

States and Local Government Relationship in Nigeria's Fourth Republic: Constitutional Provisions Versus Reality

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Abstract

The constitutional lacuna and often back and forth on the position of the local government in Nigeria over the years are worrisome and keep begging for a lasting solution particularly the growing indifference of the state governments to accord needful respect to the extant laws, and the judiciary. Due to its inevitability in modern political systems, local government is a catalyst for development at the grassroots level. This inevitability becomes meaningful with the presence of both political and economic autonomy at the local level of governance. The absence of these two (political and economic autonomy) in the local governments across the country needs to be desired. Moreover, the thrust of this study is to stir ongoing debates on the constitutional provisions versus reality on the status of local government in Nigeria's Fourth Republic. The main objective of the paper is to add to the ongoing debate on the state of local government in Nigeria, particularly its nature of relation with the state government, and to interrogate constitutional provision versus reality. The study is situated within the system theory to substantiate the importance of interdependence of parts to form a functional whole, relating it to dependency, and exploitative relations between state and local government in Nigeria. Similarly, the three models of coordinate, overlapping, and inclusive were examined to . The study utilized both the primary and secondary sources of data as a method of data collection, and the paper was analyze using a descriptive method. The paper argued that the recent Supreme Court judgment on July 11, 2024, on local government financial autonomy has pushed further the hitherto debate on the state of local government in Nigeria. Therefore, local government autonomy can only be meaningful if and where each level of government is bound by the constitution and does not accept dictates or directives from another level of government. The time is here for the political leaders to respect the constitution and the court judgments.

Keywords: Intergovernmental relations, state, local autonomy, local government

Introduction

The changing relations between central and other levels of government are an increasingly important consideration in developing and transitional countries (Yongjian & Wijkman, 1996), including the advanced democracy. The thrust of this paper is that the constitutional lacuna, the back and forth on the position, and the true status of the local government in Nigeria over the years remain worrisome at the grassroots level, which has hindered effective development. This may not be unconnected from failure of the state governments to effectively subject to the dictate of the extant laws and the judiciary. Though, from existing studies, the current situation of local government autonomy in Nigeria cannot be free from historical challenges plaguing local governments in Nigeria, particularly the failure of many local governments to meet basic obligations of their existence.

Nevertheless, the political necessity to extend the power and presence of government throughout a political system is the primary justification for the

establishment of local government. Due to its inevitability in modern political systems, the existence of sustainable local government remains a catalyst for development at the grassroots level. This inevitability becomes meaningful when there is a presence of both political and economic autonomy at the local level of governance for impactful service delivery to the people in their local areas. The paper notes that despite this ideal, the reality of the state of local government in the hands of the state governments leaves much to be desired.

Historically, local governments have been in place in Nigeria prior to independence but under the regional control. This continued before the 1976 Local Government Reform; in other words, prior to the 1976 local government reform, the relations between the state and local government were based on different fundamental principles across the regions in the country. So, since 1976, when the local government reforms were put to the test, Nigeria has operated with uniform local government status across the country. Does this uniformity make any difference since then in line with the makers of the aforementioned reform? The answer to this undoubtedly remains debatable and subjective due to different meanings, interests, and interpretations of the status of local government in the country.

In the context of a federal arrangement, intergovernmental relations is the complex network of relationships among levels of government and their structures in a political system. It is the political, fiscal, programmatic, and administrative processes by which the central government shares revenue and other resources with the state and local government (Nwoko & Iheanyichukwu, 2021). So, the beauty of intergovernmental relations is that it is the set of policies and mechanisms by which the interplay between and among levels of government is managed and not exploited at the expense of other levels of government. This depicts the strength of the system's theoretical framework that gives emphasis on interdependence. Thus, the ideal of intergovernmental relations is that the different levels of government have the power to function independently at times, and at other times, when and where necessary, they cooperate with each other in order to carry out a project or act in a certain way that will assist them in achieving the set goals for even development for the benefit of all.

Accordingly, intergovernmental relations has become a notable feature of political systems that are federally structured and is also an important component of any political system that has more than one level of government. More has been written on the local government in Nigeria (see Ikara, 1985, Gboyega, 2002, Asaju, 2010, Akpan and Ekanem, 2013, etc); however, the paper examines the constitutional provisions versus reality of the state-local government relations in the Nigerian federal structure at a time that local government debates have come to the fore in the national discourse as a result of the Supreme Court judgment in 2024. Thus, the main objective of the paper is to add

to the ongoing debate on the state of local government in Nigeria, particularly its nature of relation with the state government, and to interrogate constitutional provision versus reality, particularly the consequence of the reluctance to judicial pronunciation by the executive arm at the state level.

Methodology

The study utilized both the primary and secondary sources of data. The primary data stem from direct quotations from the 1999 Constitution, while secondary data were extracted from other available data as relevant to this study. Literature was reviewed from different perspectives to examine the state-local government relations from constitutional provisions and reality. In addition, three models of intergovernmental relations were brought to the fore in order to clearly depict where the Nigerian federal arrangement best fits within the premises of system theory.

Intergovernmental Relations and the Status of Local Government in Nigeria

For many young emerging states with fragile levels of democracies and development, local governance structures are in a constant state of change (Yongjian & Wijkman, 1996) and evolving. Generally, decentralization and, by extension, devolution of power and responsibility are preferred in most modern states in order to promote rapid development in the country; this manifests itself in the establishment of local government (Asaju, 2010). This argument best captures the importance of the local government when Page and Wando (2022:1) once argued that, ‘frequently overlooked, Nigeria’s local governments are disproportionately important; if they functioned well, they would be best positioned to meet people’s basic needs and to build their resilience to cope with everyday challenges’ at their respective local areas.

For state-local government relations to be effective, local government autonomy must be guaranteed. Local autonomy, however, means that the local government has the right to establish and operate independently in the activities and functions that are recognized by law. It also includes the legal right of local residents to choose their representatives that will govern the territory under the laws. It should therefore be noted that autonomy does not mean sovereignty over these bodies, as they belong to and legally depend on state structures (Ndrue, 2016). But in reality, as Chiamogu, Onwughalu, and Chiamogu (2011) once submitted, the operation of intergovernmental relations in the Nigerian federal structure has been so complex and problematic that they have been more competitive and hierarchical than cooperative, thereby endangering the cordial relations expected among the three tiers of government in the country. In fact, since the birth of the Second Republic, there have been hardly any attempts to democratize the local governments due to unnecessary political interference by the state governments and federal government.

More so, the critical phase that hindered the autonomy of the local governments and virtually relegated their third tier to a mere administrative agency of the respective state governments was the time when the military handed over to the civilian administration in 1999 (Doho, Ahmed & Umar, 2018). This has become the reality status of the local governments in the country. Hence, it is asserted that deliberate action to relegate local government to a mere extension of state government convenience is the bane of the development crisis in the country. Allowing local government to function will, by no means, drive both the local development and national development due to the interconnectedness and interrelations of the tiers of government.

Theoretical Framework: System Theory

Systems theory has its roots in the biological and physical sciences. The Austrian biologist Karl Ludwig von Bertalanffy and Niklas Luhmann, who first presented the general systems theory in the 1940s, made a significant contribution to the development of systems theory. Their contributions to system theory serve as a connecting bridge between research in the various scientific disciplines, including social sciences (Mačkinová, Čakarová, Planka, & Mačkinová, 2020). Basically, a system is described as a complex of interacting components together with the relationships among them that permit the identification of a boundary-maintaining entity or process (Laszlo & Krippner, 1998). So, the structures and patterns and relationships of a system emerge from interactions among components that form the system; thus, each system is unique (Lai & Lin, 2017), based on how they evolved. Similarly, system theories provide an important framework for understanding and applying concepts in socio-political works. Their holistic approach to the study of interactions, relationships, and dynamics within social structures provides a deep understanding of the complexity of human interaction and the environment in which that interaction takes place. Today, as many political systems such as Nigeria encounter diverse and often complex problems, system theories are becoming a key tool for effectively understanding and addressing these situations. The theory allows us to see social phenomena as part of a larger whole where the elements, such as individuals, groups, and communities, are interconnected and influence each other (Mačkinová, Čakarová, Planka, & Mačkinová, 2020). Thus, systems theory is an interdisciplinary framework that views systems as interconnected groups of elements that work together to produce outcomes. Systems theory focuses on the study of the complex relationships between the parts of a social system and the ways in which these parts interact and influence each other.

This depicts the uniqueness of the federal arrangement in Nigeria whereby the intergovernmental relations between and among the tiers of government were exploitative rather than mutually interdependent. In addition, the system theory assumes that due to the role of man, human activity within systems tends to have multiple and overlapping

purposes, of which it is possible to distinguish at least three levels: the purpose of the system, the purpose of its parts, and the purpose of the system of which it is a part, the suprasystem. So, the systems theory as utilized here is complex entities created by the multiple interactions of components by abstracting from certain details of structure and component and concentrating on the dynamics that define the characteristic functions, properties, and relationships that are internal or external to the system (Laszlo & Krippner, 1998).

In addition, while examining the constitutional viability of the local government council powers in determining state-local government relations from more of a system theory, Ikeanyibe, Chukwu, and Ibietan (2019) clearly adopt three models of intergovernmental relations:

- i. Coordinate model with minimal intergovernmental relations where the levels of government are autonomous.
- ii. An overlapping model with manifest interdependent relationships among the levels of government that are characterized by bargaining or negotiations and not essentially legal. Each level of government has something to bring to the table.
- iii. Inclusive model with dependent relationships that are characterized by hierarchical structures where the federal or national government has the power to lead, dictate, and do everything for state and local governments.

The relevance of the system theory to the nature of state-local government relations cannot be overemphasized, whether both the state and local governments are mutually interdependent or the local government is mutually dependent and at the mercy of the state government, which is the current state of local government in Nigeria. Similarly, the third model above depicts a clear picture of intergovernmental relations in the Nigerian federal arrangement. By implication, the model of state-local government relations in Nigeria is hierarchical, inclusive, and dependent rather than cooperative and interdependent as envisaged in constitutionalizing some powers and rights of the local governments.

Nature of State-Local Government Relationship under Colonial, Military and Post Military Era

During the colonial era, local government enjoyed a wide range of both financial and administrative autonomy. Then, the colonial government allowed each region to oversee the activities of local government under its jurisdiction. This means that the legal framework, and mode of operation for local government were provided for by each region: the Eastern region local government ordinance of 1950, the Western region local government law of 1952, and the 1954 native authority law in Northern Nigeria (Ikara,

1985, Gboyega, 2003). In other words, during that period, local governments were under the regional governments with little interference in the activities of local governments by the federal government. Regrettably, the post-colonial era witnessed a decline in both the financial and administrative autonomy local governments wielded during the colonial era. This was accompanied by a decline in the responsibilities assigned to local governments in the four regions: North, East, West, and Midwest (Akpan & Ekanem, 2013).

It is important to note that there was never a time in Nigeria's postcolonial political history that local governments operated independently of both the state and federal governments. The search for this kind of local government system has been a mirage, particularly in practice. Though, in a practical sense, there is no political system in which the local units operate completely independent of the central or regional or state government. The whole debate on local government autonomy focuses on what powers and functions the central or the state government should grant to the local units within the political system. The federal and state governments' interferences in the activities of the local government can be positive or negative. Positive interferences lead to more effective governance at the local level. On the other hand, it is negative when such interference impedes on the capacity of the local government to carry out its statutory functions as expected (Akpan & Ekanem, 2013). Without doubt, the negative interference is predominant in the Nigerian federal structure, where in most cases the state governments control the federal allocations meant for local governments in their domain and misappropriate them, leaving the local governments debilitated in the name of the State Local Government Joint Account.

Constitutional Framework on Federal Allocation and Joint Account

Section 162(1 - 8) of the 1999 Constitution of the Federal Republic of Nigeria provides for how public revenue shall be collected and distributed among the three tiers of government in the country. For example, Section 162:

1. State that the Federation shall maintain a special account to be called "the Federation Account," into which shall be paid all revenues collected by the Government of the Federation."
2. The President, upon the receipt of advice from the Revenue Mobilization Allocation and Fiscal Commission, shall table before the National Assembly proposals from the Federation Account, and in determining the formula, the National Assembly shall take into account the allocation principles, especially those of population, equality of states, internal revenue generation, land mass, and terrain, as well as population density.

3. Provided that the principle of derivation shall be constantly reflected in any approved formula as being not less than thirteen percent of the revenue accruing to the Federation Account directly from any natural resources.
4. Any amount standing to the credit of the Federation Account shall be distributed among the Federal and State Governments and the local government councils in each state on such terms and in such manner as may be prescribed by the National Assembly.
5. Any amount standing to the credit of the states in the Federation Account shall be distributed among the states on such terms and in such manner as may be prescribed by the National Assembly.
6. The amount standing to the credit of local government councils in the Federation Account shall also be allocated to the States for the benefit of their local government councils on such terms and in such manner as may be prescribed by the National Assembly.
7. Each state shall maintain a special account to be called “State Joint Local Government Account” into which shall be paid all allocations to the local government councils of the state from the Federation Account and from the government of the state. Each state shall pay to local government councils in its area of jurisdiction such proportion of its total revenue on such terms and in such manner as may be prescribed by the National Assembly.
8. The amount standing to the credit of local government councils of a state shall be distributed among the local government councils of that state on such terms and in such manner as may be prescribed by the House of Assembly of the state.

Though the state and local government joint account is constitutional, in practice the application of it is far from the constitutional provisions and at the same time undermines the principles of good governance like efficiency, accountability, transparency, participation, and accessibility. In other words, in practice, the relationship between state and local government is more of a domination and hijacking of local government functions by state governments rather than serving as a moderator/mediator, despite the fact that local governments were created in order to bring governance closer to the people, yet state-local government joint accounts do not enable this (Sanusi, Tabi'u & Mohamed, 2013).

Moreover, there are three contending perspectives on local government autonomy: the first perspective interprets local government autonomy to mean independence from the interference of state government in the activities of local government. The second perspective perceives local government autonomy as the non-interference of the federal

government in the activities of local governments, and the third perspective maintains that local government autonomy means independence from both state and federal government interference in the activities of local councils (Akpan & Ekanem, 2013).

The golden era of local government was when the federal government's support for local government autonomy in the mid-1980s and 1990s made the state governments cede financial, political, and administrative controls that the federal government never had, even though it was short-lived. Centralization of resources at that time, however, at the central government led to frequent demands for federal intervention in all manner of problems at the state and local levels (Gboyega, 2003). Accordingly, since the Second Republic, the over-centralization of local government functions has persisted, enabling federal and state elites to control grassroots decision-making and siphon away a significant share of revenues that local governments are supposed to receive from the federation pool (Page & Wando, 2022).

That is why Asaju (2010) once argued that the Second Republic was a turbulent period in the history of local government administration. It was a testing period in which the state and the federal governments contested the control of local government policy with each other, which weakened the power of the local government. Hence, the Second Republic witnessed the re-establishment of state power over local government. In fact, throughout the Second Republic, no single local government election was held in the local government councils; only the sole administrators were appointed. The tradition of total state government control over local government elections has not been reduced. For example, of all the states that have conducted local government elections since July 11, 2024, all were declared won by the state ruling party or chose a party, like the case of Rivers and Abia states. The forthcoming Lagos local government elections may not be different from usual traditions.

Examining the Constitutional Provisions Versus Reality on the State-Local Government Relations in Nigeria's Fourth Republic

Basically, the constitutional basis of the state-local government joint account system was captured in the 1979 Constitution, which was later abolished in 1989 by the Babangida regime because of its wrong implementation by the state government. The system found its way back into the 1999 Constitution (Ayogu, Okagu, & Ogbe, 2018). For example, Section 162 (5, 6, and 7) of the 1999 Constitution of Nigeria provides that every state in Nigeria shall create and maintain a special account called the 'State Joint Local Government Account' where local government funds from the federation account are deposited, including 10% of the state's internally generated revenue. As a result of a series of constitutional confusions on local government autonomy, Asaju (2010) noted that it would be erroneous to see local government as an independent third tier of

government. Hence, the issue of the autonomy of local government, particularly financial autonomy, becomes and remains a myth and not a reality.

The recent Supreme Court judgment of July 11, 2024, on local government financial autonomy that seemed to put a lot of debates and counter debates on local government to rest, which mandated that the state governments must directly release federal allocations to democratically elected local government councils, has not seen the light of day. Most, if not all, of the 774 local governments have not accessed their allocations directly; what seems to have been complied with was the issue of local government elections. The study asserts that the decision of the Court's judgment on the financial autonomy for local autonomy aimed at enhancing accountability and effectiveness of local governments, enabling them to focus on delivering services and development projects at the grassroots level, is a process for effective federalism in the country, and it will be a catalyst for national development.

Moreover, the ruling, if fully implemented, is to minimize any form of interference from the state governments in the local government affairs. Despite these aspirations, it remains a mirage in spite of being seen as a good step towards attaining the full status of the third tier of government of local government areas. Thus, the challenges of the judgment as it has been played out are that the state governments might seek to find ways around the ruling or, at best, find a way to delay the implementation process and use it as a political bargaining strategy with the center at the detriment of the intent of the court ruling and at the expense of the local government.

To this end, for any meaningful development to take place at the local government level, the state government needs to recognize local government as a partner in progress, and not otherwise. Furthermore, the 1999 Constitution further raised the question of local government autonomy. The notable sections referenced were Sections 7 and 8, among others. For example, Section 7(1) of the 1999 Constitution says:

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.

Besides the above constitutional provision, the idea behind state joint local government accounts was meant to be a mechanism that can implement the notion of fiscal federalism at the local government level in Nigeria and to avoid any possible manipulation of the account by the state government. Furthermore, the philosophy of a joint account was that the state is not intended to be a beneficiary but rather a trustee of the account for the benefit of the local government. It is also required to maintain the

account for the benefit of the local governments by ensuring that the amount allocated for this tier of government is equitably and fairly shared among the councils, while adhering strictly to constitutionally stipulated criteria (Fatile, Fajonyomi, & Adejuwon, 2017). Similarly, the rationale for local government autonomy is as follows:

- i. Political education
- ii. Strengthen democratic decentralization of power and put power in the hands of citizens at the grassroots level of governance.
- iii. Deliver development evenly to each and every Nigerian since each person resides in a local council located in either a rural, semi-rural, or urban area.
- iv. It enables capacity building for people in rural areas, which will be in the form of economic empowerment through job creation.
- v. Make the working environment functional and less threatening to the survival of the system.
- vi. Guarantee more money in the hands of local governments to deliver services to citizens since it weakens the overconcentration of power in the state.
- vii. Provide a voice to minorities, who will have representation at the local government level.
- viii. Put more powers in the hands of citizens and their institutions and thus help them demand accountability, transparency, and development (Doho, Ahmed, & Umar, 2018).

Furthermore, the Fourth Schedule, Section 7(2d) of the 1999 Constitution says "such other functions as may be conferred on a local government council by the House of Assembly of the State." This section too has put the question of local government autonomy into debate on the role and influence of external factors on the running of local government. While on the other hand, the Fourth Schedule, Section 7 (1a-j) of the 1999 Constitution detailed the functions of the local government. Despite these national interest principles on local government autonomy, most state governors, through state joint local government accounts, have converted local governments into 'low-hanging fruits,' and their interference has become abysmal and detrimental to local government productivity, especially in the area of needed grassroots development.

By implication, from most local governments' experience in Nigeria, the state joint local government account has placed the local government councils in political bondage to the state government's control. As a result of these, local governments in Nigeria have been performing poorly in the provision of essential services to the people

due to an absence of autonomy. Rather than function as a tier of government, local government has been operating as an appendage of the state government in Nigeria. In fact, one of the nagging problems of Nigeria's federalism is the persistent failure to grant fiscal autonomy to local government as the third tier of government (Ayogu, Okagu, & Ogbe 2018; Fatile, Fajonyomi, & Adejuwon 2017). By consequence, inadequate finance has undermined the ability of local governments to achieve these goals. This is the reality of the state-local government relations regardless of what is spelled out in the 1999 Constitution.

One major bone of contention in terms of local government autonomy that depicts constitutional provision versus reality is state-local government fiscal relations in Nigeria. In fact, Fatile, Fajonyomi, and Adejuwon (2017) once stated that under the 1999 Constitution, the allocations from the federation account were channeled to the local government through the state government. This, in a real sense, creates a dependency situation rather than an independent/interdependent one between the state and local governments. To them, the fiscal relationship between state and local government in Nigeria can be described as a master-servant relationship rather than a partnership in governance. This is in reference to Sections 7(1) and 162(5) of the 1999 Constitution, whereby the local governments in Nigeria have no power on their own to determine how their affairs are run. Undoubtedly, the time has come to put the recent Supreme Court judgment to the test, where all the 774 local governments across the federation shall receive their allocations directly from the national coffer without any hindrances.

More insights into the status of local government are due to its role in strengthening democratic governance at the grassroots level and facilitating national development. The ongoing debates on the need for local government autonomy can borrow leaf as it is work in other jurisdictions such as the South African Constitution that embrace the empowerment of national, provincial, and local governments which calls the three tiers as spheres, and not levels of government. The structure is not presented as a hierarchy; rather, each sphere has its own role to play, without one being the boss of the others. While managing intergovernmental relations through a political process rather than as a hierarchy or fixed division of authority (Frug, 2014).

Beyond the constitutional rhetoric, Nigerian local governments are not sufficiently local despite the frequent fragmentation of their areas of authority and the multiplication of their numbers. This may not be unconnected with the unviability financially of the local government, for example. Politically, the adoption of the presidential system at the local level takes the quest for uniformity too far. This is because the local governments pass an insignificant number of bylaws annually, so there is little or no justification for their separate existence as legislative bodies (Gboyega, 2003). Theoretically, most of the constitutional provisions on local government

administration in the 1999 Constitution were made to safeguard the autonomy of local government. By implication, however, the state governments exploited the loopholes in the 1999 Constitution to exploit the local government in terms of structures, finances, and politics. Accordingly, the time to reposition the local government is now, either as a distinctive third tier of government or as a creation of the state governments.

While examining the joint account relationship between state and local government from power theory, Hezekiah and Michael (2021) assert that when analyzing the interactions and interrelatedness of various tiers of government in Nigeria, the exercise of power for the appropriation of values and resources always sets in. The monthly allocations and claims accruable to the local government, which have to be lodged in the joint account of both the state and the local government, become the object of a clash of interests and call for the exercise of power of the state over local government. In a practical sense, the state government, through the institution of joint accounts with the local government within its jurisdiction, has continued unceasingly to lord unwarranted power over the control of the accruable allocations and funds made available to the local government from the federal pool (Hezekiah & Michael, 2021).

Thus, the weaknesses and challenges of local government in discharging its functions in contemporary dispensations are holistically tied down to the joint account operation of a state and local government. In other words, the joint account relationship between the state and local governments has stripped local governments of their status and financial autonomy. This becomes possible through the inadequacy of the Constitution in granting local government the needed autonomy like other levels of government in a federal arrangement. For local government to be effective, the fiscal relations between state and local government need to be redone. On this note, constitutionalism only may not be a proven strategy to define and determine the nature and model of intergovernmental relations practiced within federations, but government fiscal policies, programs, politics, and executive directions can in most cases do so (Ikeanyibe, Chukwu & Ibietan, 2019), particularly in a country like Nigeria. In other words, the working of intergovernmental relations is more determined by economics, politics, and attitude as well as the needs of the political elite of a higher order of government than mere legal provisions, particularly in a country like Nigeria that is still in transition to a democratic state.

The paper argues that the constitutionality of the powers of the local governments in a federation like Nigeria does not determine healthy intergovernmental relations that are based on respect for each tier of government and mutual cooperation, especially among states and their local governments. In addition, the dynamics of the Nigerian federal arrangement are that, under the military government in Nigeria, there was a systematic centralization of funding, political powers, and the loyalty of sub-political

authorities (Ikeanyibe, Chukwu & Ibietan, 2019). This has remained largely unchanged despite the transition to civil rule since 1999.

Another major issue surrounding unresolved debate on the state-local government relations has often been referred to as patron-client relations between the state and local governments through intergovernmental relations that only favor the state government at the expense of the local government. It is difficult to expect cooperative, interdependent state-local intergovernmental relations through constitutional provisions of the powers and rights of local governments if the federal-state relations, which should be the determining framework of intergovernmental relations, are inclusive, hierarchical, and dependent. This can be seen in the ongoing clamor for decentralization of the security architecture of the country that will give room for state/community policing. Therefore, state-local intergovernmental relations in Nigeria depend largely on the federal political structure, in which the federal government dominates the power equation.

In a real sense and for their own interests, the federal and state governments maintained a great level of influence and control over local authorities, which largely hindered their effectiveness and performance, and at the same time, the federal government lacked the political will to do the needful. As a result of hindrances, the local governments generally act within the power delegated to them by legislation or directives of the higher levels of government. The imbalance in the allocation is that the states disburse the allocation to the local governments without any adequate guidelines. Moreover, the events that took place from 1998 clearly explained the influence and self-imposed discretion on the local government by the federal and state governments. Some of these issues are:

- i. The issue of control over local government tenure of office
- ii. Power to create local government, and
- iii. Issue of allocations for its effectiveness (Ahmad, 2015).

Since 1999, when Nigeria returned to civil rule, the statutory provisions for local government have remained controversial and have yet to clearly distinguish the control of the federal and state governments over the local government, which keeps local government as an extended institution of the state government. Therefore, the current situation in which local governments exist at the mercy of state governments is no longer justifiable. However, it is worth noting that the absence of local autonomy preceded the Fourth Republic; in the Second Republic, there was a political crisis on the status of local government with a total absence of elected local governments. For example, no local government elections were held during the Second Republic of 1979 to 1983, and by extension, most state governments did not conduct any local government elections in the

Fourth Republic, and where they all the local governments were swept by the ruling party at the state level with no political party exception. In fact, the recent one conducted in Lagos State did not differ from the usual tradition of a one-party system at the state level.

Consequently, the legal guiding principle of the land, which is Nigerian constitutional provisions, particularly the 1999 Constitution pertaining to local government, laid the basis for the unhealthy interference of both the federal and state governments over the local government administration. Under the Nigerian federal arrangement, the constitution demarcated and allocated legislative functions between the national/federal government and the state (the subnational) legislature, while the local governments were made to function based on the laws made by the state legislature. This is in reference to Section 4 of the 1999 Constitution. As earlier quoted, going by Sections 7(1), 7(6b), and 162(3) of the 1999 Constitution, which recognized the local government as the creation of the state government, the local government cannot be said to have the status of a third tier of government with autonomous status. Aside from this, Fashola raised another key issue as a basis of local government debate, which was hinged on the control of land. Critical assets for any local government to provide necessary infrastructure for development were controlled by state governments, which further limited local governments' ability to operate independently (Ogunsile, 2025).

Therefore, since the local government is a function and extension of the state government, and only the state government has the constitutional power to establish the local government and define its structure and functions, the local government's autonomy in a legal sense is a mirage. For local government autonomy to be on course for local development, the true tripartite division of powers politically, fiscally, and administratively would bring local government into direct relations with the federal government, which can confer autonomy status on the local government. From this constitutional confusion on local government autonomy, it is submitted here that a thorough review of the local government as a third tier of government is long overdue (Amah, 2018). This overdue action has rendered the essence of local governments in a state of administrative comatose.

As Ikara (1985) once echoed, with the status of local government in the 1979 Constitution, the local government system has come to stay in Nigeria for as long as the Constitution lasts, and if any changes were to occur any day in the political system, it is unlikely that such changes would affect the local government system given its popularity. The effectiveness or otherwise of the local autonomy and state-local government relations largely depends on the attitude of the political actors, particularly at the federal and state levels. This is in consonance with Olusanya's (2003) submission that virtually all the problems confronting Nigeria lie not in the defects in the Constitution or in the

political structure but in our political culture and the near-absence of discipline in our political culture and social life.

In reality, however, the relationship between state and local governments is more about domination and hijacking of local government functions by the state governments than serving as a moderator or mediator towards delivering good democratic governance at the grassroots level (Obisanya & Hassan, 2022). By implication, the relevant constitutional provisions in respect of these relationships appear inadequate and unfavorable to the local government's autonomy. A thorough review of those ambiguities is now!

As a matter of emphasis, former Governor of Lagos State, Mr. Babatunde Fashola, recently said that Local Government (LG) autonomy cannot function under the current Nigerian constitution, stating that it is unrealistic to have such expectations because the current structure and interference by state governments make true autonomy impossible. He further stated that the interference of State Houses of Assembly in local government affairs contradicts the idea of autonomy. Hence, as it stands currently, it is unrealistic to expect autonomy for local governments created by the current Nigerian Constitution. In his own point of view, the 1999 Constitution does not intend for local governments to be fully autonomous, noting that local governments' economic activities are subject to laws made by the State Houses of Assembly (Ogunsile, 2025). So this implies that the State House of Assembly making laws for when, what, and how a local government can function is in itself an external influence that contradicts the idea of autonomy of local government.

The basic consequence of the state-local government relations is the subversion of local government autonomy in terms of the financial and leadership recruitment levels more than in any other areas of intergovernmental relations. This explains why members of the political elite engage each other in a tug-of-war over whose apron string the local government should be tied to, rather than allow local governments to operate autonomously. Local government in this kind of situation suffers at both ends. The federal government cheats the lower tiers of governments in the generation and distribution of national wealth, which it controls in practical terms. While the state governments, unable to fight the federal government, dominate the weaker partner without restraint. This is the plight of the local government in Nigeria. The control is on political recruitment at the leadership level and on the subversion of local government financial rights (Akpan & Ekanem, 2013).

Accordingly, in all political systems, the political culture defines the principles and attitudes that shape the way government is designed and the political decisions leaders make. Such a political culture is lacking in Nigeria. The struggle to control local

government by federal and state governments is simply a matter of what each of them stands to benefit from such control, rather than how such control can deliver political dividends to the people at the local level.

Conclusion and Recommendations

The current situation of local government autonomy in Nigeria cannot be free from historical challenges plaguing local governments in Nigeria, particularly the failure of many local governments to meet basic obligations of their existence over the years. The constitution from which local governments derived their power created a political caveat that the state governments were over the years using to keep exploiting local governments. At this juncture, the study concludes that in all political systems, the political culture defines the principles and attitudes that shape the way government is designed and the political decisions leaders make. Such political cultures are lacking in Nigeria or not effectively used for the general benefits of all. By implication, the struggle for the control of local government by federal and state governments is simply a matter of what each of them stands to benefit from such control, rather than how such control can deliver political dividends to the people at the local level.

All these are at the expense of the constitutional provision that defined the state-local government relations. This submission corroborated with the earlier stated inclusive model with dependent relationships that is characterized by hierarchical structures where the federal or national government has the power to lead, dictate, and do everything for state and local governments. So in this federal arrangement, the local government is at a lower ebb, and by implication, local government is and will remain at the receiving end in Nigeria if necessary reforms fail to take effect. So, the state-local government relations are far from operating within the 1999 constitutional provisions; rather, it is all based on and guided by the reality of the political game as dictated by the state government in collaboration with the state House of Assembly at the expense of the local government. Therefore, local government autonomy can only be effective if and where each level of government is not bound by the constitution to accept dictates or directives from another level of government.

Therefore, the following recommendations cannot be overemphasized:

- i. There is an urgent need for a general elite consensus across the country on the status of local government in the present-day Nigerian federal arrangement.
- ii. Time is here for the political leaders, particularly the federal government and the state governments, to operate and respect the constitution to the letter and the court judgments on any local government-related matters without any delay. This

is because selective compliance to the constitution and court judgments remains as a recipe for underdevelopment.

- iii. There must be active participation in local government politics like that of the federal and state levels; this is because all governance processes are locally inclined. This will build more trust between the elected officers and the electorates at the grassroots level.
- iv. The recent tempo of conducting local government elections across the country must be sustained, and the tenure of elected local government councils must be uniform and competitive. This will go a long way to attract popular citizens' participation while enhancing general political will.

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