

# Federalism in Nigeria: Interrogating the Status of Local Government as the Third Tier of Government

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## Abstract

Federalism which is the sharing of power between two or more levels of government but mostly between the centre and states in most mature federalisms of the world. Federalism in Nigeria has been at a cross-road, owing mostly to the long military interregnum with its centrist nature which made Nigeria's federalism appear unitarist. This has affected the status of local government in Nigeria as an autonomous tier of government. This was compounded by the 1979 and 1999 Constitutions, bequeathed the nation by the retreating military governments of Olusegun Obasanjo and Abdulsalami Abubakar respectively, which gave the local governments autonomy with right hand and handed it over to the states with the left hand. This paper aims at critically interrogating the status of local government as a distinct and autonomous tier of government in Nigeria. In order to achieve this, the researchers adopted Content analysis, where they reviewed the works of other researchers, academics and experts in the concept of federalism and drew conclusions. Based on the findings available from the reviewed literature, the research concluded that the local government in Nigeria is not a tier of government but could at best be described as 'a quasi-tier' of government, as it is neither autonomous financially, administratively or politically nor completely under the control of the states.

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### **Background to the Study**

Nigeria *ab initio* was not a federal state, it debuted with the 1954 Oliver Lyttelton Constitution, which was promulgated into being, in order to prevent the country from disintegration after the political impasse that resulted from the motion for “Independence by 1956” by Anthony Enahoro of the Action party at the floors of the House of representatives in Lagos in 1953. The motion was quickly followed by an amendment or counter motion by Alhaji Ahmadu Bello of the Northern People's Congress. Ever since then, federalism has come to stay in Nigeria (Ogunsawo, 2009).

Local government administration in Nigeria started with the Native Authority Ordinance of 1910 in Northern Nigeria, this gave birth to Indirect rule system. It was experimented in Northern Nigeria in 1890s and during the first decade of the 20th century by Sir Frederick Lugard. The government could not afford to rule the people of such a large country as Nigeria directly, owing to the shortage of British political officers and the inability of the government's revenue to support any increase in the existing administrative staff, even if this were possible. It was also felt that it was wiser not to reform drastically the existing custom and systems of government until British Administrative officers had a better knowledge of the indigenous customary laws. In order to pursue this policy effectively, the Native Authority Ordinance of 1910 was enacted for the establishment of Native Authorities first in the North and later in Southern Nigeria. Under this, native rulers should not be regarded as independent but as delegates of the government whose representatives were the Residents. The Nigerian Government reserved the right to make laws and control the armed forces impose taxes and dispose of land according to native laws and customs vested in the paramount authority in each area.

After Lord Lugard's appointment in 1914 Governor-general of the whole country, one of his first tasks was to ensure that the indirect rule system which he had established in the North was extended to the South in order to provide the south with a better organization of its Native Administration as a replacement to the confused and ill-defined arrangements. Indirect rule according to Margery Penham (1919), in Okoli, M.U (2005), “is a system by which the titular power recognized existing African societies and assists them to adapt themselves to the function of local government”. Complicated by numerous written agreements and treaties which had developed in response to practical requirements as these had made themselves felt over a considerable number of years. He was of the opinion that since the system of indirect rule had worked in the North, it ought to work in the south as well.

According to Okoli M.U (2005), some of the reasons for the adoption of Indirect rule in Nigeria include:

- i. The vastness of the country or territory (ie, Lugard found the area too vast).
- ii. Colonial administration lacked adequate funds to rule directly.
- iii. It lacked enough manpower to administer the country.
- iv. There was existence of centralized administration in some parts of the country, example, the northern part.
- v. There was in existence, organized tax system in some parts of the country, like the north.

- vi. Its success elsewhere, example East Africa and India promoted its adoption.

The first visible sign of this extension was the Native Court Ordinance of 1914 which replaced the District Officers with Nigerians as Court Presidents. It also conferred on Native Tribunals (courts), the powers to enforce native laws and customs and to arrest and impose on them, the duty of maintaining law and order. The Native Authorities were charged to make rules with the concurrence of Head chiefs and approval of the Governor with the object of adding to the body of Native law. It gave Native courts powers to deal with offences against the ordinances. This was followed by the appointment under the ordinance power over all and made him the guardian of public order in the area. For this purpose, he might employ unarmed Native Authority Police to arrest and prosecute offenders.

The Indirect rule was a huge success in the North because of its highly centralized structure with absolute monarchs (emirs) at the helm of affairs. It was not all that successful in the West. Though they equally had monarchs (Obas) in charge, but their own monarchy is not absolute but constitutional, as power had to be shared between the Oba and the Oyo-Mesi of King Makers of the kingdom. Any sharp disagreement could lead to heavy consequences on the part of the Oba. Again, the Ogboni fraternity is also there to mediate between the Oba and the Oyo-Mesi. These combined, slowed down the wheel of progress of the system and made it partially successful. The Indirect rule system met its Waterloo in the Eastern part of the country. The society of the Eastern region which was predominantly Igbo was republican, acephalous, egalitarian and democratic. This, the colonial masters did not put into consideration but extended the indirect rule there wholesomely and in-order to make this work, they created warrant chiefs who will function as paramount rulers of the people. In this also, they erred gravely; they did not put the succession tradition of the people into consideration and went ahead to impose unpopular people as the paramount rulers of the people, this led to resentment and resistance. A typical example was the Aba women riot of 1929.

According to Nwokike (2016), the title of these riots is misleading, for it was not women of Aba that rioted but women from various parts of Owerri Province who gathered at Aba at the time of the riots; women from some parts of the present-day Cross-River, Akwa-Ibom and Rivers states also rioted. Commenting further, he opined that the cause of the riots was directly concerned with the introduction of taxation in Eastern Nigeria during the period of the Indirect rule system. In order to shore up its revenue base, the colonial government in 1927 carried out an assessment of the income of male adult without telling them the reasons. This was followed up in 1928 by the imposition of a poll tax of 2 ½ percent based on the income of male adults. This was grudgingly paid by the people as it was imposed against their wishes. Then in 1929, the colonial officers wanted to improve on the assessment of adult males and asked the warrant chiefs to include in the assessment, such details as the number of wives, children and domestic animals each adult had. Chief Okugo was carrying out the directives in a village near Aba, when rumour spread that this would be followed by the taxation of women. This made women in Aba and Owerri divisions to embark on violent demonstrations during which native authority courts were burnt down, shops looted and warrant chiefs molested. In

trying to arrest the situation and prevent a total breakdown of law and order, the police shot and killed 32 women and wounding many others. This led to the setting up of a commission of inquiry to investigate the causes of the incidents and make recommendations. The commission in its report blamed the administrative officers because the riots were handled. The main direct result of the riots was that the warrant chief system was discarded. Again, the riots led to the collapse of the Indirect rule system because it was seen to be unworkable in Eastern Nigeria (Nwokike, 2016).

Another factor that led to the demise of the Indirect rule system in eastern Nigeria according to Abba et al (2007), was that the informed and educated elites vehemently opposed the Native Administration which they considered as backward and unacceptable. Consequent upon this, the Eastern House of Assembly went into search for a modern and democratic local government system. Therefore, on the 16<sup>th</sup> of July 1949, the Eastern House of Assembly adopted a memorandum which set the policy of the government for the replacement of undemocratic Native Authority system with a democratic system of local government. This gave rise to the Local Government Ordinance of the Eastern Region of 1950. The ordinance marked a significant milestone and a watershed in local government administration in Nigeria.

Abba et al (2007), opined that the ordinance evolved an English model local government, adopting a three-tier feature with its attendant autonomy and democratic principles. The system has five major characteristics namely:

1. It was a three-tier system or multi-system of local government, made up of the County, District and Local councils. Each of the tiers functioned independently of the other. In order words, it was a federal form of local government, with each tier endowed with definite powers and functions. Each of these council levels was separately established by an instrument which defined its rights, duties, powers and the limits of its area of authority. The County and District councils were all-purpose authorities while the local councils had very few powers.
2. Another feature of the local government was that it was granted the power of taxation as a source of raising fund. As a feature of the tier system, the ordinance introduced the device of financial precepts. The upper tier of a council had the power to issue financial precepts on the tier just below it.
3. Adequate autonomy is another feature of the local government councils. They enjoyed wide financial administration and political powers. They were given powers to hire and fire staff and to award contracts without the control of the District officers who in the defunct Native Administration were empowered to supervise, direct, guide and control the administration. Here, they only functioned as advisers.

Following the success of this model in the Eastern Nigeria, Western Nigeria Regional House of Assembly passed into law, the western Nigerian Local Government Laws of 1952. Like that of the Eastern Region, it provided for a three-tier local government structure, which include the Divisional, District (urban or rural) and Local councils. Each of the local government council was created by a legal instrument which made them corporate authorities. There was a

high degree of flexibility that the structure and functions could be easily varied. Though the system was generally three-tiered, there were some Divisional Councils which operated without District councils in which case they were all-purpose councils. In those cases, the Divisional councils were the rate assessment and collecting authorities. On the other hand, there were all-purpose District councils which existed without Divisional councils (Abbah et al, 2007). Certain differences existed between this and that of the Eastern Region. For instance, while membership of the councils at the Eastern Region was done democratically through elections, there was a sharing arrangement between the people and the traditional rulers at the Western Region. While 75% members were selected through election, the remaining 25% was reserved for the traditional rulers, unlike in the Eastern Region where it was 100% by election.

On the part of Northern Nigeria, it was strongly entrenched in the Native Authority system because the system was in consonance with the traditional political system of the Hausa/Fulani. Therefore, while the wind of reform was blowing across the East and West, the North still clung on the Native Authority system. However, with constitutional and political developments as a result of the representative government introduced by the Macpherson constitution and the local government reforms in the other regions, the Northern region embarked on a reform with the passing into law of the Native Authority Law of 1954. Ugwu (2000), opined that the few educated elites in the North made frantic efforts for the reform of the existing system but this did not take place due to the powerful nature of the traditional system. Thus by 1966, the system of local administration in the Northern region was still featuring in the order of importance- Chiefs-in- Council, Chiefs-and-Council, Group of Persons and Caretaker sole authorities. This was the status quo in all the regions till the first military *coup d'etat* in January 1966. In a nutshell, local government administration in Nigeria was not harmonized from that period as various regions experimented with one model or the other, till the Murtala/Obasanjo administration mooted the idea of local government reform.

The reform according to Ugwu (2000), was in preparation for a return of Nigeria to civilian rule, the then Murtala/Obasanjo Federal Military Government launched in the second half of 1976, a nation-wide reform of local government system. To make for uniformity in the federation, the federal government published a blue-print called Guidelines to local government reforms and proceeded to make large sums of money available to make these new local governments function effectively. With adequate funding, it was anticipated that the new local government will be able to attract personnel to run the government. The idea behind the whole exercise was to make local governments an effective stratum of government, rather than leaving them mere appendages to their various state governments. This was to ensure that political responsibility was entrusted to where it is most critically and beneficially needed by the people.

In the words of Ademolakun (1986), cited in Abba and Nwanne (2007), “what distinguishes the 1976 reform exercise in the country is the formal and unequivocal recognition of local government as constituting a distinct level of government with definite boundaries, clearly stated functions and provisions for ensuring adequate human and financial resources.”

commenting further, Ademolakun (1986), observed that with the 1976 Local Government reform, “the erstwhile master-servant relationship between state and local government was modified significantly in the direction of the two tiers of government being regarded as partners in progress”. These were almost replicated in the 1999 Constitution of Nigeria but the way and manner local councils are being operated since the second tenure of President Obasanjo's tenure till now, makes one to ask, does local government in Nigeria possess the political, administrative and financial autonomy that makes it stand as a separate tier of government?

### **Conceptual Framework**

#### **Federalism**

Ocheoha (2000), sees federalism as a system comprising of a league of nationalities, regions or territories, known as federating units. It is the joining together of quasi-autonomous nations or units into a league or association of federating units, adopting a federal constitution. Dibia (1999) and Nwankwo, (2002), sees it as involving sharing of power between two or more levels or tiers of government. While Nwankwo opines that it involves power sharing between the central or national governments and the components states, Dibia sees it as involves power sharing between the federal, state/regions and local governments. But Osaghe in Akinsanya and Ayoade (2017) differed from Dibia. According to him, federalism is a system of government in which power is divided between two levels of government (Federal and State) according to the principles of centralization and non-centralization.

Elaigwu (2005), was of the opinion that federalism is essentially a compromise solution in a multinational state between two types of self-determination- the determination provided by a national government which guarantees security for all in the nation-state on one hand and the self-determination of component groups to retain their individual identities on the other. Federalism emanates from the desire of people to form a federal union without necessarily losing their identity (Ramphal, 1979). Federalism thus, is an attempt to reflect the diverse political, social, cultural and economic interests within the broader framework of unity. It therefore attempts to satisfy “the need for cooperation in some things, coupled with right to separate actions in others. Only federalism fulfills the desire for unity where it coexists with a determination not to smother local identity and local power.

K.C Wheare, the foremost authority on federalism wrote that federalism is “the method of dividing powers, so that the general and regional governments are each within a sphere, coordinate and independent (Wheare, 1979). There is greater inter-dependence among component federal units and less autonomy for sub-national units than Wheare had anticipated but he was correct to emphasize that the division of powers should be such that “whoever has the residue, neither general nor regional government is subordinate to the other. In essence, this is what distinguishes a federal system from a unitary system of government. In the latter, “the state governments are legally subordinate to the central government”. It also differs from confederacy in which the “central government is legally subordinate to the state government”. (Watt, 1960).

In practice, no country has been able to embody all these federal principles in its traditional definitions. In fact, it is generally agreed that federal systems vary in content from one country to another. The particular political colouring that a country's federal government takes, is often reflective of its historical experience, its political, cultural, social and economic environment and the disposition of its people at a particular point in time. There is no ideal model of federalism, federalism responds to local problems (Elaigwu, 2005).

Ocheoha (2000), was of the opinion that federalism are of two types- federalism by Aggregation and federalism by Devolution or Disaggregation. Federalism by Aggregation is where a number of previously independent and semi-autonomous states decide voluntarily to aggregate or come together and form a federation. Examples of such federations are Canada, Tanzania and the USA. On the other hand, federalism by devolution has to do with a country that was formerly administered as a unitary state, splits into a number of quasi-independent units, territories or regions, adopting a federal constitution. Examples are Nigeria and Sudan.

### **Local Government**

World over, various strategies and approaches have been adopted or used by governments for the management of its rural areas. Ugwu (2000) posits that there is no congruence or consensus on the most appropriate strategy to the administration of the rural areas. This gave rise to the varied interpretations being given to this concept by various scholars. Efforts to define local government gave rise to various viewpoints; this could be due to the various perspectives on the actual roles of local government, which differ from one environment to the other. There is no consensus among experts on a common definition of the concept of local government. However, from the various definitions of local government by scholars and experts, an emerging trend became glaring. While some sees it as a sub-national unity with full sovereign powers, autonomy and authority, others see it as a mere creation of the states or regions for administrative and development convenience.

Ugwu (2000), defined local government as “the third tier level of government created for the purpose of efficient and effective administration of the localities”. Odenigwe (1984), on his part perceived local government as “that part of government of a nation or state which deals mainly with matters of concern to the people of a particular place”. Again, the 1976 local government reform handbook conceived local government as government at the local level, exercised through representative councils established by law to exercise specific powers within defined areas. Local government is defined by the United Nations Office for Public Administration as: “A political sub-division of a nation (or in a federal system of state) which is constituted by law, including the powers to impose taxes or to exact labour for prescribed purposes. The governing body of such an entity is elected or otherwise is locally selected.

These definitions independently agreed that local government is a third tier of government in a federal political system with relative level of autonomy and powers derived from the constitution for the purpose of performing vital functions beneficial to the concerned local government. On the other hand, another group of scholars believed that the local government is a subordinate unit of government to the other units and not sovereign or autonomous. For

instance, Rao, V.V sees local government as that part of the government which deals mainly with local affairs, administered by authorities subordinate to the state government but elected independently of the state authority by qualified residents. Also, Robson in Mahal (2006) opined that local government involves the conception of territorial, non-sovereign community, possessing the legal right and the necessary organization to regulate its own affair. Corroborating on the subordinate level of the local government, Osaghae in Akinsanya and Ayoade ed (2017), averred that “in most cases, local governments are units of decentralization created and superintended by state governments and fall under their jurisdictional competence.

In conclusion, Abbah & Nwanne (2007), said that from the various definitions put forward by different authorities and institutions as have been chronicled, local government could be defined in simple terms to mean a statutory authority in a specified local area (village or town or city), having the power to raise revenue through taxes for the performance of local services like sanitation, education, water supply etc. It is constituted by the elected representatives of the local people and enjoys autonomy from state or central controls, sufficient to enable it perform its services adequately. The question becomes, could this be said to be true about the Nigerian situation? Does local governments enjoy sufficient autonomy from state and central control, sufficient to enable it perform its services adequately? Are local governments in Nigeria autonomous politically, administratively and financially as the other levels of government?

### **Empirical Literature Review**

Federalism debuted in Nigeria with the 1954 Lytelton Constitution. This was put in place to prevent the country from disintegrating as a result of the “motion for independence for Nigeria in 1956” by Anthony Enahoro of the Action on the floors of the Federal House of Representatives in Lagos in March 1953. This motion was supported by the members of the NCNC and the AG. The leader of the Northern Peoples' Congress in the house Sir Ahmadu Bello amended the motion to “as soon as possible”. The uproar that followed thereafter between the supporting and opposing forces led to the indefinite adjournment of the house. In 1954, this development triggered off a political crisis between the North and South of Nigeria, which compelled the British government to review the constitution (Ogunsanwo,2009).

The British colonial government eventually granted self-government to the regions starting with the Western Region in 1957, followed by the Eastern Region in 1958 and the Northern Region in 1959. During this period, local government was the exclusive preserve of the regional governments, and they administered the local governments the way they deemed fit. This continued until the military incursion into the nation's politics in 1966. According to Osaghae, “therefore, the attempts by successive military governments in Nigeria to reinvent the tradition of local governance in federalism by placing local government under federal control, granting it autonomy and entrenching constitutional provisions to that effect have generated much controversy inter-governmental rivalries among the federal, state and local government authorities over issues of autonomy and control. The problems over the

constitutional status and structure of the local government, extent and mode of interference in local matters and creation of new local government councils, among others, are fallouts of the controversial rivalries.

This started with the 1976 Local Government reforms, enunciated by the Murtala/Obasanjo Administration. The 1976 Local Government reform was a radical departure from past initiatives in the history of local government in Nigeria. It was hinged on the effort to return Nigeria to civil rule by the Murtala/Obasanjo Administration (Abbah and Nwanne, 2007). In status, local governments before this era were exclusive state government's affairs. It was a creation of the state which also had powers to abolish it. For instance, in 1971, the East Central State government abolished the existing local government system and replaced it with the Divisional Administration system which was an extension of the state government administration. This system (Divisional Administrative Edict 1971) according to Abba and Nwanne (2007), reduced the status of local 'governments' to that of local 'administration'. During this said period, local governments in the country were by statutes and practice, strictly under the control of the state governments. This principle of state/local government's relation according to Ogunna (1996) is known as 'Dillion's Rule', after Justice Dillion of the Supreme Court of Iowa. With the 1976 local government reform, this feature of total subordination of local government to state powers changed and the local government emerged as a third tier of government.

The declaration in the Local Government Reform Handbook states inter alia:

*The federal Military Government has therefore to recognize local government as the third tier of government activity in the nation. Local government should do precisely what the word government implies, ie, governing at the grassroots or local level.*

The implication of the above according to Abbah and Nwanne is that the local government system in Nigeria metamorphosed from the mere status of an appendage of the state or "local council", or "local administration" to a third tier of government of the federation. With this development, the local government stopped being an exclusive responsibility of the state government. Following this trend, Ademolakun (1986) in Abbah and Nwanne (2007), observed that with the 1976 Local government reform, the "erstwhile master-servant relationship between the state and local government was modified significantly in the direction of the two-tiers of government being regarded as partners in progress".

Consequently, the 1979 Constitution recognized the local government as the third tier of government of government of the federation. Going by this, the statutory allocations of public revenue from the state and federal governments are guaranteed by the constitution. The federal government therefore got deeply involved in local government affairs as the tier has become constitutional.

"It was under General Ibrahim Babangida reforms that local government became a third tier of government. It received its statutory share from the federation account directly from

source, not through the state governments. The reforms abolished the Ministry of Local Government and Chieftaincy Affairs or more correctly, it downgraded it to a division in the military governor's office.

“The Ibrahim Mantu committee on local government reform set up by the Olusegun Obasanjo, proposed a constitutional amendment on the local government system. It wanted local governments to receive their fund directly from the office of the accountant-general of the federation and the auditor-general of the federation to audit the accounts of the local governments.

The 1999 Constitution of Nigeria not only recognizes but also guarantees the existence of a more powerful and independent local government, this is captured under section 7 of the constitution. Section 162 of the same constitution guarantees the right of the local government to receive statutory allocations of the revenue from both the federation account and state resources. The mode and manner of these allocations however, shall be determined by Acts of the National Assembly and Bills of the various houses of the State Assembly. Again, the fourth schedule of the same constitution spells out the functions of the local government (Okoli, 2005).

Adedeji (2003), was of the opinion that local government in Nigeria is not autonomous, except with regards to its constitutionally guaranteed right to exist as a third tier of government with separate functions to discharge. In practice, the relationship between local government and the higher levels of government is that of a master-servant, as the federal government and most especially, the state governments treat local governments as infants that have to be militarily regimented, strictly controlled, remotely tele-guided and occasionally pushed here and there to get desired results from them (Adedeji, 2003).

### **Local Government as a Tier of Government in Nigeria**

According to Okoli (2005), local government as a tier of government shall possess the three criteria of entity existence, government character and autonomy and operating under free and independent circumstances. Elekwa (1977), argued that what is required is not complete independence for local government but a degree of substantial autonomy as evidenced by fiscal and administrative independence, subject only to requirements of state law and supervision. He went further to outline features of a local government for it to be seen as an autonomous tier of government.

- i. Existence as an organized entity with essential corporate powers.
- ii. Possession of government character.
- iii. Enjoying of substantial autonomy as evidenced by fiscal and administrative independence, subject only to requirements of state law and supervision.

Elekwa averred that the criterion of substantial autonomy is the most essential characteristic of local government, since it implies a major independence from external control. Contributing to the debate, Agubuzu (1987), argues that to be truly autonomous, the local governments should meet the following requirements.

- i. There should be constitutional and legal framework that guarantees not just the existence of local government but also their autonomy. Hence as long as state and central governments legislate for the management of local governments, it will not be proper to consider local governments as a third tier of government.
- ii. The local government should generate enough internal revenue that will guarantee their existence and stability. It is this financial viability that will provide the economic basis for real autonomy.
- iii. The local governments should endeavour to develop their own cadre of trained personnel that will make the involvement of state officials in the running of the local governments unnecessary.

On his own part, Obiukwu (1985), identified the major factors or elements which affect autonomy of local governments as follows:

- i. The degree of functions, responsibilities and powers statutorily granted to local government.
- ii. The measure of freedom which the local governments enjoy in performing their statutory activities without interference from a higher authority or higher level of governments.

Okoli (2005), Elekwa (1977), Agubuzu (1987) and Obiukwu (1985), were all in agreement that without autonomy, especially financial autonomy, the concept of a tier of government is a mirage and deception. This corroborates the words of K.C Wheare (1953) where he said, “financial subordination marks the end of federalism, no matter how carefully the legal forms may be preserved”.

A political scientist, Dr Abdullahi Aminu, described local government as a political structure under the state authority, established for the sole intent of decentralising political power and delegation of authority. He said the main objective is to make appropriate services and development activities responsive to local wishes by delegating them to local representatives. Aminu frowned at the practice whereby local governments with democratically elected executives are answerable to the state government. He said: “Once they are accountable to the state governors, they can't perform their functions; local governments should be accountable to the people just as the state and federal governments are.” Continuing, he said “if the constitutional amendment proposed by the National Assembly sails through, and all constitutional provisions that tied the local government to the state government are removed, the third tier will perform. His words: “Remove all these elements that hinder local government from operating as a tier of government” (Salaudeen, 2017).

Some Nigerians are not excited by the Senate's proposal to grant financial autonomy to local government. They described the move as contradictory to the principle of true federalism. Professor Ayo Olukotun of the Department of Political Science, Olabisi Onabanjo University (OOU), Ago-Iwoye, said though the 1999 Constitution recognises local government as third tier of government, the Supreme Court ruling has put them under state governments.

The university don said the lacuna created by the constitution has been solved by the apex court; local governments are not federating units; they are subordinate to the state government. The Supreme Court ruled that the state governments have the powers to determine the number of local governments required in a state, create new local governments or reduce them.

Contributing in the raging debate, The Nigerian Governors Forum (NGF) insisted that local councils are integral part of state governments. It premised its argument on the fact that in all known federation in the world, the federating units are usually the states and the centre. It stated that in a true federalism, the issue relating to the creation, delineation and funding of local authorities is within the constitutional purview of states, which have political and judicial status that the local government do not have. The states are federating units while local governments are administrative units (Vanguard, 2017).

The Forum agreed that local governments have politico-legal existence in so far as the constitution recognised them and even listed their names. “These local governments so named are the beneficiaries of federal allocation, just like the states and the federal governments. It is this existing arrangement that has made some to erroneously assume and even argue that the local governments are on the same level of autonomy as states and federal governments.”

It described the present arrangement as a disruptive and abominable legacy of military rule. It was the practice of the military to create local governments and even states. Since the military went on a frenzy of proliferation of local governments, it took on itself the burden of its funding just as it was funding the states from the Federation Account.

“The military passed on this legacy at its disengagement in 1999. Nevertheless, the issue of local government autonomy should only come into play within the context of their relationship with their states,” the NGF added.

Ammani (2008), opined that Section 7 of the 1999 Constitution guaranteed a system of Local Governments (LGs) by democratically elected Local Government Councils (LGCs), but all benefits that are derivable by this constitutional provision, the dividends of democracy, were taken away in the same breath by the same section of the Constitution's tying the LGCs to the State Governments' apron strings. This led to the negation of the practice of democracy and social justice: as the LGCs' ability to be directly responsible to their respective LGs is compromised.

Most of what we see today as the poor performance of the LGCs in Nigeria is a consequence of what State governments do to LGCs. Many State Governors, and their 'appendage' Houses of Assembly, are behaving as if they do not realize that local governments are indeed a constitutionally guaranteed third tier of government and that the LGCs are made of constitutionally guaranteed democratically elected officials. We see State Governors removing elected LGCs' Chairmen as if they are bureaucrats appointed by the state

governments. In conclusion, Ammani said “there is no future for the LGCs unless and until they are freed from the shackles of state governments. If the Constitution is reviewed we will like to see the local government councils as independent of the state governments as the state governments are independent of the Federal Government: a third tier of government for all intent and purpose”.

Although, the 1999 constitution designed the local government to be a full fledged tier of government but in practice, this ideal has been negated, administratively, financially and politically, the local government is an appendage of the various state governments. This is why the governors determine when elections take place at that level of government, decide who will be the council chairmen and decide the life of any elected or appointed council chairmen. Elections hardly take place at this level as they prefer care-taker committees lately. In terms of financial autonomy, it is non-existent at this level. The idea of joint account between local government councils and states have eroded this, even the 10% of internally generated revenues from the state governments to the local government councils are adhered to more in the breach. Since this fourth Republic, especially from 2004, local government has been destroyed, what we have now is more or less local administration without autonomy and exists at the pleasure of the state governors, could this be seen as a tier of government in any guise?

### **Discussion of Findings**

Having reviewed the literature available on the subject matter, the researcher arrived at certain far reaching findings. Firstly, right from inception, local government in Nigeria has never been an autonomous entity; it has always been under the regions which were also the powers that created them. From the 1954 Lytellton Constitution which signaled the beginning of federalism in Nigeria, local government has been a state issue. The idea of an autonomous and independent local government council has been the idea of the military, starting with the 1976 Local government reforms, which was extended to the 1979 Constitution but even at that, the states have always exercised authority over them, to the extent that many states in the Second Republic created many new local government councils which were later rescinded by the Buhari/Idiagbon administration in 1984.

The touted autonomy of local governments was just in principle. In terms of finance, they are not autonomous, the governors through the joint revenue pool controls the revenue that accrues to the local governments. Even the sources of revenue traditionally meant for the local governments have been taken over by the state governments. The tenure of office of elected local government officials are not guaranteed but exist at the pleasure, whims and caprices of state governors. Initially, they were designed to last for four years like other elected officers at the federal and state level but the state governments went to the Supreme Court which ruled the state governments have the right to fix the tenures of elected officials at that level. Even at that, most state have been existing without duly elected officials and prefer the usage of care-taker committees in the running of local government councils across the states.

Section 7 of the 1999 Constitution guaranteed the existence of local government councils but given the states wide range of powers over them watered and eroded their status as a full-

fledged tier of government. This supervisory role over the finance of the local governments through the joint revenue pool, administrative supervision through the local government service commission, the supervisory functions over the bye laws and expenditure of the local governments by the State Houses of Assembly, the power to dissolve duly elected local government officials and replacing them with appointed care-taker committees are all pointers that in Nigeria, the local government is subordinated to the states and not an autonomous tier of government.

### **Methodology**

This research work employed content analysis as its methodology and therefore relied on the discussions, writing and existing literature germane to the discussion on the status of local government as a true and autonomous tier of government in Nigeria's federation. At the end of the review, the researchers drew conclusions based on the overwhelming fact and opinions.

### **Conclusion**

Based on the works of Ammani (2008), Olukotun (2017), Salaudeen (2017), and the findings above, one can conclude that though the framers of both the 1979 and 1999 constitution desired to make the local governments as full-fledged tiers of government, the ambiguity in these constitutions equally negated their autonomy and independence. This negated their status as autonomous tiers of government in truth and indeed. The Eight National Assembly is aware of this mistake, hence their present frantic effort to include an autonomous local government council in the newly amended constitution still in the works. Politically, administratively and most importantly, financially, the local governments are under the supervision and control of the state governments, whereas, such relationships do not exist between the federal and state governments which showed their autonomous statuses as separate levels or tiers of government. This could not be said about the relationship between the states and local governments in Nigeria, pointing to one fact, the semi-autonomous status of local government councils in Nigeria. Without any fear of equivocation, one can safely conclude that local governments in Nigeria is not a tier of government, at most, it could be described as 'A Quasi Tier" of government, as it is neither completely autonomous nor completely under the state governments.

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