

## **Local Government and True Federalism in Nigeria**

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### **Abstract**

**F**ederalism is a system of government designed to guarantee a high level of autonomy to the federating units and share few relationships with the central authority. Unfortunately, the current foundation in which Nigerian constitution is operated over the years particularly since the advent of democracy has not in any way reflected true federalism. Local government system is at crossroads since the restoration of civil rule in 1999; this has been the centre of acrimony between federal and state governments. The 1999 Constitution is not clear on the status of local council within the federal structure. The function of local level is critical to the welfare of the grassroots, yet many of them have not lived up to the expectation as bedrock for rural development. They are handicapped by certain constraints which have retarded their performance in Nigeria. In some states, the elected council enjoys a three year-tenure while others serve for two years on the dictates of the governor. Nigeria federalism is a calculated fraud designed to deny local communities access to their resources and government presence; all in a bid to favour Abuja and state government house politicians. The principle of true federalism must be entrenched for development to be distributed across the federating units of the federation. The missing link in Nigeria federalism is competition among federating units and the way to correct this abnormality is to restructure the polity into a true federalism. The feeding bottle federalism in Nigeria should allow communities play an active role in governance at the local level. The foundation of true federalism globally involves bottom-up approach to governance. Nigeria cannot have a strong and united federation unless the constituent parts are empowered to conform on the principles of federalism. The paper adopts idealism as the theoretical framework, and undertakes data collection and interpretation using historical method to revisit its prospects, constraints and critical areas requiring additional reforms.

**Keywords:** *Local government, Inter-governmental relations, Federalism, Constitution.*

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### **Background to the Study**

Federalism necessitates the combination of shared rule; it accommodates multi-level governance that authorizes autonomous political units to perform its peculiar functions within a political structure. Despite the initiation of formal decentralization policies, unsuitable intergovernmental relations can engender these relationships between central and local governments (Karingi, 2003). In a federal system, every unit is granted autonomy, to decide whether to stay in the union or to back out. The existing mechanisms and institutions for intergovernmental policy coordination are very weak and need to be improved and strengthened (Lawson, 2011). The 1999 constitution stipulates the functions and powers of the levels of government in such a way that no level of government can single-handedly perform the functions of service delivery to the people. Cooperation is a prerequisite for governance (Shah, 2006). Nigerian federalism is characterized by diverse ethnic groups, languages, cultures, political affiliations and struggle for political power. The need to cater for these diverse elements and ensure service delivery at the grassroots level necessitated the creation of local government (Boadway and Shah, 2009). The characteristics of the federal government are inter alia, the separateness and independence of each level of government, mutual non-interference in the distribution of power, the existence of a supreme court and a court of law to act as an arbiter in intergovernmental dispute (Abia, 2010). Intergovernmental relations are referred to as the transaction between levels of government-either national or regional or among federal, state and local governments (Ajulor and Okewale, 2011). Such relationships among the tiers of government are not without tension and conflict. Jinadu (1998) points that the dynamics of federal-state relations within the federalist constitutional framework is one of a see-saw between interdependence and cooperation on one hand and conflict on the other hand, between the centre and the units themselves.

The fourth republic witnessed unhealthy relationships between the states and local governments. About ten local government chairmen have, by state executive fiat, been removed or suspended from office. It was this that infuriated the local government chairmen and made them to sue the thirty-six governors and their state assemblies (Fadeyi, 2001). By the arrangement of the 1999 constitution on the distribution of powers, Nigeria remains a centralized federation with strong unitary elements. There are complaints about over-concentration of power in the federal government the product of long periods of military rule (Adamolekun, 1983; Olopade, 1984).

The unhealthy rivalry between local government and other levels of government is a result of a number of inter-related factors: undue interference by the state government, unconstitutional removal of the local government chairmen by some state governments, shortening of local government chairmen's tenure of office, joint state-local government account, which the former controls and what the states perceive to be an attempt by the federal government to relate directly with local governments. Adedeji (1969) asserts that the success or failure and the effectiveness or ineffectiveness of local government depends on the financial resources available to individual local authorities and the way resources are utilized, indeed the problem associated with inadequacy of funding continue to remain high among factors associated to local government to perform their statutory devolved functions as the closest to the people. As an appendage of the state government, the structure is under-developed. Not only are councils performing below expectation across board, its prospects as an autonomous unit of administration is slim. The puzzle of this paper is, has local council starved of fund? Why do state governments not perceive local government as tier of government, more or less an

extension of state ministries at the local level? Why has local council performance weak at the councils and why is the impact of the local government not felt? This paper seeks to address these questions to achieve objective of the paper.

## **Conceptual Literature**

### **Local Government**

The concept of local government reflects directly on the nature and character of the state. It involves a philosophical commitment to democratic participation in the governing process at the grassroots level. Local government implies legal and administrative decentralization of authority and personnel by a higher level of government to a community with a will of its own, performing specific functions as a government at the grassroots level of administration “meant to meet the peculiar needs of people in the grassroots (Agagu, 1997:18). Abubakar (2010) defines local government as political subdivision of a national or state which is constituted by law and has substantial control of local affairs including the powers to impose taxes or exact labour for prescribed purposes. The governing body for such an entity is elected or otherwise locally selected (Ikeanyibe, 2009). Adeyeye (2000) defines local government in a unitary state as non-sovereign community possessing the legal right which serves as administrative agents of the central government. In the words of Oloyede (2006), local government is a political and administrative structure facilitating decentralization, national integration, efficiency in governance and a sense of belonging at the grassroots. Arowolo (2006) interprets local government as a unit of administration with defined powers and authority imbued with relative autonomy in decision-making elected or appointed. Obi (2009:304), asserts that local government is the third tier of government nearest to the local people, set up to meet the needs and aspirations of the rural dwellers. Local government council is an institution whose operations address the needs and aspirations of the citizenry and extends the administrative and political control to rural areas (Wanjohi, 2003).

The idea of creating local government makes people at the grassroots to participate in governance and generate local resources for development. Fajobi (2000) view local government as a political authority under the state to decentralize political power and delegate authority. Local governments decongest the burden of central and state government to provide services that are local in nature. Chukwuemeka and Uche (2005:317) states that local government is a political sub-division of a state, which has a legal existence under the law and is run by elected representatives of the local people, with substantial autonomy in administrative and financial affairs. Bello-Iman (1996) view local government as the unit of administration with defined territory and powers as well as administrative authority with relative autonomy. The Constitution of the Federal Republic of Nigeria (FRN, 1999) defined local government as government at local level exercised through representative council established by law to exercise specific powers within defined areas. This gave local council substantial powers over local affairs as well as the staff, institutional and financial powers to initiate and direct the provision of social services and implement project to complement the activities of the state and federal government through devolution of functions to their councils and active participation of the people to local needs (Ina, 2002:137).

### **Federalism**

It has been agreed that contemporary federalism started with Kenneth C. Wheare who saw federalism as a constitutional arrangement that divides the law making powers and functions between two levels of government in such a way that each within its respective spheres of

jurisdiction and competence is independent and coordinate (Wheare, 1953). Kapur (1986) defined federalism as a dual government where powers are divided and distributed by the constitution between a central government and regional or state governments". Such powers are original and derived. The component units i.e. regional or state governments are "coordinate independent authorities within their allotted sphere of jurisdiction he further assert that it is imperative that the component units must be left with adequate economic resources to perform the functions assigned to them satisfactorily without being dependent of the doles of the national government.

Babalawe (1988) states that federal state is one in which there is an explicit and constitutional demarcation of powers and functions among national and sub-national units. The responsibilities are distributed in such a manner as to protect the existence of authority of both levels of polity each of which is independent within its own sphere. Federalism refers to the doctrine which advocates and promotes the form of organization of a state in which power is dispersed or decentralized by contract as a means of safeguarding local identities and individual liberties. Federalism describes the structure of a state; designates its political process and political culture. It is pertinent to note that Nigeria's federal experience noted principle of definition and description can no longer hold. This is because the central government has usurped the powers formally exercised by the regional governments.

Rodee (1983) defined federalism as a constitutional definition of governmental power between the national and constituent units. Friedrich (1963: 585) view federalism as "a union of group united by one or more common objectives but retaining their distinctive group being for other purposes. It unites without destroying themselves that are uniting and it is meant to strengthen them in their group relations. Along this same analytical plane, Wheare (1953), Kapur (1986) and Babalawe (1988) analysis concludes that in any true federalism whether regions or states have the constitutional right to control their resources without much interference from the central government. In an ideal federation such as United States of America, Canada and Switzerland, the states are semi-autonomous, virtually independent of the centre. The states have control over the resources found in their areas, but pay royalty to the central government. Assessing Nigeria's federalism as a cosmetic one, Ekpo (2004) observed that protagonists of resource control began to push forward the argument that the country cannot be a federation when the elements of federalism are lacking, such as state police, control of natural resources by the federating units. The only semblance of a federation in Nigeria is the 36 states; otherwise the country is to all intents and purposes a unitary state. The government at the centre is stronger than the states, with the latter depending on allocations from the former for survival. The protagonists of true federalism argue that if the regions of the first republic had control of the agricultural products produced in their areas, and got as high as 50 percent derivation from whatever accrued to the federation account as revenue, why then should the case be different when it comes to the Niger Delta region. The people of Niger Delta find it unacceptable that the practice of resource control was jettisoned, while derivation was drastically reduced.

The attainment of true federalism will introduce the principle of resource control and encourage early development of other natural resources of local and international relevance in Nigeria. It empowers states to make inputs into how natural resources found in their areas should be exploited and how revenue accruing there from should be shared. All the states are potential beneficiaries, since there is no state that is not blessed with a natural resource. Ndu (2003) gave two basic reasons for the erosion of true federalism which characterized the

Nigerian nation in the first republic before the onslaught of the military in 1966. One of the reasons he gave was the collapse of the first republic when the military intervened in January 1966. The visionary development of federalism specifically from 1954 to 1965 abruptly ended with the gunshots of that early harmattan morning of January 15, 1966, which not only eliminated some of the founding fathers of federalism in Nigeria, but killed the essence of federalism itself. The defenders of true federalism argued that states are feeble not because they lack the resources and manpower that would make them strong economically and administratively, but fiscal and legislative relationships between them and federal government render them feeble. (Ndu 2003: 96).

### **The Content of True Federalism in Nigeria**

Oyovbaire (1985) contends that the extent, to which federalism can be true, depends on how much the democratic system of government permits citizens to participate and exercise their rights within the armpit of the rule of law. This implies that the concept of federalism, whether 'asymmetry or symmetry or the way some quarters in Nigeria call it 'true federalism', it hinges on democracy as a foundation to sustain any federal union. Sagay (2004:17) puts it inter-alia that without democracy, genuine federalism is impossible. There have been dictatorships or totalitarian regimes that have claimed to be federations. Some still exist today. However, genuine federalism presupposes division of constitutional powers between two orders of government. Toyo (2001) posited that no federalism is false rather all are true; the concept of 'true federalism' undermines the theories underpinning federalism. This creates the contention on what constitute true federalism. Oyovbaire (1985) assert that federalism in a democracy is 'true federalism', because of the inter relatedness of federalism. Federalism guarantees freedom of citizens based on equal right of every person to participate in the governing process, whether directly or indirectly. The division of all spheres of operation prevents arbitrary use of power against the people constituting the federation. It is concerned with bringing government closer to the people by ensuring inclusive participation, respect for and tolerating diversity.

This means that federalism provides the forum for effective interaction among various groups in democratic states. Federalism is a component of a democratic society, because the yearnings and aspirations of the people are cardinal to the affairs of government. Twomey and Withers (2007) identify the benefits associated with the adoption of federalism equates democratic principles, namely:

1. Checks on Power – Federalism divide and limits power, protecting the individual overtly from a powerful government. It ensures that there is greater scrutiny of government action and helps to reduce the incidence of corruption.
2. Choice and diversity – Federalism gives citizens a greater range of choices. People can vote for one party at the national level and another at the state level. They can move from one state to another if they prefer the policies of the subsequent state, or they can seek to have policies of another government implemented by their home state. If one level of government lets them down, they can seek redress from the other.
3. Customization of policies – Federalism permits the tailoring of policies and services to meet the needs of people and communities directly affected by differences in climate, geography, demography, culture, resources and industry across the country, means the requirement for the adoption of different approaches to meet needs of local people constituting the federation. Federalism accommodates these differences and brings the government closer to the people, allowing them to influence decision that affects them most.

4. Competition – Federalism permits comparison among states and territories across the country. Comparison becomes the source for competition, which gives the incentive for states to improve their performance. In other words, competition increases efficiency and prevents complacency. It shows that federations have proportionately fewer public servants and lower public spending than unitary states.
5. Creativity – This is the master of invention. States and territories need to be innovative and experiment in order to compete with other jurisdictions. When a particular state is successful by becoming innovative, other states in the federation also adopts the strategy to put themselves in the comity of innovative states. Put differently, innovative states lead the country in proposing reforms in a federation or across federations.
6. Co-operation – The need to co-operate to achieve some type of reforms means that proposals tend to become more measureable and better scrutinized. The agreement of all jurisdictions to implement difficult reforms bring together all parts of the country in a common endeavor and give the reforms greater insight, legitimacy and support. Any federal state without the above characteristics in practice, such state is questionable, because no variable identified can be latent or manifest in isolation. The shortfall of these benefits throws up federal system in a chaos. The ability to manage effectively federal system is to provide for the divergent needs of the various quarters in the country. The American federalism is archetype by most Nigerians creates serious contention, which amount Nigerian federalism as false federalism. This situation necessitates the need to compare Nigerian and American federalism in terms of evolution, continuity and change in the practice of federalism.

### **Cooperative Federalism**

Cooperative federalism is a concept in which the state governments, local governments, and the federal government share responsibility in the governance of the people. They cooperate in working out details concerning which level of government takes responsibility for particular areas and creating policy in that area. The concept of cooperative federalism put forward the view that the national and state governments are partners in the exercise of governmental authority. It is referred as new federalism. Cooperative federalism is a concept in which national, state, and local governments interact cooperatively and collectively to solve common problems, rather than making policies separately but more or less equally like dual federalism of the 19th century United States. The expansion of the federal powers to deal with the great depression of the 1930s gave rise to a more nation-centered brand of federalism known as “cooperative federalism”. Cooperative federalism is a model of federalism where the states and federal government cooperate in certain critical areas, with federal government playing a key role. To this end, large chunk of federal fund is provided to states and local authorities for job creation, social welfare, and infrastructure development among others. Cooperative federalism is characterized by high level of interdependency, federal coordination, aggressive use of grants, nation-centeredness, and Shared goals (Wilson, 1908:18).

Cooperative federalism is called “marble-cake federalism model, in this model, the federal government makes available its vast resources, the states act primarily as the service delivery arm. The period between roughly 1933 and around 1964 in the United States of America, which Kenneth Wheare holds up as the archetype of a federal system, is characterized by cooperative federalism. American federalism is widely regarded as synonymous with cooperative

federalism. The US Constitution established a partnership between two levels of government. While each level was assigned differentiated sets of tasks, the constitutional design compelled all governments to work together for the common good. A less common historical interpretation concludes that the American case is more in line with the Australian experience (Rose, 1993). American federalism was originally designed and practiced as a dual system of governance and only evolved into its modern cooperative form after 1933 when congressional regulation began to dominate intergovernmental relations under the impact of new deal legislation and economic modernization. In most federations intergovernmental relations play a bridge-building role that is meant to bring to these systems of divided jurisdiction and governance a complementary measure of coordination and cooperation. Akindele (1976) outlined the need for proper justification of the allocation of federal discretionary grants to state governments. The criteria must be rooted on impartiality, non-discrimination and equity as conditions of federal stability. The allocation of conditional grants has been supported based on the following reasons:

1. Conditional grants are device for achieving a national minimum standard in the level of some essential services all over the federation. The assumptions are that the federal government, as the principal repository of the national interests, owes it as a duty to equalize opportunities for, and access to, the national minimum standard in the process of certain basic services for every citizen wherever he may live in the whole federation. Akindele (1976) noted that the use of federal spending power naturally raises the question of who is to determine which service should meet the national minimum standards, how to determine what constitutes the national minimum standards, whether the importance of public function, ipso facto, justifies federal investment.
2. Conditional grants introduce flexibility into the operation of the constitutional system. According to this rationale, conditional grants are a means of pragmatically realigning financial power to constitutional responsibilities between federal and state authorities. It is possible to device a federal fiscal system which aligns financial power with legislative responsibilities once and for all. The tax fields of the federal government usually have greater growth generating capacity than those of the state governments, federal fiscal transfer is said to be a good device for adjusting the inelastic state revenue for their continually expanding responsibilities Vines (1976).

In a federation, the need for equalization of opportunities, imbalance in the tax burden across the country cannot but encourage population and revenue movement away from the poor states where the burden is comparatively onerous; thus aggravating the situation in those states. The federal grants may be weighed in favour of the poor states in order to improve the capacity of these state governments to provide better services and lessen the burden of taxation on its citizens they serve. Geographically balanced economic and social development is often said to be politically stabilizing factor in any federation.

### **The Practice of True Federalism in Nigerian**

Nigeria is a country of extraordinary diversity and such extraordinary complexities is a reflection of ethno-cultural and religious groups co-habiting the territory and the intricacies of interaction among them. Federalism as adopted in Nigeria is a device to help the country avoid the prospects of piecemeal independence from the British. This was a clever imposition by the British to appease the reactionary North; Nigerian federalism was not arrived at thorough plebiscite. It was an agreed model by a handful of political leaders at the pre-independence in London constitutional conferences. The Nigerian federalism is very sick, unbalanced and lopsided especially in terms of centralizing power.

National integration has remained an illusion even after fifty six years of independence, with few prospects for change. Ethnicity has been elevated by some people to the level of religion and so Nigeria has remained a state rather than a nation. Pronounced injustices exist in Nigerian federation. Nigeria's federal system is highly centralized in all its ramifications. Peril (1976), observed that excessive centralization and statism of most developing countries means greater vulnerability result of unfulfilment for populist expectation, and this heightened inefficiency. It needs to be emphasized that the persistent military rule over the years has no doubt affected the structure of Nigerian federalism. In line with the military's command structure, Nigeria's federalism has been over-centralized to the extent that it reflects more of unitary arrangement than a federal one (Elaigwu, 1998). Before military intervention in 1966, Nigeria embarked on a formal federal constitution in 1954 which was decentralized to accommodate the diverse ethnic groups, each of the federating units known as regions, operated its own regional constitution, police, civil service and judiciary.

The federal structure of Nigeria is believed to be a bad marriage that all dislike but dare not leave, and that there are possibilities that could disrupt the precarious equilibrium in Abuja (Ogbe, 2011). The legal foundation for Nigerian internal political geography is federalism. A federal arrangement was expected to be instrumental to forge national unity out of the plural society and preserve the separate social identities cherished by its component parts. Adoption of federalism notwithstanding, Nigeria's political system has continued to operate minimum cohesion (Ola, 1995). The increasing instability and tension in Nigerian federation doubt over its adaptability in solving Nigeria's plurality problems. In its structural and political context, Nigeria's federalism may be likened to a biological cell capable of dividing and reproducing itself (Dent, 1995). This is because, it has continued to witness continuous splitting of units. In 1954, it began as a federation of three regions but by 1964, it became four with the creation of mid western region from the then western region. By 1967, the federal structure was subdivided into 12 states while in 1976 it was split into 19 states. By 1989, it became a federation of 21 states, to increase 30 by 1991 and 1996 it had become a federation of 36 states. The creation of more states has always been accompanied by the creation of additional local government areas. Thus, from 301 in 1976, the country currently boasts of 774 local government councils. Implicit in the above description, Nigeria's federal structure is predicated on three-tier administrative structure federal, state and local governments. While it is not a misnomer to have, in a federation, more than two tiers of government in order to cope with the diversities, the continued structural division have not produced a satisfactory outcome for the component units. This is so because every attempt at states and local government creation is usually followed by increase in agitations (Muhammad, 2007).

In a federal polity, there is an irrevocable division of power between the central and component units. It is pertinent to note that in Nigeria's federal experience, the principle of Wheare (1953) can no longer hold. This is because the central government has usurped the powers, which were formally exercised by the regional governments. Power distribution is a volatile issue which if not properly handled could lead to various forms of crises which are bound to crop up. Nigeria has not been forthright applying this principle to the letter and the result of this has been the heightening of ethnic tension, mutual mistrust among ethnic groups, minority problem, and clamour for answer to the national question (Uhunmwuangho and Ekpu, 2011). According to Ojo (1989), this unequal sharing of power, Nigeria is transformed from a political community to an administered state. They argue that a political community is characterized by consociational values, while an administered state is absolute subjugation to an absolute



centralized authority where there is disregard for consociational political relationship. Every level in federal arrangement derives its powers from the constitution and these rights, power and authority are justifiable whereby any level can seek redress against an infringement of these constitutionally stated rights and authority. In Nigeria, the powers and functions of each level of government are clearly spelt out in Second Schedule of the 1999 amended Constitution of the Federal Republic of Nigeria. The legislative lists, namely: The exclusive legislative list and the concurrent legislative list. The former is made of subjects in whom the federal government alone can administer laws, while the latter deals with matters over which the federal and state governments have legislative powers (Ola, 1995).

Nigeria has a unique problem of achieving solidarity in action and purpose in the midst of hundreds of ethnic nationalities each exerting both centrifugal and centripetal forces on the central issue of the nation, bound in freedom, peace and unity where justice reigns (Ojo, 2002). This uniqueness creates “unique problems unknown to the experience of other peoples in the world (Onwujeogwu, 1995). It is not surprising that these ethnic groups are always in conflict and competition for scarce Resources. Indeed, this is not unexpected especially among “ethnically defined constituencies” (William, 1980). The reason is that ethnic groups are in keen competition for the strategic resources of their respective societies. This is the case in Nigeria and other plural and segmented polities. This is so because ethnic groups are socio-cultural entities, consider themselves culturally, linguistically or socially distinct from each other, and most view their relations in potentially antagonistic terms (Cox, 1970). Ethnic tension in Nigeria is as a result of improper distribution of functions and resources. This is because the people feel left out in the scheme of things see it as a necessity to rely with their ethnic groups which to provide them a good ground for competing with others for resources against domination by dominant ethnic groups. These escalate open confrontation among the groups. Ethnic politics has become the order of the day as an alignment with one's ethnic group is easy access to resources (Uhunmwuangho and Epelle, 2007).

The abandonment of true federalism in Nigeria has led to the neglect and marginalization of the Niger Delta region of Nigeria, where the bulk of the country's wealth is produced through the exploration and exploitation of crude oil is the colossus of Nigeria's economic base. The people of this region have been agitating for fair share of the country's wealth, the bulk of which comes from their region. This quasi model of federalism has not been able to address the socio economic and developmental needs of these people in spite of their unquantifiable contribution towards the development of the entire nation. The situation in Niger Delta region of Nigeria does not place Nigeria among nations operating a federal system of government. In an ideal federation, the states are semi-autonomous, independent at the centre. The states have control of the resources found in their areas, but pay royalty to central government such as defence, foreign affairs and customs among others are controlled by the government at the centre. Observers of Nigeria's federalism states that the underlying principles of federalism have been ignored by successive Nigerian governments, efforts made earlier to implement the policy of fiscal federalism based on the principles of derivation. The 1960 and 1963 constitutions granted greater fiscal autonomy to the regions and empowered them to compete with one another. The current movement to better the people of Niger Delta region has brought to the demand for resource control and this has been misunderstood.

Ndu (2003) gave two basic reasons for the erosion of true federalism which characterized the Nigerian nation in the first republic before the onslaught of the military in 1966. One of the

reasons he gave was the collapse of the first republic when the military intervened in January 1966 and this intervention marked the end of true federalism in Nigeria. The visionary development of federalism specifically from 1954 to 1965 ended with gunshots of that early harmattan morning of January 15, 1966, which eliminated some of the founding fathers of federalism in Nigeria and killed federalism itself. The federal form which survived that military onslaught the basis which the country precariously persisted as an entity has never regained its true essence. There are two interrelated developments that accounted for the demise of true federalism in Nigeria. The coup and the eventual threat to unity followed by secession and civil war were traumatic events that called for centralized authority pull things back in one fold. There has been the professional practice of unified command which soldiers are familiar with. The centralized federalism in Nigeria is one of the disruptive heritages of military rule in Nigeria. The true federalism miles away in Nigeria because most states in Nigeria are feeble, particularly in their extractive capability and, consequently can hardly perform as federating units. Ndu (2003) with other defenders of true federalism argued that states are feeble not because they lack the resources and manpower that would make them strong economically and administratively, but “the fiscal and legislative relationships between them and federal government render them feeble.

Unnecessary skepticism, negative thoughts about the federal system and lack of ideological commitment to its maintenance constitute another plague on the practice of federalism in Nigeria. For one, in every federation, there are bound to be new impulses, new interests and new demands to which the federal system is expected to respond to. But this must necessarily be accompanied by the commitment and political will to accommodate these changes in the general interest. Ramphal (1979) captures that for a federation to be able to resist failure, the leaders and their followers must feel federal, they must be moved to think of themselves as one people with one common, self-interest, capable, where necessary, over-riding most other considerations of small interests' the good' any must be consciously subordinated to or compatible with 'the good for all'. This then is tantamount to an ideological commitment not to federation only as a means but an end, as good form its own sake, for the sake of answering the summons of history.

The strident call for a national conference to address the national question is perhaps the strongest evidence is still not well with Nigerian federalism. The advocacy of political autonomy is a strong marker of over-patronization of a section of the federation. It is a marker for differences and diversities of Nigerians in terms of culture, language, and kinship. Federalism without national integration is gibberish at best; political autonomy is a way of nurturing the commitment to forge nationhood. Agbu (2004) believes that the contestation over federalism in Nigeria has manifested itself not only in the quest for access and control over political but also as access to federally generated revenue. This assertion describes the situation in the South-South where the people are clamouring for a considerable upward review in the current 13 per cent derivation. Nigeria's is not a healthy federalism as it has long been plagued by “infection” from the 'viruses” of anti-federalism. It must be tended carefully if it is to survive contemporary strains. Given this frail federalism, we cannot fail to agree with Ajagun (2004) when he posits that we better be true to admit this union of sorts is bound to burst at the seams if left untended. The signs are with us (David-West, 2001) as it stands, Nigeria's federalism could be described as farcical or a federalism façade being manipulated for self-serving ends.

### **Local Governments and Federalism: The Missing Links since 1999**

Since 1914 when the Southern and Northern protectorates were amalgamated to 1967, Nigeria was ruled without regard for its diversities. For 53 years (1914-1967), the citizens of the minority groups in Nigeria were made to feel that their languages, culture instructions and traditions could not safeguard and protect in Nigerian polity. Even after subsequent creation of states by the military in 1967 and 1976, the fire of separatism was not doused. The state creation fuelled the emergence on the political turf of centripetal and centrifugal tendencies, Nigeria in its 100 years of existence has gone through ten (10) Constitutions in 1914, 1922, 1946, 1952, 1954, 1958, 1963, 1979, 1989 and 1999.

The Constitutions had nine major weaknesses which include lack of structural balances, replacement of federalism of coordinate government by federalism of subordinate government since 1966, centralization of power and persistent lack of respect for the principle of subsidiary: inadequate attention of the need for economy in governance, lack of adequate measures to protect the rights of ethnic minorities, monopoly of the power to control natural and human resources, persistent breach of principles of fiscal federalism and the pursuit of short-term political expediencies. In 1954 when the Lytteton Constitution was formed, a federal system of government was adopted by consensus (Nwabueze, 1982, Yahaya, 1989 and Elasi, 1967). The 1954 Constitution among other things, guaranteed the sharing of power between the centre and the federating regions. It recognized each set of authorities as coordinate with the centre and not subordinate as it is today, each government was granted the power to exercise control over human and natural resources within its territorial area, while also exercising fiscal federalism, which guarantees independent sources of revenues and formulas for revenue sharing. The involvement of military in governance and power over the years has destroyed these noble ideas. The creation of more states and local government by military benefited certain groups. Local government provides the scope for grassroots development, not only do local governments touch the lives of the people most intimately; it is at their level that democracy has the greatest possibilities. In other words, local systems of governance must adapt to their social, political, economic and cultural environments (Nwabueze, 1982).

This means that the imposition of a uniform local government system through the length and breadth of the country is a breach of these principles of subsidiary and local solidarity. Since the 1950s, local governments of a few countries including those stated above have undergone so many transitions, the Nigeria's systems of local governance moved from the colonial inheritance of indirect rule through national authorities to elected councils. A fundamental feature of this period was that each region or state carried out the reorganization of its local governance system in the way it deemed fit since under the Nigeria Federal System, local government is a state subject. Thus, several system of local government existed (Emezi, 1984). In 1976, the Federal government entered directly and introduced the most pervasive land sweeping reforms. And, second, a uniform system of local governments system for the whole country was promulgated. Different local government areas were created that paid no respect to history, tradition, culture and community solidarity (Okoli, 1989). Thus, today Nigeria has 774 local governments. During the inauguration Late Dr. Sanda Ndayako, Etsu Nupe led Technical Committee on council's reform; former President Obasanjo states that the operation of local government negate the noble intentions of the 1976 local government reforms. The technical committee will diagnose the crisis of local government system in Nigeria, the problem of inefficiency and high cost of governance in a view to reduce wastage

at the three tiers of government (Iwilade, 2012). In effect, former President Obasanjo added that the function of the committee incorporates other 'weighty issues that impact, equal measures, on the arrangements at the federal and state levels. The National Assembly under the leadership of Senate Anyim Pius and Hon. Ghali Na'Abba had set the motion rolling on local government reforms. It was agreed that the local governments should be scrapped as a beneficiary of federation allocation and this reduce the agitation for creation of more local governments went down (Igbuzor, 2009).

In the last 65 years, councils have operated under various nomenclatures as rural governments, urban councils, local authorities, district councils, town councils, local governments, municipal councils or local council development area, either under military regime or civilian dispensation, local governments have always been relegated to the background. The 1999 Constitution has not specified council as a third tier, unlike what we have in India and other countries. It appears that mere local agencies of the state administration for the purpose of interface with the countryside (Eme, 2011). In military regime, local governments were created by the federal government. In 1999, the existing 774 councils were listed in the 1999 Constitution. Since then, it has been difficult for the state government to create additional councils. When new councils were created by the Lagos State Government through the instrumentality of the House of Assembly, they were not listed in the 1999 Constitution.

The Supreme Court did not condemn the process but pointed out that they were inchoate (Oladesun, 2014). The financial allocation allocated to the councils by the federal government from the federation account is irksome to the states, which is vested with the power to create or dissolve the councils under the constitution. The Deputy Senate President, Ike Ekweremadu, called for the upgrading of the council into the third tier, based on the clamour for council autonomy by some stakeholders. The pro-federalism crusaders opposed the stating that only states coordinate with central government as component units constitute a true federation (Oladesun, 2014). In some states, governors even indicated to appoint supervisors, advisers and other aides for new council chairmen. The channels for disbursing council funds have become a bone of contention. When money is allocated to the councils, it does not go directly to the councils. It is deposited in state-local government joint accounts (JAC).

There are allegations by local government workers that governors indulge in diverting council allocation through controversial deductions. The illegal deduction compelled President Goodluck Jonathan to separate state and local government accounts. But, the move was criticized by the governors and their commissioners (Eme and Izueke, 2013). In Ekiti state the former Ekiti central local government chairman, Hon. Aye Fasubaa, cried out that he was being victimized for objecting to the diversion of council funds and illegal deductions by the governor. In 2012, when President Jonathan suggested that the joint allocation and account committee (JAAC) should be abrogated and local governments should receive its allocations directly from the federal purse without recourse to the governors, the suggestion did not go down well with the councils. In recent times, chairmen whose name has appeared in the black book of the governors forfeited their offices through the dissolution of the councils, in active connivance with the House of Assembly (Oladesu, 2014). According to Ezeani (2004), modern local government system is engendered specie unlike the councils of pre and independence eras, local governments have grossly failed to generate employment. It has not stemmed rural-urban migration by youths due to absence of economic, social and recreational facilities. The council has become an avenue for private accumulation by elected chairmen and

councilors. Local governments are oppressed by the federal government. This suppression preceded the current democratic dispensation. In consonance with its centrist approach, Abacha Administration dazed the country when he appointed minister of local government. The 1999 Constitution is the legacy of Abdulsalami administration created friction between federal and state governments over the control of local governments. The federal government insisted that states lacked the power to create more councils belong to it, claiming that all the councils have already been listed in the constitution. Former Katsina State Governor Umaru Yar'Adua, who later became President of Nigeria, had to retrace his steps by axing the newly created councils in the state, out of fear. Actually, the power to create councils in section 8(3) is vested in the House of Assembly. But section 8(6) gives the power to ratify the creation and list newly created councils to the National Assembly. Many are clamouring for the review of the constitution to clear this area of friction (Ukertor, 2009). In Lagos State, Tinubu administration created 37 local councils. Despite the fact that they were created by legitimate state authorities, the Federal Government disagreed. The allocations due to pre-existing 20 local governments were seized by Obasanjo administration. The Senate refused to list the new councils in the constitution, despite the referendum that gave their creation the nod (Eme, 2011).

Late President Yar'Adua had earlier directed that the withheld allocations should be released, the Ministry of Justice advised him to terminate the newly created councils, saying that they were undermining the judiciary and challenging the authority of the federal government. Irked by the incessant harassment, House of Representatives member, James Faleke, former chairman of one of the councils not listed; Ojodu Local Council Development Area (LCDA); states that the victimization of Lagos councils by the federal government undermines the right of logicians to development (Oladesu, 2014). In Lagos, the House of Assembly members were still inundated with complaints during the town hall meetings that many chairmen showcased cosmetic achievements with bloated bureaucracy. Many experts think that councils should trim down so that money spent in maintaining gigantic structures could be deployed to capital expenditure. It has been pointed that the council cabinet is too large and burdensome; the council chairmen maintain extensive political structures. They appoint too numerous supervisory councilors, special advisers, special assistants, and personal assistants like the President and governors, making the recurrent expenditure to soar (Oladesun, 2014). There is need to reform other areas of council administration, particularly in ensuring that the trio of chairman, council manager and treasurer are closely monitored to prevent outright embezzlement and misappropriation of council funds.

### **Conclusion and Recommendations**

Despite efforts by civilian governments to rescue the country's federalism from a state of quasi-Unitarianism, subsequent civilian regimes have either remained reluctant or unwilling to revive the fortunes of true-federalism. It must be noted on one hand that the challenges of our federalism is numerous and not limited to over-centralization alone. Among other problems bedeviling our federalism are; the uneven division of the federating units and corruption. The country faces copious problems which cannot be said to have been peculiarly caused by over-centralization of the federal structure one can say that "over-centralization of the Nigerian federal structure is 'not the bane 'to the country's politics but rather a bane to the country's politics". This implies that the country faces, over-centralization of the federal structure is one among many other sources of these challenges which the work had earlier pointed out how proper decentralization of the federal structure could ameliorate part of these problems. In spite of the fact that military regimes are most quoted to have conveyed with themselves

centralized schemes and thus reflecting on the federal structures they created, yet, we must warmly salute them for their efforts towards the re-emergence of federalism. It must be noted that ironically, all that today stands as the foundations of the country's federalism were established by the military and one cannot emasculate that these foundations had military (centralized) attributes.

Local governments should implement a formula for conducting need analysis through the involvement of community development based associations/committees.

1. Chairmen and councilors and community leadership should hold town hall meetings regularly to collate input into local policy formulation and implementation.
2. Procedure for public accountability should be created and strengthened in the local government.
3. The House of Assembly should closely monitor the financial activities of the councils to reduce corruption.
4. There is the need to maintain small political and civil bureaucracy to avoid an upsurge in recurrent expenditure and reduce cost of governance.
5. The ministry of local government and chieftaincy affairs should evolve mechanism for proper monitoring and evaluation of council developmental projects.
6. It is better to encourage retired men and women of integrity to serve as part-time councilors and supervisors, instead of young men who are in a hurry to make money.
7. CDC should resist attempts to impose councillorship and chairmanship candidates on their wards and councils by godfathers and leaders of political parties.

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