

Local Government service commission and challenges of Local government Autonomy in Nigeria: An Evaluation

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Abstract

This paper captioned local government service commission and challenges of autonomy explored the meaning of local government, functions of local service commission, the unified local government service and local government autonomy. The historical background of local government administration in Nigeria was examined. The paper highlighted local government reforms in Nigeria and evaluated the problems of local government in relation to local government service commission, where emphasis was placed on lack of autonomy, non clarity of the constitution on the issue of autonomy for the third tier and undue interference by the other tiers of government, thereby making local government an appendage of state government. The establishment of this commission no doubt is a welcome development in the local government structure in Nigeria. But what should be avoided in its operation is executive interference and appointment of inexperienced members in the commission. This paper suggested measures which include Need for further reform to clear the confusion and intrigues in the affairs of LG and its commission, Unnecessary bureaucracies like the ministry of local government should be reduced to the barest minimum to enable Local government system performing their constitutional functions effectively as the third tier of government in Nigeria.

Key words: Local government, Autonomy, Local government civil service commission, Reforms.

1.0 Introduction:

Local government system is one of the most revolutionary administrative reforms in the political programme of the federal government of Nigeria. It is the administration under local committees to maintain law and order based on a range of social amenities and to encourage cooperation and participation of people at the grass root to improve their living condition. This concept with its objectives is aimed at standardizing and stabilizing the functions, human and financial resources of the local government level to encourage initiative and leadership potentials. The current trend of ineffectiveness of the local authorities is dual in nature, managerial and financial deficiencies. (Ugwu 1982:34) puts it this way "In all federations, finance is the most critical policy issue in intergovernmental relation". The encroachment of local finance and the level of interference by the other higher government as it relates to revenue sharing has continually remained issues in the front burner of the nation's polity by the state government. This has negatively affected the performance of local government in terms of its constitutional responsibilities.

The setting up of state and local government joint account committee, local government service commission, ministry of local government and chieftaincy affairs and other allied agencies at the state level have made local government autonomy unattainable in Nigeria. Hence this paper evaluates the performance of the local government service commission and challenges of Local government autonomy in Nigeria.

1.2 Objectives of the study

The cardinal objective of this study is to examine the relationship between the local government service commission and the quantum of local government autonomy in Nigeria, this study seeks to achieve, the following specific objectives.

1. To examine the manner of local government autonomy in Nigeria.
2. Efforts so far made at enhancing local Government Autonomy.
3. To examine the relationship between the Local government service commission and the amount of Local Government autonomy
4. The challenges emanating there from.
5. To apprehend measures that can help improve the autonomy of local government system in Nigeria.

Theoretical Framework.

The theory that forms this study is decentralization. This is precisely because decentralization upholds autonomy. Autonomy is seen as a structural panacea for administrative centralization, executive dominance. Decentralization seeks to allow a measure of discretion to local institutions and levels of government in matters closest to them. In decentralization, the greatest numbers of decisions are made in the field. . The local personnel has great initiative to adopt the broad general policies to the varying local situations. Decentralization leads to flexibility in the application of rules and regulations.

Institutions in a decentralized system admit of areal and functional divisions. Again the overriding aim in both forms is to give issues a local touch reflecting the spatial and demographic peculiarities of the issues concerned.

However, areal decentralization is otherwise known as political decentralization. It involves creation of levels of authority and power with each level exercising a certain degree of independence/ autonomy and discretion within its spheres. For instance, areal decentralization in Nigeria can be seen in the division of the country into the federal, state, local and possible community government levels. Each level has its own constitutional powers and functions and each exercises a certain amount of discretion in issues within its competence.

Functional decentralization, which is also called administrative decentralization, is concerned with efficient and effective performance of functions than the areal distribution. The main concern of functional decentralization is to ensure that functions and services are conveniently rendered to the people. Consequently, a number of functional levels are established to step up performance.

2.0. LITERATURE REVIEW

2.1. LOCAL GOVERNMENT

Many scholars at different times have given various definitions on the concept of local government, all focuses on the transfer of political powers to local areas by involving the people who live in a defined geographical area. According to Olisa et al (1990), Local government is a unit of government below the central, regional or state established by law to exercise political authority, through a representative council within a defined area. These powers should give substantial control over local affairs as well as the staff and institutional and financial powers to initiate and direct the provision of services to determine and implement projects so to complement activities of the federal and state governments in their areas, and ensures through active participation of the people and their traditional institutions that local initiative and response to local needs are maximized. The guidelines of the 1976 local government reforms defined local government as government at the local level, exercised through representative councils, established by law to exercise specific powers within defined areas.

United Nations in 1961 also defined local government as a political sub- division of a state, constituted by law and has control of local affairs and the governing body either elected or selected. According to Orewa (1992), Local government is the lowest unit of administration to whose laws and regulations, the communities who live in a defined geographical area and the common social and political tiers are subjects.

2.2 Evolution of Local Administration in Nigeria.

Local government system has taken different forms from one period to another in Nigeria. We have the pre colonial experience, culminating in different traditional political systems, viz Yoruba, Igbo and Hausa systems. –

We had the colonial indirect rule system whereby such governments were being run through the traditional rulers, the chiefs or warrant chiefs. After these there had been series of reforms in the Nigerian local government systems. For instance in the Eastern region, we had the local government reform of 1955,1958, and 1960. Local government administration was carried out at village and family level.

Denge(2003) observed that there was a pre- colonial village or local administration particularly in the east characterized by same practices being observed today in modern local government eg democratic principles and elements of participation by village assembly.

In the western region, we had the 1952 and 1957 local government laws, the sole Administrators regime during the military system of local government in 1976 etc. The oba was the leader assisted by council of chiefs (oyomesi) which was headed by the bashorun. There was an organised army to protect the area from external aggressions.

In the north, an autocratic emirate system was divided into districts and villages, a system that gives the traditional rulers absolute powers. All these are in an effort to bring government nearer to the people as the central government is becoming increasingly distant from the local people.

2.3 Local Government Administrative Reforms In Nigeria

Reforms are all about making changes for the better as a result of correcting abuses on how best local governments can be administered. The history of local administration in Nigeria explained some reforms or changes introduced at the local level of governance from the pre – colonial, to colonial and the post colonial period.

For instance, in the eastern region, we had the local government reforms of 1955, 1958, and 1960. In the western region, we had the 1952 and 1957 local government laws, the sole administrators' regime during the military system of local government in 1960 etc. The major breakthrough in local administration is however linked with the reform of 1976. The reform was based on the need for national democratic system and decentralization of power efficiency in the discharging services locally. The reforms were characterised by uniformity in local government administration in all the states of Nigeria. The 1976 local government reform ushered in the practice of giving statutory allocations to local governments, the use of Local government representatives by eradicating regional administration. Another feature of the 1976 reforms was the introduction of full time chairman and supervising councillors at the local level. The reform also aimed at stimulating a democratic participation at local level through the institution of popularly elected representatives in the local government councils (Aibieyi 2008).

In 1991, the military government of Gen. Ibrahim Babangida introduced the separation of powers in the legislative councils thereby introducing the presidential system practised in the federal and state governments to local governments. The improvement in democracy at the level led to eradication of the Local government service commission in Nigeria, in 1992 the body was set up again. Many other reforms took place between 1999 to date, such as politicization of the office of the local government secretary and the introduction of DG service and Administration as head of administration in the local government, the establishment of the office of the Auditor general to audit the accounts of local government councils. Local government pensions and several others. All these reforms introduced at any time to strengthen the existence of local government and to improve on their performance, till now is a pie in the sky.

2.4. The Nature of Autonomy in Local Government.

Autonomy simply refers to freedom, independent, free from external and remote control. Autonomy according to Oxford Advanced Learners dictionary is control over one's own affairs, independence. Local government autonomy refers to freedom in terms of functions and financial management at the grass root level. It means the power to manage its affairs locally and make provision for services without recourse to any of the two superstructures – state and federal governments.

The struggle for local government autonomy in Nigeria is as old as the history of Nigeria colonial state. Various reforms took place such as the Eastern, Western and the northern Nigeria local government reforms in the 1950's, all aimed at democratizing local government administration in all the regional government. Despite all these efforts, the regions had strong control of local governments for political reasons.

The 1976 local government reform guidelines and the 1979 constitution of the federal republic of Nigeria as well as Dasuki's report, designed to guarantee local government autonomy and independence from the other two levels of government. However, experience over the years have shown that in practice local government in the country are denied of its autonomy through complex of practises and interference in its routine activities by the other tiers of government. As has been noted state governments resisted steps which would have transferred meaningful but substantial authority to local government level such that from their inception the various states governments issued edicts in 1976 which clearly showed that local government operated and even existed almost entirely at the pleasure of the state governments.

This lack of autonomy for local government is manifested in many dimensions and has its roots in the constitution and several other guidelines issued by government from time to time. This is further buttressed in the guideline for implementing the local government. (Basic conventional provisions as amended by decree no 27 Of 1991) which states that local government in Nigeria shall be charged with among other functions as may be assigned to it from time to time by the house of Assembly of the state in which it is situated. This means that local governments are subject to the authority of the state government. The limitation of the autonomy of local

government is manifested in several other areas which include. The ministry of local government as an agency of the state exercises stringent controls on all the activities of local governments, All the byelaws of local governments have to be approved by the ministry of local government before they can come into force, The annual estimates of the local governments are subject to the approval of the ministry before they are implemented, The ministry exercises very powerful control over local governments through its inspectorate division, The Auditor - general for local governments at the state level carries out annual audit of local government accounts and their report are usually sent to the Auditor – general for scrutiny, The state government provide local government with financial memorandum which guides financial management at the local government level. Law No 15 2000 section 64 (2) says the local government service commission shall comprise the chairman and three members, who shall be appointed by the governor subject to approval of the state house of Assembly. The secretary who must not be below the rank of permanent secretary shall be appointed by the governor for the tenure of office of four years without reappointment.

The financial control is carried out by the state government through the local government joint account. However, experience have shown over the years that local governments have been denied of its autonomy especially by the state government through complex of practices and interference in its routine activities in areas like finance, appointments etc. There are situations where governors of state unconstitutionally dissolve the entire elected council's officers and replace them with caretaker committee. Who now wait to take directives from the state instead of making use of their own initiatives for the betterment of the rural people. Another major issue is the practise of local government fund passing through the state joint account. This ungodly joint account of local government with state government pave way for the state to dictate to local government how to use their own share of the money and again divert huge funds meant for local government to other things. These developments have made local government an object of control by the state.

In addition, section 8 (5 and 6) empowers the national assembly to legislate on new councils before they can become legal. With the state Assembly all having roles to play in the affairs of local council, It is not surprising that the confusion, intrigues have been the lot of governance at the grassroots level, hence the need for further reforms (Iyang, 2002:19)

2.5 Efforts made on strengthening local Government Autonomy in Nigeria

The Ibrahim Babangida's military administration which started from 1985 made reasonable effort towards strengthening local government administration system and its autonomy in Nigeria.

The political bureau set up by Babangida administration recommended for Local government fiscal autonomy which was accepted by the then administration and relaxed state control over local government finances. Thus in October 1st 1988, President Babangida announced that local government councils would henceforth receive their revenue allocations directly from the federation account. This was enshrined in the 1989 constitution (160:4) that "any amount outstanding to the credit of local governments in the Federation Account shall be allocated directly to the local government concerned." It was further pledged by the office of accountant general of the federation would ensure that local governments receive their periodic statutory financial allocation directly from the federation Account (Joda, 2002:51).

The abolition of the ministry of local government at the state level was announced in 1988. As a result, it was instructed that state governments should establish the department of local government in the Governor's office to replace the ministry of local government in order to assist, advice and guide but not control local governments in the performance of their constitutional functions. States were therefore advised to hand- off all the local government functions listed in part 1 of the fourth schedule of the constitution. The improvement of democracy at the local level led to eradication of all local government service commission in the whole federation in 1992, although the body was set up again. Other efforts made towards local government autonomy were approved scheme of service for local government employees, following the recommendation of the oyeyipo committee report of March 1988. The structure and orientation established by Babangida regime promised to take local government to 'a new Cannan' with democratic values and orientations. But this was not allowed to take full effect as the 1999 constitution introduced ambiguity and contradictions in the control and running of local government councils.

2.6. THE NEED FOR LOCAL GOVERNMENT SERVICE COMMISSION.

The local government service commission like its counterparts at the state and federal levels is supposed to guarantee objectivity and neutrality in personnel management at this level of governance. This is in view of the

need to retain high level experienced staff and sustain the management capability of each local government as recommended in the report of technical committee on the application of civil service reforms in the local government service, the unified local government service shall remain in each state and co-ordinated by the local government service. According to section III (i) of the civil service reforms, the posting of officers from one ministry to another shall not apply in the local government service in respect of local government employee on grade level 07 and above. However, posting of officers on grade levels 01-06 from one local government to another will no longer be allowed where it is the current practice unless in exceptional circumstances.

The recruitment, conditions of service, as well as discipline, transfer, posting, promotion and simply put, the management of human resources in Local Government in Nigeria is largely tied to the Local Government Service Commission (LGSC) a major stakeholder as regards people management in the local government in Nigeria. This becomes clearer when it is realized that apart from the political staff of the local government, the rest, that is, the Heads of Departments, and even the Secretaries to the Local Government and all other career officers depend directly and/or indirectly on the commission.

In Nigeria, general policies on the conditions of service of local government employees are made by the states and local government affairs department and the meeting of the key functionaries in charge of local government (Okoli, 2000). The interpretation and implementation of these conditions of service are left to the various local government service commissions and the directors of local government and heads of service in the various local governments where they exist. The relationships between the various bureaus for local government on the one hand, and the local government service commissions and the directors of local government and heads of service on the other are not clearly spelt out (Okoli, 1977). Moreover, the relationships between the executive chairmen of local governments and the personnel departments in their local government, as regards senior cadres of local government employees, are anything but obvious. Even in the case of junior cadres, the exact role relationships between the executive chairman and top member(s) of the personnel departments of the local government are not clear-cut.

Local government as a third tier of government in the country should be able to recruit and maintain its staff. The authority to “hire” and “fire” is one of the determinants of organizational autonomy and maturity. Any organization that depends on another organization for its personnel can at best be described as an extension of that other organization that has control over them.

2.8 Local Government service commission challenge to Local government Autonomy

Local government service commission is the appointee of the state government. The commission controls the local government personnel service. The state governments use the commission to regulate local government policies, sometimes frustrate local government policies including democratic activities by deploying the incompetent calibre of staff to a particular local government council, resulting to poor implementation of democratic policies of the councils.

Most times, local government service commission take over the political control of the councils, as in the case of Delta state in the third republic, the heads of personnel management (HPMS) was mandated by the local government service commission through the delta house of assembly to run the affairs of the council. The effect is that democracy in local governments is crucified on the altar of local government service commission and the state house of assembly. This results to democratic deprivation of the local people in the state. Most state governments have taken over certain services of the local governments by excessive control of local government activities. The State Governments established Local Government service commissions to help them appoint promote, transfer and terminate employees. Besides, there is office of Adviser to government on political and local government matters. The State Houses of Assembly are empowered to provide for the establishment, structure, composition, finance and functions of such Local Governments. There is also provision for control of Local Government finance by State Houses of Assembly (Constitution of 1999, chapter and sections 7 (i) and chapter 6 subsections 162 subsections 6 and 8).

The 1976 reform guideline and 1979 constitution clearly established local government autonomy and independence in its relation with other tiers of government. However, experiences have shown over the years that the state government through complex of practices and interference meddle into the activities of local government service in areas like finance, appointments etc. Most local politicians accuse the commission of excessive interference with the running of their respective local government units which practice they claim is erosive of local government autonomy. They would prefer individual local governments setting up their respective local government service commissions.

Another major issue is the practise of local government fund passing through the state joint account. This ungodly joint account of local government with state government pave way for the state to dictate to local government how to use their own share of the money and again divert huge funds meant for staff salaries, allowance to other things. These developments have made local government an object of control by the state.

Local government service commission established to oversee staff matter of local government councils in the states are not given free hand in recruitment. They are faced with the problem of satisfying the government in power rather than professionalism. There are cases where competent and more qualified candidates are dropped, mediocre recruited because they have godfathers in the government. This means that if competent hand with appropriate skill and self confidence with a sense of mission , pursuit of personal fulfilment and who would not be blown about by any idea coming from a political staff. A professional that will offer the political staff disciplined direction and proper implementation of strategies and allied logistics. Most of the services are not inventive and innovative. Most officers of the commission cannot think out good things to do on their own without being directed by the higher government.

There is also interference from the ministry of local government; this had created a situation that makes it difficult for the council to make use of their own initiatives in handling their affairs. There are cases where competent and more qualified candidates are dropped, mediocre recruited because they have godfathers in the government. This means that if competent hand with appropriate skill and self confidence with a sense of mission , pursuit of personal fulfilment and who would not be blown about by any idea coming from a political staff. A professional that will offer the political staff disciplined direction and proper implementation of strategies and allied logistics.

3.0. METHODOLOGY

This paper which aimed at taking an in-depth evaluation of local government service commission and challenges of local government autonomy in Nigeria, Principally utilized the secondary data sourcing method. Perceptively, books, journals, newspapers, internet materials, conference and workshop papers as well as government publications were consulted. Resultantly, the findings were analyzed with the descriptive analysis approach. The aftermath of the exercise is the under listed approaches which were further explicated for effective internalization.

4.0 Suggestions and Recommendations

Having identified the challenges emanating from the relationship between the local government service commission and the quantum of local government autonomy in the discharge of their functions, the following recommendations and suggestions were made.

1. Political power should be decentralized to devolve more responsibility and a reasonable autonomy to the local authorities.
2. There is need for further reforms to clear the confusion and intrigues in the control of the affairs of local government and its service commission.
3. The commission should also be directly involved in the recruitment, promotion and discipline of junior staff in the commission. The staff of the commission should be well- versed in general administration and local government in particular so as not to be swayed by any idea from the political staff.
4. Unnecessary bureaucracies such as the existence of ministry of local government and chieftaincy affairs and the like should be scrapped or their functions reduced to the barest minimum to allow local government have a sigh of relief from excessive control.
5. Promotion of gainful relationship between carrier and political officers in the local government. Most local politicians that the categories of officers controlled by the commission are invariably disloyal to their respective local governments.
6. The commission should ensure proper training of newly recruited, and organize regular workshops for the existing staff. Improved incentives and employee motivation, rewards and recognition system is not just a positive thing to do with people but communicating it effectively is an efficient tool in encouraging them to excel. Treating employees as valuable assets and maintaining harmonious relationships with them does not only guarantee efficiency in present but also is an effective strategy for future. Hence employers and management need to be pro-active in developing a talented and dedicated

workforce that can achieve goals of their councils. And there should be uniformity of salary scale structure with those of state or even the federal service servants.

5. CONCLUSION

This paper has attempted to analysis the role of local government service commission and the challenges of local government autonomy. From the series of secondary data analysed, it was discovered that the important role of the various local government reforms that have taken place in Nigeria is towards the establishment of a stabilized system of local government in Nigeria. The 1976 local government reforms is an important turning point in the political structure of Nigeria. It aimed at achieving effective democratization of the entire political system with local government as the take off point. The reform was national in outlook and far reaching in its recommendations.

The 1999 constitution introduced some ambiguity and contradictions in the control and running of local government .Instead of strengthening their control of the affairs of local government, state government encroached on their operational autonomy. In spite of the structural and institutional innovations introduced by successive administrations, local government in Nigeria leaves much to desire. It should be realised that reforms, however well intentioned, cannot translate themselves in reality. Both the councillors and local bureaucrats in Nigeria have the responsibility to effect this translation.

The Local government service commission is a major stakeholder as regards people's management in local government in Nigeria. The ability of any organization which local government is no exception to achieve its goals and objectives depend largely on the calibre of its human resources and more importantly on how they are effectively managed. The positive utility of the commission is undisputed. What should be avoided in its operation is the executive interference and the non appointment of experienced members in the commission. It will be difficult if not impossible to achieve any meaningful development, a just, disciplined and egalitarian society without a well coordinated and efficient system of administration in Nigeria through the instrumentality of local government in terms of autonomy, institutional and structural innovations.

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