

Local government autonomy in nigeria essay sample

[Law](#), [Constitution](#)



“ The basic irony between the U. S system and ours is that; while the various forms of local government are working wonders even when they are not mentioned anywhere in the U. S constitution; complaints over the failings of the Local Governments abound here even when they are entrenched in and catered for by the 1999 Constitution”. 1. INTRODUCTION AND BACKGROUND TO THE STUDY

All over the world, the local government system is the tier of government that is closest to the people. It is designed to bring governance and service delivery to rural and underserved communities. It is also an avenue for deepening democracy and decentralizing power through greater citizen participation in electoral processes and decision-making. It also serves as an arena for political development at the grass-roots level. Thus, Section 14(4) states:

The composition of Government of a State, a Local Government Council, or any of the Agencies of such Government or Council, and the conduct of the affairs of the Government or Council or such Agencies shall be carried out in such manner as to recognise the diversity of the people within its area of authority and the need to promote a sense of belonging and loyalty among all the peoples of the Federation.

This Section of the Constitution has been termed by many authors as the “ Local Government Character”. It thus means that like what it is applicable to other jurisdictions, where the local government system is a tier of government so also in Nigeria, the system of local government is meant to be a tier of government at the grass root, burdened with the sole

responsibility of bringing the government closer to the people; as envisaged by Section 14(4) of the Constitution.

According to the Black's Law Dictionary, "autonomy" is defined as the right (and condition) of power of self-government. Also, according to the Oxford Advanced Learners Dictionary, "autonomy" is defined as: (a) the freedom of a country, region, or organization to govern itself independently; (b) the ability to act and make decisions without being controlled by anyone else. However, it should be noted that 'autonomy', as it is being referred to here, as noted by Ademola Yakubu; is not that of the right of self-determination as in the case of a country formerly colonised by a foreign power. The type of autonomy that is relevant to this discourse is the right of the Local Government as a tier of government, to exist as an independent, but a partner, in the art of governance within the context of Nigeria as a Federation. Thus one may say that 'autonomy' in the light of the second definition given by the Oxford Advanced Learners Dictionary is the closest in meaning to the intended meaning of Local Government autonomy in this context.

Irrespective of the extensive provision for the administration of Local Governments in Nigeria, as provided by Section 7 of the Constitution; it is saddening, the rate at which the system is bedevilled and plagued with different forms of malady, which has constituted a clog in the administrative wheel of Local Government in Nigeria. Constitutional power to establish local government, define its structure, composition and functions, belong to the State governments. To them, as far as it is so, the local government is a

mere State agency or a creation of the State government. It would therefore be erroneous to see it as an independent third tier of government. As such, the issue of autonomy of local government becomes a myth and not a reality.

Of a fact, Section 7(1) of the Constitution makes provision for a democratically elected Local Government Councils; which in essence is in accordance with the principle of being autonomous. . Although there had been series of Local Government reform before the present Constitution, which was meant to bring development to the grass root, regrettably, what obtains in many local governments in Nigeria today is a cocktail of waste, neglect and underdevelopment; which should not be. Thus, it cannot be boldly asserted that the Constitution of the Federal Republic of Nigeria has totally cured these defects. Thus, the Governor of Osun State; His Excellency, Mr Rauf Aregbesola, also affirmed that the local government system is the most misunderstood and perhaps the most neglected, even if it is a very critical layer of government.

References:

[1]. Omotoye Oluwatuminiu, 500 level student, Faculty of Law, University of Ibadan. E-mail: Tel: 08060582020. [2]. Uche Anichukwu, Thisday, the Sunday Newspaper, January 27, 2013. [3]. 1999 Constitution of the Federal Republic of Nigeria as amended. [4]. ibid

[5]. For example, Dr. J. Ademola Yakubu, ' Constitutional Guarantee of Autonomy to Local Government Areas by the 1999 Constitution', John

- Ademola Yakubu (ed), Socio- Legal Essays in Local Government Administration in Nigeria, published by Deymaxs Law Books (2003), at page 7. [6]. 1999 Constitution of the Federal Republic of Nigeria as amended.
- [7]. Black, s Law Dictionary, 8th edition, pg 134.
- [8]. 7th edition, International student Edition
- [9]. Dr. J. Ademola Yakubu, ‘ Constitutional Guarantee of Autonomy to Local Government Areas by the 1999 Constitution’, John Ademola Yakubu (ed), Socio- Legal Essays in Local Government Administration in Nigeria, published by Deymaxs Law Books (2003), at page 1. [10]. ibid
- [11]. 1999 Constitution of the Federal Republic of Nigeria as amended.
- [12]. Local Government Autonomy in Nigeria: Politics and Challenges of the 1999 Constitution, Asaju . K. Department of Public Administration, Ahmadu Bello University, Kongo-Campus, Zaria, Kaduna State, Nigeria, International Journal of Advanced Legal Studies and Governance, Vol. 1 No. 1, 113, April 2010. Retrieved on 7th February, 2013; by 21: 47pm, via: www. Google. com. [14]. ‘ Editorial’, the Punch Newspaper, Wednesday, November 21, 2012. [15]. At a speech delivered by the Governor as the guest speaker at the workshop on Local Government, organised by the Nigerian Bar Association (NBA), at the NBA Centre, Iyaganku, Ibadan, Oyo State, on Tuesday, April 3rd, 2012.