maintenance of primary, adult and vocational education.

Local government is charged with the responsibility of making sure basic formal education is given to those at the grassroots but on the contrary not everybody likes formal education, so people in such category can enroll into vocational school to learn other skills. Ofu local government council as its own responsibility on education has built local government area primary schools in the entire town and most villages in the area and has been providing from time to time writing materials, furniture, textbooks also some craft material and at times school uniforms. Then in addition to the teachers sent from the state to local government, Ofu local government employ some

graduates or N.C.E holders in the area to assist because of the inadequate number of teachers that the state send.

Agriculture

Agriculture is the ministry of rural dwellers; it is the main source of food and income. Farmers are self employed by the various forms of agricultural activities; it embraces both subsistence and large scale production. Since most of the rural dwellers are not well educated to apply for government work the only alternative left is to indulge in agricultural activities.

Speaking with Mr. Ocholi, he explained how Ofu local government has helped farmers in Ofu local government area in divers ways to improve their scale of production and it includes the following; soft loan To farmers in the area because finance is a vital resources in any agricultural production, borrowing of farm machines at affordable prices like tractors, harvesters, planters, ploughs e.tc. Also subsidized herbicides, fertilizers improved seedlings of various varieties, fumigating machine and other mechanized farm implements. Also agriculture extension workers are invited from time to time to give talks on how farmers can improve their production.

A General Assessment

This table shows the percentage to the services delivered by Ofu local government in Ofu local government area.

Table 4.1 services delivered	percentage
Health service	60%
Infrastructure and social amenities	40%
Education	45%
Agriculture	48%

The assessment on the service delivery in Ofu area will be based on the percentage from each area of service that has been delivered.

According to Mr. Ichado, regards the Ofu Local Government council in the area of service delivery, the only area which Ofu local government council has done above average is in the area of health because health is very important as a healthy person is a contribution to the economy but even though their effort, it's not enough to meet up with the increase in health

cases. Apart from the three main health centers and some clinics in some villages, other villages do not have clinics. The local government council has not been able to build clinics in all the villages in the area due to the cost involved in situating clinics. In the process of people running to the next villages that has clinic people die on the road, miscarriages, still births and different health problem come in the process. It's not enough to build clinic as other component are to be involved to give complete health like modern equipment, human resource, finance e.t.c in the aspect of health , there is a gap that needs to be filled to reduce cases of deaths and other negatives stories. These all boils down to lack of finance to carry out meaningful development in the area of health. The lack of autonomy to carry out programmes is the reason for the inadequate infrastructure and social amenities in the area he blamed. When the local government council plan to embark on a project, the implementation becomes impossible due to shortage of fund e.g. some road construction projects have been lying down to no avail like Alla-through Ajodawn to Achopka, Ajogidibeje junction to some smaller villages, no access to good drinking water which result to

different water diseases as the water taken is bad. The local government council cannot dig bore holes in these villages even the ones that are constructed have been eaten up by spirogyra as they are not functioning, the street lights though constructed but majority of them are not working, some villages do not even know switch, motor parks just in few towns as people will have to either trek or enter motor-cycle (okada) to towns with motor park before they can pick vehicles. The major markets are just two in the area and people have to travel from different villages so as to sell their produce but the roads are bad and there are no even vehicles to convey them to the markets, the available ones fix high prices because of bad road and these prices are high compared to their produce. The local government council in this area of service delivery has not been able to do much not because they don't know their responsibility as regards this but because the fund is not available to construct roads and buy vehicles on the road to ease the transportation from villages to the markets and many other infrastructure that are not in place. As part of the obligations of local government to make returns and various activities to the local government service commission,

the local government service commission acting on behalf of the state to control the local government. Ofu local government council even though want to carry out some beneficial project to the community, it will be at the risk of the local government because they have to manage whatever is given to them to carry out both those ones the state is aware of and those they plan to execute without the knowledge of the state and most times cannot do these things as planned. E.g. paying of health workers and teachers privately employed by the local government, the state only sends the salaries of those they have on the payrolls (those employed by the state) so the situation becomes difficult for the local government to pay those workers they employ as it will be solely the responsibility of the local government council to take care of the responsibility and the inability of local government to cater for the needs of these people they employ, has occasionally reduced the number of human resources in both the clinics and local government area primary schools and health centers which is the reason for the low quality of education and health of people in the area. Most teachers refuse to go to work because they are not paid instead engage in trade that could fetch them

income. Apart from the shortage of teachers in schools, is the problem of inadequate infrastructure, some primary school pupils in different villages in Ofu local government area stay under uncovered building or classrooms to attend lesson worst of it is under trees, the situation is bad during raining season. During this period, rain falls on the pupils and most times, parents refuse their children to attend school because of the situation. Coupled with the lack of infrastructure is lack of other modern facilities to make the environment conducive for learning. The local government council is not happy with the situation but due to financial constraints cannot help the situation. In the area of agriculture, loans are not consistent and at times is not even available to give farmers not because the local government does not want to give but it's not available and other facilities to assist the local farmers to make their production on a large scale is not available.

At times when Ofu local government council proposes to carry out some project as part of their service delivery responsibility, the state government through the local government civil service commission scrapes the project not because the project is not beneficial but just because the

local government service commission has the power of disbursement and the higher the projects, the higher money. But due to other interior motives, the local government service commission will scrap out many of these projects so as to suit their motives. From above it has been proved that lack of local government autonomy is the reason or an impediment to effective service delivery in Ofu local government and other local governments. The local government though by the provision of 1976 reforms still lives at the mercy of the state government. The next point now is will the granting of full autonomy to the local government enhance effective service delivery?

4.3 Autonomy an impetus for effective local government service delivery.

So much has been discussed about autonomy in the previous chapter. But by local government autonomy its meant the freedom of the local government to recruit and mange its own staff, raise and manage its own finance, make policies, laws and provide service within the limits of its resource and function without interference. After the general restructuring of the whole local government in Nigeria in 1976, it was expected that local government

is now recognized as the third arm of government and no longer an appendage of the state government and as such must do precisely the word government within her jurisdiction. One thing is to be aware of one's responsibility and another thing is the ability to strategize means to carry out the responsibility. The first step is the awareness stage, without that there is no compass to direct the person and as such loose the focus because there is no driving force but with the awareness, there is both mental and physical alertness to carry out the responsibility. Local governments in this regard, are so much aware of their constitutional responsibilities. The local government council members are selected from the area and they are aware of the needs of the area and as such have a greater propensity to deliver if given the full autonomy. Ofu local government even with the little resource and autonomy has been able to deliver these service, they have not despised the little but has worked with all its capabilities to achieve in some areas. If the local government has been able to do this with a little autonomy, then there is much to be achieved if full autonomy is given. The gap between what they have achieved and what is to be achieved will be covered. When

no body or higher government interferes with the local government's activities, they will be able to plan projects and implement them without the higher government scrapping the project. If the allocation are paid directly to the local government as opposed to section 162 (5-8) of the 1999 constitution as amended 2011, there will be a better financial stand and also, local government should not maintain a joint account with the state as it's an avenue by which the state monitor the activities of the local government. The local government having acquired a status as a government should be able to raise and spend their money as it dims fit to carry out services and other activities which will be beneficial to that area. The local government has been recognized as a third tier of government but functions and activities of the local government service commission suffocate the effective service delivery of local government. The local government if given the full autonomy that is due a level of government, it will be able to make and implement decision, plan and execute project, look into the needs of the people and provide them with the basic services that a local government should provide in health, education, infrastructure and social amenities

without interference of any form from any other government. The local government will become more efficient to deliver services for the betterment of the community. Thus, autonomy is a prerequisite for effective service delivery. It has been proven that there is a relationship between local government autonomy and effective service delivery.

Chapter Five

Summary, Conclusion and Recommendation

5.1 Summary

The whole idea about local government is underpinned by the concept of devolution, which involves giving legal powers to sub-national units of government to carryout specified or residual functions on behalf of the central government. Local government is therefore a derivative from the aspect of devolution of powers and authority.

According to UN (1959), “Local government is a political subdivision of a nation which is constituted by law and has substantial control over local affairs including the power to impose taxes. Usually, the government of such is elected.

This work traced the evolution Nigerian federalism and also the evolution of local government in Nigeria from the pre-colonial era, through the colonial era to the post – colonial ere looking at the different reforms and constitutional provisions backing the existence and independence of local

government. The main thrust of this work is to discover the level of autonomy local government has under Nigerian Federalism.

According to K.C. Wheare (1953:10), “Federalism is a method of dividing powers so that the central and regional governments are each, within a sphere, co-ordinate and independent.

In Nigeria, local governments have not been able to deliver its constitutional responsibilities fully due to the interference of the higher government especially the state government. In fact local government is better known as an appendage of the state government in Nigeria.

Through the various interviews, Journals, textbook and other publications that was used in the course of this research, the research obtained that local government in Nigeria does not have a full autonomy which is the problem militating against its ability to deliver services within their jurisdiction.

5.2 Conclusion

Following the above analysis, our findings are as followings: -

- Federalism guarantees local government autonomy.

- Local government under Nigerian federalism does not have full autonomy due to interference from the higher governments' especially state government and this at times, is due to some constitutional provisions.
- The lack of autonomy of the local government undermines its service delivery.

5.3 Recommendations

In view of the findings arising from this research, it is recommended that;

1. As presently constituted, the local governments in Nigeria have muted powers and leverage in the areas of revenue creation, spending autonomy and development functions. Reforms are needed to increase the fiscal and spending autonomy of local government and minimize the interference and control of state government. Even though the local government is commonly referred to as the third tier of government, it is debatable whether it truly qualifies as a third tier of government. This is because the local governments do not have the full compliments of a full three arm

government like federal and state governments. There is therefore need for constitutional reforms to provide unique guarantees for the autonomy and powers of the local government. Alongside, institutional reforms are important to clarify and align local government's roles and responsibilities in a manner that earns public confidence, inter governmental credibility and unequivocal accountability.

2. The state joint local government account should be esponded from the constitution to enable allocation of funds directly to the local governments. The resultant effect of state government interference on the finances of the local government is that despite enhanced statutory allocation to local government in Nigeria, most of them are left with little money to execute capital, projects that impact on the lives of the rural poor.
3. Improved inter governmental coordination: a sustainable framework for coordination among three levels of government need to be developed. Here, deployment issues and interference by political parties as well as problems within local governments themselves, where there are often no

clear distinctions between councils and administrations need to be addressed. Furthermore issues of oversight need to be clearly addressed. These functions may need to be entrusted to an independent body and not the state or federal governments. Also issues of corruption can also be identified here.

4. The state and federal governments should ensure that they do not infringe on the revenue yielding areas of the local government. They should also put a stop to the persistence deduction from the monthly allocation of local governments. In the same vein, states should henceforth remit the constitutional 10% of their internally generated revenue to the local government councils.

5. Empowerment and strengthening of civil society

Compared to the situation at the state and federal government levels, there is low demand or pressures for public accountability and good governance by the civil society at the local level. This is because civil society is very weak at the local levels. The segments of civil society including trade association, market unions, community associations, faith

based groups, business communities, artisans associations and students groups are too fragmented, disarticulate and unenlightened. As a result, there are no collective, coordinated and sustained pressures for good governance at the local government level. There is low level of public awareness and sensitization of the statutory roles and potentials of local governments in promoting social and economic wellbeing of the local people. It is therefore imperative to have public education, enlightenment and advocacy on the possible and unexploited contributions of local governments to resolving development bottlenecks and providing an enabling environment for social and economic life. In the past, development partners have focused almost exclusively on federal and state level society and non state actors in capacity building. It is time to focus on the local governments because of their great unexploited advantages for local social and economic development.

The above recommendations are ways in which the federal and state governments can ensure that full autonomy is giving to the local government.

6. Finally, the local government on other hand, including Ofu Local government should put more efforts on sustainable wealth creation rather than depending solely on the grants from the Federal and state government. The local government should not lay their eggs in one basket rather they should try other means to make local government viable economically, since finance is the mainstay of any organization. As Adedeji (1972:4-5) identifies finance as the elixir necessary to break what in his terminology is “the vicious circle of poverty of local government” and make them relevant in the country’s development process. This will help local government in carrying out effective service delivery instead of depending solely on the allocations from the federal and state government which is not enough and in most cases not consistent.

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