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# Between the Devil and Lying Angels: An Invitation for a New Perspective on State Interference in Local Government Fiscal Autonomy in Nigeria

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## Abstract

One of the most contested issues in Nigeria's political landscape and federal structure is the debate on the fiscal autonomy of the Local Government as the third tier of government. The literature on the subject appears to zero down the issue of Local Government fiscal autonomy to a political 'devil'. The position of existing scholarship on the subject concludes that by taking advantage of Sections 7 and 162 of the 1999 Constitution of Nigeria, it is common practice for the State Governors to usurp the autonomy of the Local Governments. The Governors are also accused of using the Joint Account framework to control the statutory allocations of the Local Governments. Hence, Local Governments in Nigeria lacks fiscal autonomy which is one of the main principles of the three tiers of government structure. However, the underlying politics that has played out in the Fourth Republic in Nigeria reveals that this historical and legalistic perception does not provide a complete explanation of the problem. This is because the literature does not consider the role of the political elite at the Local Government level in sustaining the shrewd nature of State and Local Governments interaction in Nigeria's Federal structure, rather the existing literature focused entirely on the governor as a 'devil' and ignores the role of the political class at the grassroots level as "lying angels". This paper is therefore an invitation for a deeper theoretical deconstruction of this phenomenon to stimulate an encompassing and interesting perceptives on what we conceptualize as State-Local Government Interactions in Nigeria (SLIN). Our primary objective is to draw attention to the role of the personalities of the political class at the grassroots level which makes up the highest cadre of the hierarchy in the Local Government in shaping SLIN. We present a case that future debates should go beyond "devil" and also focus on the profound role of "lying angels".

**Keywords:** Local Government, Rural Development, State-Local Government Interaction, Fiscal Autonomy, Federalism, Nigeria

## Introduction

The guiding principles of local administration in post-colonial Nigeria evolved largely from the ubiquitous decentralization of administration in traditional settings in most parts of pre-colonial Nigeria. In addition to the acephalous and democratic societies in the area that later became the Protectorate of Oil Rivers, the rather feudalistic Northern Nigeria also had tiers of government that extended from the office of the Caliph to the Emirs and their emissaries. Similarly, in the West, there was a semi-decentralization of power in a structural way that stretched from the *Alaafin* of Oyo to the heads of clans known as the *Baale*. Hence, the concept of government at the grassroots level is not novel to Nigeria's political landscape. Rather, what is new is the 1976 Local Government reform which unified the local government system in Nigeria and laid the legal and historical basis of the Local Government System in the Fourth Republic as enshrined in the 1999 Constitution of the Federal Republic of Nigeria (Akinpelu 2019; Jimoh 2003; Okeke 2002; Agba et al 2014).

There is overwhelming evidence in the literature that the concept of an autonomous Local Government as the third tier of government in Nigeria's federal structure is not fully operationalized in the Fourth Republic (Mukoro 2003., Abeki 2020; Akindele et al 2002). By its constitutional composition and framework of operation, the Local Government is designed to have a high degree of autonomy with the primary purpose of providing services and political representation to people at the grassroots level (Mukoro, 2003; Adeyomo 2005). It ought to be made of representative councils with substantial control over local affairs, for the provision of services and implementation of local projects in their areas, to complement the activities of both the State and Federal governments (Awofeso, 2004; Akpan & Ekanem 2012). However, in operation, the autonomy by the Local Government appears not to exist due to interferences by the State Government (Agba et al 2013; Ikelegbe 2005). Most scholars examine this problematic from a "devilish" standpoint which focuses on the Governor of the State. To these scholars, the sole personality of the Governor of the State determines the nature of State-Local Government Interactions in Nigeria (SLIN). The argument concludes that the Local Governments are not autonomous because of the overriding powers of the State (Adeyemo 2005; Adeyemo 2010; Ewetan 2012; Alao et al 2015). This atomistic view which appears to be the orthodoxy in the literature is not conclusive in explaining SLIN, because it excludes the role of the political elite at the grassroots level in shaping what the State does or does not do in its interaction with the Local Governments.

This paper is an invitation for a deeper and more theoretically robust debate on SLIN. It calls for a departure from the "iron casted" perception of SLIN in the existing literature which creates the narrative of a sole devil figure (the State Governor) that usurps the powers, statutory allocations, and revenue sources of the Local Government for its purposes. What we intend to do here is not to downplay the role of State Governors in shaping the structurally faulty nature of SLIN. Rather, we call for a shift from the orthodoxy by proposing that future studies on the subject should incorporate the role of the grassroots political class and the hierarchy in the Local Government level in explaining the interactions between the state and local tiers of government.

## The Role and Nature of the Local Government in Nigeria

The role of Local Governments in Nigeria is in some ways like those of the central government (Arua & Duru, 2009). The central government exists to provide for the security and socio-economic advancement of the citizenry. To some extent, Local governments perform such roles. They exist to transmit national developmental agenda to the grassroots level, by so doing, play the role of the bridge between the government at the centre and the people (Larson 2004; Adetiba 2017; Emezi 1979). Moreover, to enhance responsive governance, local governments serve as a two-way channel of communication between the government and the governed. Just as it transmits the decision of governments to the local people, it also conveys or channels their demands and feedbacks on policies to other tiers of government (Ekpe 2012; Doho et al 2018). Other roles of Local Government towards sustainable rural development include:

- i. Increasing the people's understanding and support of social and economic development policies through mass education (Ogbonna, 2004).

- ii. Making and implementing programmes to foster socio-economic growth in the rural areas (Lawal 2000; Abubakar 2004).
- iii. Formulation of economic planning and development schemes at the grassroots level (Gboyega, 1991)
- iv. Construction and maintenance of roads, streets lightings, drains parks, gardens, open spaces, or such public facilities as may be prescribed from time to time by the State Legislature (Adejoh & Sule, 2013).
- v. Development of the agricultural sector through the provision of financial capital, fertilizers, hoes, and other farming facilities to local farmers (Lele 2005; Adedokun 2012).
- vi. Provision of primary and vocational education at the grassroots level (Bello 2004; Ibrahim 2008; Ighodado 2012).

### **Understanding the Politics of Local Government Autonomy in Nigeria**

The politics of local government autonomy had different outcome between the military and civilian governments in Nigeria. While the military government at the centre favoured devolution of more powers to the local governments, the civilian governments in the states preferred to usurp the powers of the local governments (Adejoh & Sule, 2013). The search for autonomy and the effort of local government to free itself from different forms of control has been one of the major problems facing local government in Nigeria to date. There has been controversy over the years on the issue of autonomy and how it affects local governments in Nigeria. The concept of autonomy and its application has been a subject of debate among scholars.

Agba et al (2013) observed that the connotations underpin of the term autonomy are a major source of confusion which scholars of local government administration have severally attempted to clarify. For Agba et al (2013) and Ikeanyibe (2010), local government autonomy means the supremacy of Byelaws made by a local body within a framework determined by the central and state government. This has to do with the degree of discretionary power assigned to it by a superior instrument of government in terms of functions, finance, administration, and political matters (Awotokun, 2005). Adeyemo (2010) opined that autonomy in a federal system means that each government enjoys a separate existence and independence from the control of another government.

On the debate of local government autonomy, three contending perspectives have emerged. The first group interprets local government autonomy to mean independence from the interference of state government in the activities of local government (Daly, 2013). The second perceives Local Government autonomy as the non-interference of the federal government in the activities of Local Governments (Onuigbo, 2015), and the third group, maintains that local government autonomy means independence from both state and federal governments interference in the activities of local councils (Akpan & Ekanem, 2013).

The important issues in local government autonomy in Nigeria started to emerge with the 1976 far-reaching local government reforms. This was the first time in the history of Nigeria that local government units were regarded as a separate arm of government with constitutional status, power and financial standing irrespective of the fact that the state governments were to ensure their existence and provide for their structure, composition, finance and functions. It was from the 1976 local government reforms that some dominant issues in local government autonomy could be easily appreciated. These include the setting up of representative councils, determination of population size of local governments, direct allocation of funds to local governments. But before 1976, local administration, rather than local government, could be said to have existed in Nigeria. This is because from the colonial era up to 1975, administration at the local level was an appendage of the Regional and later State governments. This was despite some reforms by the regional governments at the local level in the 1950s and post-independence era by the State governments up to 1975 (Ikelegbe, 2005).

In understanding local government autonomy in Nigeria, three historical perspectives will be briefly reviewed. The first will be the period from 1950-1983. The second is from 1983- 1999 and the third epoch is from mid-1999-to date. In the 1950s the colonial government recognized local governance as a mere appendage of the central government. Between 1950 and 1952, the regional governments, through their respective Houses of

Assembly enacted the local government ordinance, which formally abolished the hitherto default Native Authority System and subsequently instituted a radically different local government system in the regions (Adeyemo, 2005).

The period between 1950 and 1983 witnessed the abandonment of the promotion of local autonomy. Though local government formerly exercise limitless powers over their budgets, expenditure and personnel, within this period, the Ministry of Local Government enacted several bylaws to regulate and control their operations (Awofeso, 2004). Later, their relative autonomy was further eroded through the ruling party at the centre, which determines the membership composition of the councils. By 1966 when the military took over the reins of power, a more centralized command structure characteristic of the military further worsened the autonomy struggle of local governments until 1976 when the reforms of that year gave local governments a new lease of life (Ekpe, 2012). As noted by Bello (2004), two critical factors are responsible for this development. First, the 1976 nationwide local government reforms unequivocally recognized the tier of government as a distinct level of government with defined boundaries, clearly stated functions, and provisions for ensuring adequate human and financial resources and at the same time imposed a nation-wide uniformity for all the units of local government within practical limits. Secondly, by deciding to recognize local government as the third tier of government, it fashioned it as the political institution at the grassroots level. Therefore, the 1976 local government reforms show some dominant issues in local government autonomy. These include the setting up of representative councils, determination of population size of local governments, direct allocation of funds to local governments and review of personnel administration. However, in an operational sense, the 1976 reforms to recognize local government as a tier of government was futile; local government administration is still an appendage of state and federal governments. Despite the constitutional elasticity provided for local government system beginning with the 1979 constitution and subsequent ones that defined functions and sources of funding of the system, Local Governments have not been able to extricate themselves from the control of state and federal governments in Nigeria (Ogbonna, 2004; Ezeani 2006). It is important to note that except for the Babangida's administration, all other reforms that have been made in the local government system over the years consistently decreased local government autonomy and increased the interferences of both federal and state governments in the activities of local government. The Babangida administration as earlier stated, introduced direct federal allocation to local government, abolished the Ministry of local government and established executive and legislative arms in local government.

As asserted by Abubakar, (2004) the issue of autonomy has to do with the Local government, beyond mere constitutional provision that would be organized as the third tier of government, with power to regulate, to spend and powers to provide services". However, experience and empirical evidence have shown that the financial autonomy of local government is non-existent in Nigeria. The non-independence of the local government as the third tier of government is further buttressed by the fact no express constitutional provisions are restricting the powers of the State House of Assembly to prescribe the organizational structure of a local government in terms of its functionaries to wit: Chairman, Deputy Chairman, Secretary, Treasurer, Supervisory Councilors etc. These officers and their offices, qualifications and tenure are not established or prescribed by the Constitution but are created by the law of the State Government.

The 1999 Constitutions of Nigeria poses a major challenge to the autonomy of local government. The double standard of the constitution made it difficult for local governments to operate as an autonomous tier of government (Adedokun, 2012). The Constitution empowers the State to scrutinize and approve Local Government budgets, and expenditure through the State House of Assembly. States here exercise arbitrary and undue control over Local government finance through the establishment of the State and Local Government Joint Account. This situation also brought to the fore the question of Local government autonomy. The experience with many Local government areas was that their states starve them of the statutory grant thus denying them of rendering essential services as required. Also, Section 7 and 8 of the constitution stated that there shall be a system of Local Government by democratically elected councils which by this constitution is guaranteed. Accordingly, the government of every state shall subject to section 8 of this constitution ensure their existence under a law which is provided for the establishment, structure, composition, finance and functions of

the councils. The above constitutional provisions imply that local government in Nigeria cannot exercise the functions assigned to it in section 1 schedule 4 of the constitution until the state House of Assembly had passed a law (Okeke, 2002).

To facilitate their operations and development of the localities, Local Governments in Nigeria need adequate autonomy. This should emanate from institutionalized democratic process of elections for representative Local Government councils as and when due. This should be in line with what obtains at the State and Federal government levels where elections are timely conducted.

Adequate autonomy should be manifestly accorded Local Governments in other areas such as finance, revenue generation and expenditure, personnel administration, and development matters. This will forestall the current alibi that Local Governments make with inadequate Autonomy for their diminutive development impact in their areas.

### **Lying Angels: What Does the Data Suggest?**

The overwhelming position of the literature on State-Local Government interaction in Nigeria is that the foundational problem of Local Governments is its lack of autonomy which is usurped by the State Government (Mello 2012; Awofeddo 2004; Okechukwu et al 2019). However, a study by Imhanlahimi & Ikeanyibe (2009) suggested that the Local Government has its internal problems and the blame on the State is a devil shift. This position is similar to the observation of the Dasuki Report which noted that the difficulties of the Local Governments are “arising directly from the behaviour and attitudes of the persons who operated the system” (Nigeria 1987: 120). In the content analysis of newspaper reports between 2003 and 2007, Imhanlahimi & Ikeanyibe (2009) showed that 80.9% of the related news are aimed at criticism of the Local Government internal activities independent of State Government interference.

Table 1: Content Analysis of Some Newspapers about People’s Views of Local Government Development in Nigeria (2003-2007)

S/No	Newspapers	Number of Copies Analyzed	Number of Praises	Number of Criticism
1	Independent	52	3	10
2	Mirror	15	0	5
3	Nation	49	3	8
4	Punch	60	5	12
5	Sun	35	4	10
6	The Comment	19	1	2
7	The Guardian	109	2	17
8	This Day	85	4	11
9	Tribune	66	2	18
10	Vanguard	155	6	32
	Total	645	30	127

Source: Imhanlahimi & Ikeanyibe (2009)

Based on the above line of debate, we generate the following three overarching hypotheses:

H1: A Local Government Chairman or Council member will prefer the State Government to interfere with the autonomy of the Local Government if it will enhance the personal political and financial status of that Chairman or Council member.

***H0: A Local Government Chairman or Council member will NOT prefer the State Government to interfere with the autonomy of the Local Government if it will enhance the personal political and financial status of that Chairman or Council member.***

H2: A Local Government Chairman or Council member will feel more inclined to respond to the demands of his/her constituency if that demand comes through the machinery of the State Government than directly from the grassroots citizen.

***H0: A Local Government Chairman or Council member will NOT feel more inclined to respond to the demands of his/her constituency if that demand comes through the machinery of the State Government than directly from the grassroots citizens.***

H3: There will be a significant increase in the performance of Local Governments if given higher fiscal autonomy.

***H0: There will be no significant increase in the performance of Local Governments if given higher fiscal autonomy.***

To test these three hypotheses we sent out an online survey link to elected officials of Local Governments across Nigeria. Responses representative of 274 Local Governments were pooled. To get a balanced opinion we coded the responses based on the political party ruling in the Local Government. These affiliations are zeroed down to the two major contending political parties: Peoples Democratic Party (PDP) and the All Progressives Congress (APC).

In the first set of questions, we asked the respondents opinion about their preferences in terms of their personal use of the funds of the Local Government; and if they will do what the State Governor ask them to do if that will enhance their prospect of getting elected into a higher public office, even if it means the State Governor will be interfering in the Local Government affairs.

#### Crosstab

Count

		Political Party		Total
		PDP	APC	
Variable1	YES	104	65	169
	NO	55	50	105
Total		159	115	274

#### Symmetric Measures

	Value	Asymp. Std. Error <sup>a</sup>	Approx. T <sup>b</sup>	Approx. Sig.
Interval by Interval Pearson's R	.321	.063	.685	.528 <sup>c</sup>
Ordinal by Ordinal Spearman Correlation	.332	.064	.207	.636 <sup>c</sup>
N of Valid Cases	274			

a. Not assuming the null hypothesis.

b. Using the asymptotic standard error assuming the null hypothesis.

c. Based on normal approximation.

DATA 1 = 274 RESPONDENT

N= 274

Variables	$\Sigma X$ $\Sigma Y$	$X^2$ $Y^2$	$XY$	r-cal	r-crit	Decision
X	6821	10221				Significant Reject Ho
Y	13574	331562	223772	0.332	0.089	

Significant at .05 alpha level; df = 272, critical-r value = .089

Based on the analysis above we reject H0 and accept H1 which states that “A Local Government Chairman or Council member will prefer the State Government to interfere with the autonomy of the Local Government if it will enhance the personal political and financial status of that Chairman or Council member”.

In the second set of questions, we asked the respondents whether a Local Government chairman or council member will feel more inclined to respond to the demands of his/her constituency if that demand comes through the machinery of the State Government than directly from the grassroots citizens.

**Crosstab**

Count

		Political Party		Total
		PDP	APC	
Variable2	YES	109	67	176
	NO	45	53	98
Total		154	120	274

N= 274

Variables	$\Sigma X$ $\Sigma Y$	$X^2$ $Y^2$	$XY$	r-cal	r-crit	Decision
X	8124	115234				Significant Reject Ho
Y	13574	331562	215712	0.424	0.089	

Significant at .05 alpha level; df = 272, critical-r value = .089

The statistical analysis above supports the H2 which suggest a Local Government Chairman or Council member will feel more inclined to respond to the demands of his/her constituency if that demand comes through the machinery of the State Government than directly from the grassroots citizen. In the third set of questions, we asked the respondents of their opinion about Local Government performance if given a higher level of fiscal autonomy. “YES” is a coding of the responses to indicate that Local Governments will perform better and “NO” means that Local Governments will not perform better.

**Crosstab**

Count

		Political Party		Total
		PDP	APC	
Variable3	YES	112	45	157
	NO	57	60	117
Total		169	105	274



N= 274

Variables	$\Sigma X$ $\Sigma Y$	$X^2$ $Y^2$	$XY$	r-cal	r-crit	Decision
X	6231	111148				Significant Reject Ho
Y	13574	331562	211201	0.361	0.089	

Significant at .05 alpha level; df = 272, critical-r value = .089

The result of the data shows that there will be a significant increase in the performance of Local Governments if given higher fiscal autonomy.

These results are quite interesting because it reveals Local Governments officials as policy “lying angels”. There is a preponderant inclination of Local Governments officials to look the other way when the State Government interferes with its autonomy if that will increase the chances of the official getting support at the State political structure in future elections. This also shapes the allegiance the officials has- which shifted to the qualms and caprice of the State Government due to individual financial and political gains. As a result, Local Governments tends to show priority to grassroots projects that synchronize with the dictates of the government at the State level and not its constituency.

### Conclusion

Since the beginning of the Fourth Republic, the academics and the civil societies have paid serious attention to the practice of effective and efficient Local Government administration in Nigeria. It is observed in this study that Nigeria’s Local Governments system is dysfunctional and has been unable to play its expected role as the third tier of government. Local Governments in the Fourth Republic are functionally weak and institutionally frail owing to lack of clear financial autonomy and state interference in their revenue sources. But while the literature tends to focus on a “devil” (State Governors) that usurps the autonomy of the Local Governments only by its will, this paper followed a different trajectory to suggest that state intervention into the affairs of the Local Government is desirable by the Local Government. This study does not pretend to develop a new theoretical perception of SLIN, rather, it is an invitation for a deeper investigation into the socio-political dynamics within the Local Government itself that have played a significant role in fostering and sustaining tighter State control of Local Governments that should look beyond the State Government and look more into the personalities of the Local Government structures.

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