



Strengthening the Pathway: Creating a New Agenda for State/Local Government Relation in Nigeria

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Abstract

There is an acrimonious relationship between local government administration and state government administration in Nigeria. This is basically due to lack of autonomy of local government administration and seeming control of this tier of government by the state government. This paper proposed frameworks towards a new agenda for state/local government relationship that will usher in unprecedented cooperation and strengthen the pathway to development.

Keywords: State/Local Government; Intergovernmental Relations; New Agenda for State

Introduction

Nigeria operates a federal system of government with three tiers of government comprising of Federal, state and local government. Each local government is administered by a local government Chairman and if they are democratically elected, there are also Councilors. Majority of the country's population live in rural areas. For governance to meet them, local government administration was created by the Federal government. It is therefore a legal entity. The UN Division of public administration in Ugoh and Ukpere (2009) described it as a political sub-unit of a nation which is in control of local affairs, including the powers to impose taxes.

Local governments are meant to be autonomous and delivering their responsibilities with all sense of independence. But, in reality it is not so and has never been so. Constitutionally, they are creations of and under the tutelage of state governments. Section 7(1) of the 1999 constitution of Nigeria as amended states that "the system of Local government by democratically elected local government councils is under this constitution guaranteed; and accordingly, the government of every state shall, subject to section 8 of this constitution, ensure their existence under a law which provides for the establishment,

structure, composition, finance and functions of such councils". This shows that existence of local government councils are under the mercy of state governments. And accordingly, they cannot be greater than their creators. What we have therefore is principal-servant relationship. This type of relationship has ensured a hierarchical dealing between local and state governments. In that regard, local governments have assumed the status of an agency. And no agency can be more powerful than its creator. This has ensured that about 75% of administrative policies and guidelines of local governments come from state governments. Their budget estimates and approval equally originate from the state governments. No major expenditure or financial initiative is undertaken by local governments unless state governments give approval. What is more, local governments are therefore mere appendage of state authorities. They lack the freedom to generate and spend revenue without state interference or influence (Aduma, Okeke & Etalong, 2021). This entails that local governments are not free from the control of state government. This lack of freedom is most evident in the local government/state joint account holding. This is called State and Local Government Joint Account (SLGJA). This is constitutional. It simply means an account created specially and maintained by every state government in Nigeria where federal statutory allocations between states and local governments are made (Aduma et al, 2021). This joint account also harbours the statutory 10% internal generated revenue (IGR) paid to local governments by the state governments monthly. Unfortunately, however, this joint account serves as a conduit for the diversion of funds and illegal deductions of local government funds by

the state government. In fact, financial allocations by state governments to local governments are used as political leverage and control (Aduma et al, 2021). Local governments naturally are not comfortable with this arrangement that has brought in bad blood in the system.

Against this backdrop of acrimony between states and local governments' administrations, this paper seeks to propose prospects frameworks towards a new agenda for state/local government relationship that will usher in unprecedented cooperation and strengthen the pathway to development.

Literature Review

Nature of Relationship between Tiers of governments in Nigeria

The 1999 Nigerian constitution stipulates the functions and powers of the levels of government in such a way that no one level of government can single handedly performs the functions of service delivery to the people. Therefore, cooperation has become an important prerequisite for governance (Fatile and Adejuwon, 2008). Nigerian federalism like other federal systems of government is characterized with diverse ethnic groups, languages, culture, political affiliations as well as 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 (Fadeyi, 2001). Local government was therefore made to be the third tier of administration with its autonomy. This autonomous nature of local government still allows for interaction with the central and state governments. The characteristics of federal system 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 to act as an arbiter in intergovernmental disputes (Fatile and Adejuwon, 2008). Nonetheless, there is an existence of intergovernmental relationship among the levels of government.

Intergovernmental relations (IGR) is referred to as the transaction between levels of government of either national or federal, state or regional and local governments (Ajulor and Okewale, 2011). It provides a platform for series of legal, political and administrative relationships between the above stated levels of government with varying degrees of autonomy. These transactions sometimes breed tensions. Commenting on the tension and conflict among the levels of government, Jinadu (1998:8) noted 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 and between the units themselves.

Okoli (2005) stated that IGR involves patterns of cooperative relationship between various levels of government in a federal governmental structure. IGR the author explained encourages a focus on the vertical and horizontal governmental and non-governmental policy-making structures at different levels and in different sectors of the overall intergovernmental process. It also places greater emphasis on cooperative as opposed to conflictual aspects of intergovernmental relations.

In that regard, Ogbuishi (2007:6) gives reasons why IGR is necessary to include: "promoting peace and harmony among the three levels of government, to enhance the emergence of cooperation rather than competition in the federation, to ensure effective and efficient utilization of available human and material resources among the various levels of government, to accelerate the achievement of self-reliant economy, to minimize intergovernmental conflict among the various levels of government, to solve problems of rural and urban poverty, to foster greater national integration via the activities of different levels of government".

State-Local Government Relations in Nigeria

The general perception on state-local government relationship in Nigeria is that constitutional provisions are clearly not complied with (Adeyemo, 2005; Asaju, 2010; Awotokun, 2015; Ikeanyibe, 2016). The place of local governments has always been neglected, abused, politicized and marginalized in the scheme of things (Obikeze and Obi, 2004). There were all kinds of patron-client relations that could be seen to show that local

government was part of the state administrative structure rather than a separate, autonomous tier of government. States created new local governments unilaterally, appointed caretaker committees, sole administrators or other forms of undemocratic councils contrary to the constitutional provisions on these processes. They also interfered with local government financial allocations (Ibietan and Ikeanyibe, 2017).

Akinsanya (2005) argues that the nature of federal state – local government relationship in Nigeria is characterized by increasing dependence of states and local governments on the federal government. Apparently, the consequences in the federal structure in 1976 and its constitutionalization in 1979 were the weakening of the powers of the states, and the reduction of their territorial authority, functions and revenue base. Consequently, states needed to recover lost grounds in terms of authority, political power and resources. Since 1999, despite agitations to amend the constitution to strengthen the position of local governments and the criticisms that follow state interference in local government affairs, the situation has not changed, showing that the problem is fundamental as some of the incidents in many states would portray. Some states in the second republic indulged in creation of new local government councils through manipulation of the state laws without compliance to the constitutional provisions.

Section 7(1) of the 1999 constitution provides that:

The system of local government by democratically elected local government councils is under this constitution guaranteed; and accordingly, the government of every state shall subject to section 8 of this constitution ensure their existence under a law which provides for the establishment, structure, composition, finance and functions of such councils.

Section 8 contains various provisions concerning the roles of various levels of governments, including the local and federal (National Assembly) governments in the creation of new local governments and adjustment of the boundaries of constitutionally recognized ones. Section 8(3)(a) i – ii, states that: A bill for the law of a House of Assembly for the purpose of creating a new local government area shall only be passed if (a) a request supported by at least two-thirds majority of members (representing the area demanding the creation of the new local government area) in each of the following namely: (i) the House of the Assembly in respect of the area, and, (ii) the local government councils in respect of the area, is received by the House of Assembly.

Section 8(4) (a) ii provides: A bill for a law of a House of Assembly for the purpose of boundary adjustment o any existing local government area shall only be passed if: (a) a request for the boundary adjustment is supported by two-third majority of members in the local government council in respect of the area, is received by the House of Assembly.

Section 8(5) provides that: An Act of the National Assembly passed in accordance with this section shall make consequential provisions with respect to the names and headquarters of states or local government areas as provided in section 3 of this constitution and in parts 1 & 2 of the first schedule of this constitution.

While Section 8(16) states that: For the purpose of enabling the National Assembly to exercise the powers conferred upon it by sub-section 5 of this section, each House of Assembly shall, after the creation of more local government areas pursuant to sub-section 3 of this section, make adequate returns to each House of the National Assembly.

These stated procedures are essentially rigid and makes it almost impossible for states' House of Assemblies to create Local government councils alone. Ideally, the provisions serve to make the local government system a constitutional matter that would require the cooperation of the National Assembly, the state House of Assembly and the local government councils in critical issues of local government creation and boundary adjustment. But in reality, states find ways to manipulate these provisions to create local governments unilaterally or the so-called notorious Development Centres (DCs).

Development Centres illegally operate as local government councils, and indeed have allocations meant for the constitutionally recognized local governments shared to them. In that premise, states use them as structures to interfere with the funds and functions of constitutionally recognized local government councils. The constitutional provisions on the manner of sharing funds to local governments (Section 162, 6.7.8) do not recognize any structures like DCs as partakers in the disbursement of funds in the state-local government joint account. The idea of DCs was essentially a way states have adopted to circumvent the constitutional requirement for interdependent and cooperative relationship of all tiers of government.

Apparently, the creation of DCs and appointment of unelected and undemocratic local government councils provided grounds for state governments to reduce the powers and autonomy of local government councils. This distorts and dislocates the expected interdependent state-local government relationship anticipated by the constitution of the Federal republic.

The New Agenda

A new agenda for peace and cordial relationship between local government and states lies in constitutional review. As earlier postulated, all the powers expressed by state governments over their local counterparts are enshrined in the constitution of Nigeria. Therefore, for a meaningful change to happen, certain offensive aspects of the constitution must be amended. The areas that change is most needed include:

- I. **Autonomy:** It is a truism that local governments does not enjoy any form of autonomy be it political or financial autonomy. They do not because the constitution does not guarantee them that. They receive directives and instructions from superior governments (Aduma et al, 2021). But this can change. The constitution should be amended to give more responsibilities to the local authorities. They should be made to be independent and not bound by directives of superior governments. They should be autonomous in all ramifications. In doing that, the proposal of Sasaki (1984) could be adopted. The author observes that the autonomy of local government shall include freedom to make integrated regional development plan including economic, social, and environmental plans and it should be able to set priorities in areas like budget expenditure. In that regard, the idea of joint local/state account should be abolished. Local governments should constitutionally be meant to have independent accounts as sovereign entities just like states do, independent of central authority. This will arrogate financial autonomy to them and sense of financial responsibility. Secondly, all financial approvals by state government on local authorities must stop. The constitution should be amended to reflect that. The governmental apparatus in local government system like the legislative apparatus should act as a check and balance organ on the activities of local government officials both financial, social, political environmental and other related governmental activities. Without financial and indeed political autonomy being granted by the constitution to local governments, that system of government cannot move forward.
- II. **Targets:** This paper suggests that targets of achievements should be given to Chairmen of Councils at inception. The question here however is who sets the target bearing in mind the issue of autonomy. This paper suggests that these targets should come from the local legislature and it should be based on the manifestoes of the local government chairmen during electoral campaigns. When and if targets are set, the local authorities will pursue them with all sense of duty realizing that those targets remain their score card for both re-election and political career advancement.
- III. **Abolition of State Electoral Commissions:** State Electoral Commissions should be abolished. These commissions have shown over the years that they are there to carry out the whips and caprices of state governments and they end up in every local election, imposing the candidates of the party in power. That is why the party in power in every state wins all councillorship and chairmanship positions after each local government election. Those imposed thereafter play to instructions of their principals and are not given any aura of freedom or sovereignty. This paper therefore suggests that Independent National Electoral Commission constitutionally should be saddled with the

responsibility of conducting not just federal and state elections but local elections. It is only when popular and credible candidates that won elections really are elected, that is when real democracy devoid of control of officials can take place. And that is when real development can begin to take place.

- IV. **Adequate Provision of Governance Dividends:** For adequate provision of governance dividends in Nigeria, this paper takes a position. Our position is that there should be a partnership model of relationship between state and local government administrations devoid of competition but rather cooperation, understanding and compromise. In this context, state government can saddle local governments with responsibilities under their domain (in concurrent list as it is known in Nigeria), if they are better placed to perform such functions. In doing so, they should support them financially to meet up with these responsibilities. Relatedly, functions of local governments that are seemingly beyond their capacity could also be undertaken by state governments if they are disposed to do so. What is more, powers and responsibilities of the two tiers of government could be increased or decreased as the case may be. This should be made constitutional. If and when this happens, financial autonomy of local governments will be guaranteed and they can even attract more resources if the state deems them fit to be delegated extra responsibilities. This cooperation will bring about improved intergovernmental relationship.

Concluding Remarks:

That local government authorities and their apologists are busy clamoring for autonomy is evidence that all is not well with our political system. What is existing between state and local government systems have been a master-servant relationship; superior-subordinate interactions, with an importation of Weberian hierarchical format. A format where governmental powers are shared based on ranking of the tiers of government and each tier is expected to stick strictly within its sphere of power and influence. This has usually brought tension and rancour in the business of government. We cannot run government with bitterness. It must be out of collaboration, mutual respect and trust.

In that regard, for a better and faster acceleration of development in the country to evolve, there must be a new agenda that should be created towards a more cordial relationship between our tiers of government especially state and local government. Over 70% of our population lives in rural areas making local government system that attends mostly to their needs very important tier of government. They should therefore be adequately armed towards delivering and meeting that function. There's no other way it can be achieved apart from cooperation through constitutional reforms as advocated by this paper.

References

- Adeyemo, D. O. (2005). Local government in Nigeria: A historical perspective. *Journal of Social Sciences*, 10(2), 77-87. <https://doi.org/10.1080/09718923.2005.11892462>.
- Aduma, A.T., Okeke, E.K., & Etalong, T. A. (2021). Local government financial autonomy in Nigeria: A lip service or a pragmatic service. *International Journal of Economics and Public Policy*, 5(3), 9-19.
- Ajulor, V.O., & Okewale, R.A. (2011). Local government and intergovernmental relations in Nigeria” in I. Olojede, B. Fajonyomi and J. Fatile (eds), *Contemporary issues in local government administration*. Lagos: Concept Publishers.
- Akinsanya, A.A. (2005). Local government in Nigeria’s inter-governmental relations under the 1999 constitution in J. Ayoade (eds) *Reading in Nigeria government and politics*. Ijebu-Ode: Gratia Associates International.
- Awotokun, K. (2005). Local government administration under 1999 constitution of Nigeria. *Journal of Social Sciences*, 10(2), 129-134. <https://doi.org/10.1080/0971892469>.
- Fadeyi, R. (2001, June 19). Local government chairman sue 36 governors. *The Punch*, 1-2
- Fatile, J. O. & Adejuwon, K. D. (2008). Intergovernmental relations in Nigeria: An appraisal of the involvement of local government. *The Constitution*, 8(3), 83-94.
- Ibietan, J., & Ikeanyibe, O. (2017). Decentralization and local government autonomy: Implications for grassroots development in Nigeria’s Fourth Republic. *Halduskultuur*, 18(1), 5-25. <https://www.researchgate.net/publication/320487012>.
- Ikeanyibe, O. M. (2016). Uniformity in local government system and the governance model in Nigeria. *Journal of Asian and African Studies*, 53(1). <https://doi.org/10.1177/0021909616666105>.
- Obikeze, O. S. & Obi, A. E. (2004). *Public administration in Nigeria: A development approach*. Onitsha: Book Point Ltd.
- Ogbuishi, A. D. (2007). *Fundamentals of inter-governmental relations*. Enugu: Academic Publishing Company.
- Okoli, M. U. (2005). *Local administrative system: An introductory and comparative approach*. Onitsha: Abbot Hooks Ltd.
- Sasaki, N. (1984). *Atarashiichihoseihu (The new local government)*. AshiShobo.
- Ugoh, S. C. & Ukpere, W. I. (2009). Problems and prospects of budgeting and budget implementation in local government systems in Nigeria. *African Journal of Business Management*, 3(12), 836-846. <http://www.academicjournals.org/ajbm>.