Efficient Local Governments and the Stability of Federalism in Nigeria

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Abstract

This paper argues that efficient performance of functions by local governments will make for stability of federalism in Nigeria. Local governments are supposed to cater for the grassroots needs, and when this is efficiently done, it allows the other tiers of government – state and federal governments - to perform their own functions without undue pressures. This way, the various tiers can concentrate to carry out their assigned duties. Using the descriptive historical method, as well as field survey, the paper concludes that the best way to ensure that local governments perform their duties efficiently is to allow them the requisite administrative and functional autonomy. This will also mean, among
others, that funds accruing to the local governments should not be tampered
with by higher level governments so that the local governments can have the
capacity to fulfill their obligations in the coordinate administration and
governance of the country.

**Keywords:** Local government, Nigerian federalism, intergovernmental relations, state
  government, federal government.

**Introduction**

That Nigeria is plagued by governance problems is easily seen by the
tensions and instability that has continued to pervade the country. This is
despite the adoption of federalism in Nigeria as part of her quest for
unity in diversity, modernization, social justice, economic development
and good governance. Historically, the unitary structure and political
system was adopted first by the colonial overlords as the mechanism for
governing their Nigerian territory, but following misgivings and tensions
among Nigerian nationalists concerning the unitary political and
administrative structure of governance, federalism increasingly became
acceptable as the best possible alternative for sustaining the emerging
Nigerian nation-state (Alli, 2003). Federalism was considered the more
viable option to manage the cultural, economic and political diversities
of the people, and was formally adopted in 1954.

Decentralization of powers and functions was of paramount
importance to Nigerian nationalists, especially because it allowed them
some levels of control in the emergent dispensation. Another important
reason for the adoption of federalism in Nigeria was the need to ensure
effective delivery of the dividends of government. This is due to the
existence of more than one level of government, each of which provides
its own dividends to the people. Even now, these two objectives remain
the paramount goals of Nigerian federalism- control of governance by
the people as well as provision of concrete dividends of governance to
the people. The two objectives remain also intricately intertwined-
control of governance by the people is supposed to make for increased
dividends of governance, and increased dividends will also make for
more ownership of the governance process by the people. It is assumed
that federalism provides for a diverse people more than unitarism would
have done.
A theory of federalism must necessarily reflect the dimensions of self-government, with substantial autonomy and coordinate relationships between governments in the governance process, and therefore devolution of power through constitutional design (Wheare, 1963; Sasser, 1969). The character of Nigeria’s federalism, modeled to mitigate her political realities, takes as its point of departure the existence of three levels of government that are expected to be independent of the other. This explains why her constitutions since after 1976 have always provided for exclusive and concurrent legislative lists with unwritten residual legislative powers to the States, as well as exclusive functions of local governments as the third level of government charged with the governance of local jurisdictions. The local government system is a basic framework for the mobilization and sustenance of a stable political, social and economic environment in the Nigerian federation.

The United Nations (UN) sees local government as a political division of a nation that is constituted by law and has substantial control of local affairs including the power to impose taxes or exact labour for prescribed purposes (Onah, 2006: 96). The importance of local governments can be seen in their closeness to the grassroots. Benjamin (1998) argues that local governments can function as agents of change, to promote a bottom-up infrastructural development, political integration and mass participation, and sustenance of local autonomy. If the local government is efficient in fulfilling this mandate, it will help fill the ever-present gap in governance by making the dividends of governance available to the people. This will then relieve the pressures on higher level governments in this regard, which can then settle down to pursue long-term development in the country, thereby making for the stability of federalism in Nigeria. It is this relationship between the efficiency of local governments in Nigeria and the stability of federalism in the country that this paper seeks to study.

**Theoretical Framework**

This paper adopts as its analytical framework, the Efficient Service-Delivery Theory, as postulated by the developmental school of thought on local government (Whalen, 1969; Wraith, 1972). According to Ylvisaker (1959), local governments primarily exist to provide services to the people because of their nearness to the grassroots. In fact Nigeria’s Third National Development Plan (1975-1980) admits this when it
declared that the establishment of local governments that can effectively deliver social services at the grassroots is a sine qua non for overall wellbeing of the socio-political structure of Nigeria and her modernization. Ola (1984) thus posits that certain services are mostly designated to local governments because of their proximity to local citizens.

Watts (1999) has noted that cooperative federalism is a viable strategy of governance to reduce conflict and the social challenges that may hamper stability in a federal political system. The service-delivery theory sees as the imperative for local governments, integrative functions for the fostering of national unity as well as socio-economic functions for the betterment of citizens. Ylvisaker (1959) has noted that local governments serve the greatest value of the greatest number of citizens. Mackenzie (1961) and Sharpe (1970) agree that the responsibilities of local governments include the opening up of opportunities for the grassroots who know their peculiar needs to cater for them, especially because the size of a country often limits the capacity of higher level governments to efficiently provide those peculiar needs.

The ability of the federal and state governments in Nigeria to perform functions that sustain grassroots development is somewhat farfetched because of the non-proximity of these governments from the local areas. Broad policy areas that fall under economic and social affairs, amongst which are defence, banking and international trade/diplomacy, policing, university education, electric power, scientific and technological advancement, etc are usually reserved for the federal and state governments in the exclusive, concurrent and residual legislative spheres. These responsibilities are considered extensive, such that only these governments can perform them.

On the contrary, local governments are very well positioned to provide some services because of their closeness to the people. According to Aghayere (1999), functions usually allocated to local governments are guided by criteria that include:

a) functions that require detailed local knowledge for efficient performance;
b) functions in which success depends on community’s responsiveness and participation;
c) functions which are of personal or group nature requiring provisions close to where the individual(s) is affected; and
d) Functions in which significant use of discretion or understanding of individual is needed.

Iyoha (1996) emphasizes that local governments are important political institutions for national development. Hence, local governments have existed in Nigeria from time to achieve the broad objective of mobilization of the grassroots through political participation for optimum utilization of local resources to enable efficiency and effectiveness in meeting local needs and demands. This paper argues that the effective performance of the exclusive functions of local governments is a necessary condition for the stability of federalism in the country. In spite of the importance of the functions allocated to the higher tiers of government by the 1999 Constitution, the performance of the functions under the legislative spheres of higher level governments in Nigeria may not immediately register in the psyche of the grassroots. This is so because these functions most times, do not have direct impact on the lives of the local people.

The likelihood of the disenchantment of a high number of people in a federation is very remote when people at the grassroots are content with the outcomes of governance (Osakete & Ijimekina, 2014). Federal stability will be entrenched in Nigeria when democratic and representative local government councils become part and parcel of her governance infrastructure (Onah, 2004). When votes really count in local elections, the local people will see themselves as determining decision making in the public realm (Agunyai, Elbjime & Odemeji, 2013). In this way, public contentment will be high and people will not feel alienated. Such a measure has the prospects of enhancing good governance. Good governance entails the existence of accountability in government procedures, predictability in government behaviour, decentralization of power and decision-making, free-flow of information and respect for civil liberties among other indicators. Even development is also bound to be achieved when the grassroots political participation is high. Even development refers to the harmonious and equitable utilization of resources for the enhancement of life in the different geographical areas of a political territory. At the local government level, even development implies that development must be spread equally among all the communities that make up the local government area (Onah, 2006). This appears to be the very purpose of the local government system, which is to let the people at the grassroots feel the impact of government.
Federalism and the Place of Local Governments in Nigeria: The 1976 and Other Local Government Reforms

Two broad stages can be distinguished in the evolution of Nigerian federalism. These are the eras of unitary centralism and federalist ideology (Onimode, 2003). During the first era, Nigerian constitutions were anchored on unitary principles. The 1922 Clifford Constitution was characterized by a powerful central government presiding over powerful regional governments in the three regions, namely, Western, Eastern and Northern regions (Okonjo, 1974). The 1946 Richards Constitution and the McPherson Constitution of 1951 made scant moves towards what has been described as encouraging “tribal nationalism” (Ali, 2003) or regionalism, but retained a very powerful central government. By this time however, federal sentiments were already rising, such that according to Akinboye & Anifowose (1999), the collapse of the MacPherson Constitution was hastened by strong feelings about the imbalances among the regions in terms of the North’s numerical representation politically in the federal legislature vis-a-vis the other two regions put together.

This imbalance made the 1951 Constitution defective when weighed against the federal norm which provides that no part of the federating unit should be strong enough as to overpower the central government or dominate other federating units (Jinadu, 1985). Nigeria officially became a federation with the Lyttleton Constitution of 1954 (Onah, 2012). Subsequent constitutions in Nigeria from 1954, including the 1960 Independence Constitution and the 1963 Republican Constitution sustained the federalist ideology. Even the military incursions into government from 1966 did not truncate the practice of federalism in Nigeria. The government that resulted from the first military coup in 1966 actually abrogated federalism in the country, but a countercoup also in 1966 reinstated the federal structure (Onah and Okeke, 2017), and subsequent military governments in the country were to make the protection of the federal system a central purpose of their mission.

The military operated a federalism that was skewed. Perhaps dictated by its top-down command structure, the military operated a federalism that was highly centralized. The military in fact brought about fundamental changes to Nigeria’s federalism (see Ali, 2003; Onimode, 2003; Akinboye & Anifowose, 1999). The character of Nigeria’s federal political system was remoulded by the military regimes in several ways,
most especially in the area of intergovernmental relations (Jinadu, 1989). Federal leadership of Nigeria’s federalism was institutionalized, while structurally, the military governments divided and re-divided the states from 4 regions to 12 states by 1967, then finally to 36 states by 1996. According to Onimode (2003) the military regimes correspondingly caused local governments in Nigeria to grow from 301 in 1976, to 450 in 1988 and 587 by 1991, to 774 by 1992.

The military embarked on local government reforms which resulted not only in numerical changes, but also in structural changes to the Nigerian federation in 1976. The 1976 reforms were an attempt by the military rulers at evolving an ideal place and role for local government administrations in overall national growth. Prior to 1976, local governments were not recognized as a tier of government in the Nigerian federation (Oyediran & Gbogyega, 1979; Yahaya, 1989). In spite of Nigerian constitutions from 1954 being federal in nature, local governments were constitutionally under the purview of the regional or state governments, and as such were not autonomous. Nigerian local governments were therefore, always subject to the vagaries of elites at the central and state/regional levels of governments and subject to the whims and caprices of politicians (military or civilian) at every given point in time (Okonjo, 1974; Gbogyega, 1983, 1987; Yahaya, 1989). The 1976 local government reform was a radical departure from the local government system in Nigeria prior to the period. There have been other reforms of the local government system in Nigeria under President Babangida (1985-1992) and under President Obasanjo (2004-2006).

The 1976 Local Government Reform was a watershed and a turning point for local autonomy in the federation (Aghayere, 1997 & 2008; Iyoha, 1992 & 1996). The outcome of the 1976 local government reorganization included a uniform local government system that obtained in all the states throughout the country, as the third tier of government at the bottom of a three-tier vertical federal structure. Both the 1979 and 1999 Constitutions of Nigeria incorporated the recommendations of the 1976 local government reforms as regards the third tier status of local governments. Section 7(1) of the 1999 Constitution institutionalized the third tier status of local governments in the Fourth Republic. The section states that the system of local government is guaranteed under the Constitution. The First Schedule Part 1 provides clearly for 774 local governments in 36 states of the federation and the Federal Capital, Abuja. Section 7 of the 1999 Constitution recognizes the autonomy that
local governments are to enjoy in the performance of their statutory functions.

As a way to safeguard the functions of local governments from being eroded by the higher level governments, the 1999 Constitution made provision for both exclusive functions for local governments and some set of concurrent functions that both the states and local governments can legislate upon. The concurrent responsibility that states and local governments can legislate upon is stated in Section 2 of the Fourth Schedule. The list reads: the functions of a local government council shall include participation of such council in the government of the State as respect the following matters- a) the provision and maintenance of primary, adult and vocational education; b) the development of agriculture and natural resources, other than the exploitation of minerals; c) the provision and maintenance of health services; and d) the performance of such other functions as may be conferred on a local government council by the House of Assembly of the State.

Another major reform of Nigeria’s local government system was carried out under the military, after the Second Republic (Akpan & Ekanem, 2013). Gboyega (1987:175) notes that the manner with which the political leaderships at the states in the Second Republic translated the ideals of the 1976 reform forced the Buhari military regime upon ascension to power in 1983 to embark on fresh reforms. The Buhari military administration constituted a 20-man committee headed by Alhaji Ibrahim Dasuki. The term of reference of the committee included amongst others, to re-examine the structure, function and finances (internally generated and allocated), and the problem of staffing, budgeting and manpower development of the local governments. The Dasuki Report agreed that the problem which bedeviled the 1976 reform was more operational deriving from the conduct of the political class in the Second Republic than structural (Iyoha, 1996: 48).

However, the implementation of the Dasuki Report could not be carried out by the Buhari regime because it was toppled in 1985, by the Ibrahim Babangida military government, which replaced it. The new government did not jettison the Dasuki Report but rather implemented it with minimal modifications. Arising from the Report, in 1986 the Sole Administrator system which was in place was abolished. It was replaced with a five-man management committee under a Chairman. The Chairman was to be the chief executive, consistent with the presidential system of government. The Babangida reform also provided for direct
disbursement of federal revenues of local governments to them. Another outcome of the Babangida reforms of the local government system was the abrogation of the Ministry of Local Government at the states. The Babangida regime’s local government reforms ultimately aimed to grant substantial autonomy to local governments and free them from the apron strings of the states (Onuoha, 2002).

The exclusive functions of local government are listed in the Fourth Schedule and they include: consideration and making of recommendations to a state commission on economic planning or any similar body; collection of rates, radio and television licences; establishment and maintenance of cemeteries, burial grounds and homes for the destitute or infirm; and licencing of bicycles, trucks (other than mechanical trucks), canoes, wheel barrows and carts.

The listed functions of local governments appear to be positively related to the capacity of these governments to perform them based on the closeness of the political structures to the problem area. Local governments are often the first line of contact for citizens with the governments of the country. Many functions of the local governments similarly have such direct and immediate impacts on the people. This is why Iyoha (1996), argues that the economic wellbeing of Nigerians and the overcoming of the crises of development of the nation are dependent on adequate infrastructure at the grassroots to galvanize growth in all sectors of the economy. In fact, Onah (2006) has noted that local governments, when they work well, provide the framework for mobilizing and sustaining popular zeal and initiative in development.

Loss of Autonomy and the Inability of Local Governments to Fulfill Their Role in the Nigerian Federation: Empirical Survey

The study found that the 2004-2006 Reforms totally dislocated the autonomy hitherto enjoyed by local governments since 1976. The data agreed that there are limitations to local autonomy in Nigeria. The fiscal arrangements that exist between the States and the local governments in Nigeria, including the existence of the State Joint Local Government Account (SJLGA), have constrained local governments in the country. The state governments, whose allocations from the Federation Account are not paid into the SJLGA, are given the powers to determine re-disbursement of federal allocations of the local governments as they wish, and this allows the state governments to manipulate and short-
change local governments of their federal allocations. In addition, the States hardly allocate revenues to local governments from their internally generated revenues as supposed. The state governments also usurp constitutionally designated tax jurisdictions of the local government councils, thereby removing the other major revenue yielding sources from local governments.

The study found that the electoral arrangements which give the state governments the complete powers to organize local government elections are a constraint to local autonomy. The exercise of the powers in local elections allows the state governments to impose and determine would-be local government officials. It subsequently ensures that local government officials are subservient to Governors and the state’s party leaders, and thereby limits local government officials’ ability to define the economic direction of their jurisdictions or even pursue the true interests of their localities.

The study notes that the loss of local autonomy aggravates the manipulation of the revenues of local governments and the imposition of local government officials through questionable local elections. This view tallies with the findings of Sani-Ángulu (2003), Ele (2006), and Anyadike (2013). Banabo & Koroye (2011) believe that the new fiscal intergovernmental relationships undermine local government initiatives to develop their jurisdictions. Osaghae (1989) argues that state governments have the fear sometimes that autonomous local governments will both threaten and jeopardise their fiscal strength, popularity and relevance. This also corroborates the findings of Oviasuyi, Idada & Israojie (2010). There is hardly any doubt that local governments have since operated more as agents of state governments. The adverse outcomes of the overbearing influence of state governments in local matters. They submitted that the interference of state governments in local government affairs did not advance grassroots social, political and economic development, as well as improve human capacity development of local citizens. The participants demonstrated in their reactions how the appropriation of internally generated revenue sources of local governments and manipulation of their statutory allocations have caused local governments to be unable to provide essential public utilities and transform the physical outlook of their jurisdictions. This corroborates the findings of Akoptor (1995) and Iklelegbe (2005). Participants believed that local polls organised by state governments usually diminish grassroots development and ultimately national democratisation. The
local elections usually do not translate to genuine opportunities for popular participation, and local polls in Nigeria have hardly served as occasions for the electorates to vote our officials who fail to deliver development dividends (Roberts, 1997). Thus, the increasing parochialism and the legitimacy questions over governance and rule by unpopular leaders in Nigeria derive partly from the deficiencies in grassroots politics (Idode, 1989).

The study has further demonstrated the need for amendment of some constitutional provisions to improve the Nigerian local government system. This provisions include Sections 7(1)(3), 8(3)(4), 162(5)(6), 197(a)(b) and Fourth Schedule Part 1(a)(j)(ii) part 2(a)(b)(c)(d). For instance, the study found that the language of Section 7(1) of the 1999 Constitution particularly makes ineffective any suggestion to efficient local government administration and local autonomy (see Awotokun, 2005; Akpan & Ekanem, 2013). That provision seemingly weakens the prospect that local governments can become partners or make moves toward co-equality in the administration of local affairs with the States. The 1999 Constitution actually appeared in theory to provide for local governments to be charged with local matters. In the same manner, it is believed that the insignificant involvement of the federal government in local government affairs aggravated the excesses of States in local governance. Meanwhile, the need for effective local government administrations cannot be underrated because of the realisation that development of local areas is a necessary condition for sustainable national development (Enemuo, 2002).

Conclusion Remarks

Local governments are close to the people and are well positioned to provide the needs of the grassroots. This is why the constitution has given such powers as are necessary to the local governments to enable them serve as the stabilizing factor in the Nigerian federation. Unfortunately, the higher-level governments in the federation, particularly the state governments, have utilized their seeming superior status in the federal arrangement to usurp the well-intentioned powers of the local governments. It is this usurpation that has made it impossible for local governments to fulfill the expectations of the people. The resultant inefficiency of the local governments has then led to varying levels of instability in the Nigerian federation. To return the local governments
back to efficiency, the ambiguous provisions in the constitution regarding local government administration must be amended and their operations streamlined, so that the local governments can truly live up to their expectations and thereby become the stabilizing factor in the Nigerian federation. One important way to imbue capacity into local governments to enable stability of Nigeria's federalism, therefore, is for allocations to that level of government from the Federation Account should be remitted directly into individual local government accounts. Only revenues due to local governments from the states should pass through the SJLGA. Also, special grants-in-aid should be institutionalised by state governments to rural local governments. Another capacity-building measure is for the federal government to conduct local elections instead because a federal electoral management body will be less disposed to being teleguided by governors.

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