

Federalism and Third Tier Governance in Nigeria: Panacea for Grassroots Democracy and Development

Steve Eboka Fnim

Department of Public Administration
Dennis Osadebe University Asaba
Corresponding author: steveeboka@gmail.com

Abstract

Local Governments or grassroots Government have since the 1976 reforms acquired an increased role and relevance particularly due to the efforts of the military Government propelled reforms. Most importantly, the reforms assigned to local governments, the status of a “third tier” government in the federal state arrangement. The reference to local government as a third tier level of government with clear cut functions and responsibilities is now common both in legal and political usages. However, the meaning of a third-tier status has remained assumed and contestable. The question of resolving the dilemma of the actual status of local government has gained currency and impetus. The need to further consolidates on these changes and entrench a virile and truly independent third-tier system of local government constitute focus of this work. The research will be structured into four sections. The first section shall deal with the general introduction of the study, objectives, problems and procedure followed by analysis of the conceptual framework. The third segment will consider the impact of infrastructural development undertaken by some local governments in Delta State. Finally, necessary recommendations for the way forward will be preferred.

Keywords: Federalism, Local Government, Nigeria, Governance, Development.

Introduction

Most nations that operate federalism mainly distribute powers between the government at the Centre referred to as federal or national and the subnational components called state or province. The inability to deliver real time benefits of democracy to the people creates the need for another layer that's more accessible, hence the councils which are variously named municipalities, countries, local government councils, boroughs, among others. Sadly, local councils are being looked on as the sick babies of the Nigerian federation. The federal and state governments have been struggling to actualize the fine 'concepts of inclusivity, transparency, productivity and beneficial outputs. The local governments have even been written off in the minds of many people as hopelessly helpless. In reality, however, no local government (Nigeria) seems to be operating or functioning optimally, due to institutional challenges placed in its framework. The councils are weighed down by clear constitutional absurdities.

A key dilemma of the local government system in Nigeria is its categorization in the constitution alongside federal and state, the two levels of government recognized in most countries that practice federalism. Many of the loopholes now begging to be filled, have resulted from the improper definition of the relevant details. There's relatively clear division of roles and responsibilities between the first and second tiers of government. For the third, however, even its constitutional duties are easily subsumed under those of the state overlords.

Literature Review

Local Governments in Nigeria today have progressively acquired an increasing and relevant role, particularly after the 1976 nationwide reforms. Local Governments are therefore now regarded as the third tier of government with clearly spelt out functions and responsibilities. Sections 7 and 8 of the 1999 constitution of the Federal Republic of Nigeria 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 lends credence to the existence of a total of 774 local councils nationwide. The third schedule of the 1999 constitution somehow provides for the exclusive and concurrent responsibilities of these councils. Furthermore, the constitution provides for the funding of local governments through the establishment of The State-Local Government Joint Accounts. However, despite these robust and lofty arrangements, intended to beget an efficient and effective local government system, a lot of gaps still exist in the performance of local government nationwide. By efficiency here we mean a better system of functional performance efforts of local governments. By effectiveness, we mean the judicious use of resources that will lead to the happiness and better welfare of the larger society served by the local government.

Since the 1976 local government nationwide reforms, a lot of changes have been effected in the search for a truly viable, efficient, effective, self-reliant system of local government necessitated by the people's welfare and happiness. Central to this pursuit is the need to clarify the limitations placed on council's performance by inadequate resources and also the need to bring council functionaries to be accountable to the people they serve such that the revenues accruable will be judiciously applied. There is therefore need for a proper match between expectation and resources that are actually available at the local government level. The question that easily arises at the mention of local governments is whether their state of performance justifies the *raison detre* for their existence.

The leading scholars and practitioners in this field including Hicks (1960), Prest (1962), Due (1963), Adebayo (1968), Murray (1970), Teriba (1968), Campbell (1968), Murray 1970, Watts (1970), Taylor (1970), and more recently Raheem (1989), Orewa (1991), Abubakar (1991) Sani (1992), Ikpe (2000), Mukoro (2000), Tarahor (2001) and Ovwasa (2005) among others looked at efficiency and effectiveness in the delivery of service to the people at the grassroots. Campbell (1963) gave an account of how the concept of local government, then known as Native Authority which began with the advent of the British Administration in 1914 under Lord Lugard and his men. The British mandate for the system at the time was the much publicized indirect rule system of administration through the natives. Various ordinances were passed to regulate the Native Authority Affairs, which include the Native Revenue Proclamation of 1907, the Native Authority Ordinance of 1916, and the Township Ordinance (Cap 216 of the Laws of Nigeria of 1948).

Similarly the 1976 local government reforms define local government as "government local level exercised through representative council established by law to exercise specific powers within defined areas. These powers should give the council substantial control over local affairs as well as the staff and institutional and financial powers to initiate and direct. The activities of the state and federal government in tat areas and to ensure through devolutions of functions to these councils and through the active participation of the people and their traditional institution, that local

initiative and response to local needs and conditions are maximized (Nigeria 1976). This paper therefore looks at performance of local government with a view of determining if their existence is really justified the finances of some of these council is x-rayed to determine how judicious they have been deployed for service delivery. At this point in time in Nigeria when the federal government is aptly concerned about the actual status of local government as a constitutional tier of government. This paper comes into strengthen. This move and resolve and to espouse the corollary, that local government have been a veritable tier of the Nigeria federalism.

Theoretical Frame Work

Federalism is essentially a set of rules about power sharing and principles of organization among the central or national government and nationalities or units in a state. It is a political structure and process that distributes or allocates and delimits power between the levels of government in a state. By the rules and principles about power sharing; authority, jurisdictions and resources are given and limitations imposed. Thus is set the institutional arrangements and the process of interaction between the levels of government and the determination of the rule-making, execution and adjudication freedom - initiative span and performance (Oyovbaira 1985).

In Nigeria the Federal system devolves powers to the States and Local governments in a three structure power sharing arrangement, although the Local governments are subsumed under the State governments. Their existence is however guaranteed by provisions of the constitution as a distinct level of government with specific functions and responsibilities, This is in conformity with the classical definition of Decentralization which was adopted by the United Nation document titled "Decentralization for National and Local development" Published in 1965 as a term which refers to the transfer of Authority on a geographic basis whether by de-concentration (delegation) of authority to field units of the same department or level of government or devolution of authority to Local government units or special statutory bodies. However, at the district level there was a rudimentary form of Local government known as the naive authority which later metamorphosed into the full blown Local government system. At independence the native authorities has acquired much wider powers and responsibilities and represented the first tentative step towards devolution.

It can therefore be argued that the concept of a third tier government implies a separate and co-ordinate level of government that is co-equal with the two other levels of government in status, power and authority. That fact that all have more than one rug of government makes that arrangement a federal set-up. Third tier also suggests an inter-governmental interactions and network with other levels of government while respecting autonomous functioning and legal status is supportive of the dynamics of co-operation and partnership in the joint task of governance (Ikelegbe 1999). The third tier structure in any federal arrangement is usually well defined with clear cut functions and given authority that underlies it's establishment, finance and latitude of operational powers. All these will however depend on the history, environment, political experiences of such a country and of course the legal ground norm upon which the federal superstructure is woven.

This clearly shows that federalism is dynamic and evolving in the United States of America example at the onset there was a federal dominated federalism where component states largely depended on the federal government but gradually this has levelled out to that of co-equals, overlapping roles and cooperation. While in Nigeria it has evolved from a federal dominated contraption during the first republic due to the highly centralized military regimes which left the

various sub nationals at federal mercy and dictation. The second and third republic relations have not been fundamentally different. It is however against this backdrop that the federal government intervened to restructure, empower and institutionalize local governments as a third tier of government. Thus the conception of the third tier federal structure has come to stay. In practical reality however, there appear to be a wide gap between legal-constitutional frameworks and actual realities. One will discover that even with such a distinct legal constitutional framework in place actual practices, traditions and the dynamics of State – local relations can also undermine local autonomy.

The classical interpretation of Local government third tierism negates federal tenets and tendencies (Ayeni 1989). Most federal constitutions places Local governments within the purview of the state legislations in a federal dual structure therefore a third tier local government structure becomes ambiguous, contradictory and anomalous (IKELEGBE 1999). Even when Local governments have been granted reasonable latitude of powers to operate as a distinct tier it is still expected to operate as a unit of the federating states in a federal structure.

In that case the usage of the term "Third Tier" may become misleading. However, if it is agreed that federalism is a device for reconciling the demands for regionalism and the local patriotism on the one hand and requirements of Unitarianism on the other (Tonwe. 1994). The federalist structure becomes very relevant to many third world Countries which are made up of clusters of ethnic nationalities because of it's emphasis on centripetal forces while minimizing centrifugal tendencies. It enabled these Countries achieve political unification while still retaining the identities of the different ethnic nationalities. Novel as this is it is still doubtful if this arrangement has been able to subserve the needs of national integration and political development.

In view of the vast potentiality of the federal device to achieve unity in diversity, it is postulated that federalism as an instrument of political development can make optimum contribution to nation building and State building if it incorporates government at the Local level in it's framework. It will involve federating the sub systems of micro level local governments are made constitutional sacrosanct, they will be capacitated to contribute to the political development process in their respective countries (TONWE D.A. 1994).

Research Methodology

Primary data is used to underscore the performance of sampled local governments' councils in delta state for the period 1999 to 2010. This involved the use of two major services of data collection

- i. Survey technique: this survey technique involve the collection of primary data through administrery of questionnaires and the technique of oral interview of relevant officials
- ii. Secondary data was sourced from information and recorded documents in the library the data used to undisclose the performance of the local councils was anged by use of simple percentages.

Local Government Council Performance in Delta State (Infrastructural Development) 1999 to 2010

The Table below captures the total income of the 9 sampled local government councils and the amount spent on capital project between the period 1999 to 2008. An analysis of pattern of expenditure reveals the following trends:

While the total income increased the capital expenditure generally increased for each of the selected local government council. During the financial year 2007, the amount committed to capital projects vis-a-vis total income indicated in the table 408 below

Table 1
Amount Committed to Capital Projects

S/N	LG.A	INCOME	CAPITAL EXPENDITURE	% OF CAPITAL EXPENDITURE
1	Ethiope East	678,067,706.2	30,527,104.57	45%
2	Oshimili South	395,007,833.8	31,649,638	8%
3	Sapele	379,074,869.9	53,279,065.44	14%
4	Ukwuani	334,117,912.5	47,227,495.17	14.1%
5	Isoko North	372,013,463.6	60,801,185.37	16.3%
6	Patani	366,381,978.6	46,289,945.17	12.6%
7	Warri North	695,777,180.9	43,743,000	6.3%
8	Ika South	349,743,422.4	2,242,584.11	0.6%
9	Uvwie	435,982,593.9	37,464,976.97	8.6%

Source: Auditor General Office, Asaba

The paltry amount committed to capital expenditure in 2007 financial year in all the council areas was due to the ban placed by the state government on the execution of .capital projects by the caretaker committees who ran the affair of the local government at that time.

The percentage increase in total income compared with the percentage increase in amount committed to capital expenditure for nine successive years for nine selected councils is as follows:-

Ethiope East

In 1999 received ₦79.8m (approximately) and ₦149.4m in 2000 which is a percentage increase of 5.4% while the council committed ₦25.4m to capital expenditure in 1999 and ₦58.8m in 2000 representing an increase of 43.1%. etc

Oshimili South

In 1999 received 75.9m and ₦149.0m in 2000 an increase of 53.8% but committed ₦14.4m into capital projects in 1999 and ₦21.7m in 2000 representing an increase of 66.3%. etc

Table 2
Total Income And Total Capital Expenditure Of Local Government Councils In Delta State

ETHIOPE EAST

Year	Tine Total Income (₦)	cexp Capital Expenditure (₦)	igr Internally generated Revenue (₦)	TINC/M Total Income Expressed in Million Naira (₦)	CEXP/M Capital Expenditure Expressed in Million Naira (₦)
1999	79,829,621.98	25495516.27	1859643	7982962198	25.49551627
2000	149,449,068.7	58854481	2978424	1494490687	58.854481
2002	220,925,476.7	36832643.01	6490436.98	2209254767	36.83264301
2003	295,642,024.1	27490259.25	7936852.56	2956420241	27.49025925
2004	365,588,803.6	3998711.9	3056941,65	3655888036	39.9087119

2005	406,391,531.5	9693851.26	52929760.54	4063915315	9. 69385126
2006	569,156,436.5	90894125.43	6171540	5691264365	90.89412543
2007	678,067,706.2	30527104.57	8580371.92	678.0677062	30.52710457
2008	109,,995,432.2	503614044.6	19488478.45	1099.954322	503.6140446

Source; Auditor General's Office (Local Government) Asaba 2010

Table 3
OSHIMILI SOUTH

Year	Tinc Total Income (₦)	Cexp Capital Expenditure (₦)	Igr Internally generated Revenue (₦)	TINC/M Total Income Expressed in Million Naira (₦)	CEXP/M Capital Expenditure Expressed in Million Naira (₦)
1999	75930551.58	14418653.72	4154076.55	79,93055158	14,41865372
2000	141016218.1	21779149.52	3958758.76	141,0162181	21,77914952
2002	N/A	N/A	N/A	N/A	N/A
2003	232293965.9	21640375	6160975.99	232,2939659	21.640375
2004	281338191.3	39419789.36	6691871	281,3381913	39.41978936
2005	298013947.6	38994728.2	5004533.64	298.0139476	38.9947282
2006	451525808.2	26618403.12	7874970	451.5258082	26.61840312
2007	395007833.8	31649638	10483115	395.0078338	31.649638
2008	992465706	162192282.8	15210256.82	992.465706	162.1922828

Source: Auditor General's Office (Local Government) Asaba 2010

Table 4
Sapele

In 2003 received ₦297.8m and ₦359.9m in 2004 an increased of 82.7% but committed ₦42.9m into capital projects in 2003 and ₦94.2m in 2004 representing an increase of 45.5%. etc

Year	Tinc Total Income (₦)	Cexp Capital Expenditure (₦)	Igr Internally generated Revenue (₦)	TINC/M Total Income Expressed in Million Naira (₦)	CEXP/M Capital Expenditure Expressed in Million Naira (₦)
1999	N/A	N/A	N/A	N/A	N/A
2000	185785623.9	53888163.07	6154786.16	185,7856239	5388816307
2002	N/A	N/A	N/A	N/A	N/A
2003	297807099.6	42917399.83	4379418.52	297,80709996	4291739983
2004	359913069.5	94277558.68	3412280	359,9130695	94,27755868
2005	394542538.3	80194681.56	3425169	394,5425383	80,19468156
2006	594991256.8	155740999.2	4063762.7	594,991,2568	155,740,9992
2007	379074869.9	53279065.44	9206198.88	379,0748699	53,27906544
2008	1124424158	174062041.4	5937863.44	1124,424158	174,0620414

Source: Auditor General's Office (Local Government) Asaba 2010

Ukwuani

In 2005 received ₦368.6m and ₦535.7m in 2006 an increase of 58.8% but committed ₦66.4m into capital projects in 2005 and ₦8.2m in 2006 giving an increase of 56.2%.

TABLE 5
Ukwuani

Year	Tinc Total Income (₦)	Cexp Capital Expenditure (₦)	Igr Internally generated Revenue (₦)	TINC/M Total Income Expressed in Million Naira (₦)	CEXP/M Capital Expenditure Expressed in Million Naira (₦)
1999	N/A	N/A		N/A	N/A
2000	N/A	N/A		N/A	N/A
2002	N/A	N/A		N/A	N/A
2003	233414225.9	18369430		233.4142259	18.36943
2004	324521915	6272488		324.521915	6.272488
2005	368628066.2	66430882		368.6280662	66.430882
2006	535766753.7	118217095.3		535.7667537	118.2170953
2007	334117912.5	47227495.17		334.1179125	47.22749517
2008	1042761022	471486537		1042.761022	471.486537

Source: Auditor General's Office (Local Government) Asaba 2010

Isoko North

In 2002 received ₦97.3m and ₦317.1m in 2003 an increase of 62.2% but committed ₦22.3m in 2002 and ₦61.3m in 2003 to capital projects an increase of 36.4%. etc

TABLE 6
ISOKO NORTH

Year	Tinc Total Income (₦)	Cexp Capital Expenditure (₦)	Igr Internally generated Revenue (₦)	TINC/M Total Income Expressed in Million Naira (₦)	CEXP/M Capital Expenditure Expressed in Million Naira (₦)
1999	N/A	N/A	N/A	N/A	N/A
2000	N/A	N/A	N/A	N/A	N/A
2002	197367605.1	22374087.07	N/A	197.3676051	22.37408707
2003	317132414.4	61351036.09	N/A	317.1324144	61.35103609
2004	412921719.8	4639649.89	N/A	412.9217198	46.3964989
2005	456454527.6	53434640	N/A	456.4545276	53.434640
2006	626232484.9	117020580.2	N/A	626.2324849	117.020580.2
2007	372013463.6	60801185.37	N/A	372.0134636	60.80118537
2008	1225173608	86791207.65	N/A	122.5173608	86.79120765

Source: Auditor General's Office (Local Government) Asaba 2010

Patani

In 1999 received N93.3m and N216.3m in 2003 an increase of 43.1% but committed N64.6m in 1999 to capital projects and N96.6m in 2000 an increase of 66.9%.

**TABLE 7
 PATANI**

Year	Tinc Total Income (₦)	Cexp Capital Expenditure (₦)	Igr Internally generated Revenue (₦)	TINC/M Total Income Expressed in Million Naira (₦)	CEXP/M Capital Expenditure Expressed in Million Naira (₦)
1999	93376637.38	64630737.58	N/A	93.37663738	64.63073758
2000	216337888.8	96681906.18	N/A	216.3378888	96.68190618
2002	239776323	86601012.7	N/A	239.776323	86.6010127
2003	300501585.6	90179739.12	N/A	300.5015856	90.17973912
2004	368554645.5	36189006	N/A	368.554645.5	36.189006
2005	528533627.7	26259439.8	N/A	528.5336277	26.2594398
2006	537334683.3	106429271.9	N/A	537.3346833	106.4292719
2007	366381978.6	46289945.17	N/A	366.3819786	46.28994517
2008	1157526691	87213733.47	N/A	1157.526691	87.21373347

Source: Auditor General's Office (Local Government) Asaba 2010

Warri North

In 1999 got N78.3m and N272.6m in 2000, an increase of 28.3% but committed N17.8m in 1999 to capital projects and N171.9m in 2000 an increase of 10.4%. etc

**TABLE 8
 WARRI NORTH**

Year	Tinc Total Income (₦)	Cexp Capital Expenditure (₦)	Igr Internally generated Revenue (₦)	TINC/M Total Income Expressed in Million Naira (₦)	CEXP/M Capital Expenditure Expressed in Million Naira (₦)
1999	78390402.55	17887532.63	N/A	78.39040255	17.88753263
2000	271605187	171952915.6	N/A	271.605187	171.952915.6
2002	N/A	N/A	N/A	N/A	N/A
2003	N/A	N/A	N/A	N/A	N/A
2004	297444922.2	31325998	N/A	29.7444922.2	31.325998
2005	N/A	N/A	N/A	N/A	N/A
2006	N/A	N/A	N/A	N/A	N/A
2007	695777180.9	43743000	N/A	695.777180.9	43.743000
2008	1629333432	282917346	N/A	1629.333432	282.917346

Source: Auditor General's Office (Local Government) Asaba 2010

Ika South

In 2002 got N184.7m and N321.3m in 2004, an increase of 57.5% but committed N11.2m in 1999 to capital projects in 2002 and N34.9m in 2004, an increase of 32.1%. etc

**TABLE 9
IKA SOUTH**

Year	Tinc Total Income (₦)	Cexp Capital Expenditure (₦)	Igr Internally generated Revenue (₦)	TINC/M Total Income Expressed in Million Naira (₦)	CEXP/M Capital Expenditure Expressed in Million Naira (₦)
1999	N/A	N/A	N/A	N/A	N/A
2000	N/A	N/A	N/A	N/A	N/A
2002	184715302.7	11229896.75	N/A	184.7153027	11.229896.75
2003	N/A	N/A	N/A	N/A	N/A
2004	321331804.2	34970570.45	N/A	321.3318042	34.97057045
2005	372900753.6	25581220.9	N/A	372.9007536	25.5812209
2006	439839918	55487642.98	N/A	439.839918	55.48764298
2007	349743422.4	2242584	N/A	349.7434224	2.242584
2008	859684956.2	202476439	N/A	859.6849562	202.476439

Source: Auditor General's Office (Local Government) Asaba 2010

Uvwie

In 2004 received N438.6m and N513.6m in 2005, an increase of 85.4% but committed N326.3m to capital projects in 2004 and N473.1m in 2005, an increase of 68.9%. etc

**TABLE 10
UWVIE**

Year	Tinc Total Income (₦)	Cexp Capital Expenditure (₦)	Igr Internally generated Revenue (₦)	TINC/M Total Income Expressed in Million Naira (₦)	CEXP/M Capital Expenditure Expressed in Million Naira (₦)
1999	N/A	N/A	N/A	N/A	N/A
2000	932314821.5	148956791.8	N/A	932.3148215	148.9567918
2002	N/A	N/A	N/A	N/A	N/A
2003	N/A	N/A	N/A	N/A	N/A
2004	438606859	326374510.2	N/A	438.606859	326.3745102
2005	513671425.9	473111621.7	N/A	513.6714259	473.1116217
2006	448377689.1	454992394.8	N/A	448.3776891	454.9923948
2007	435982593.9	374649769.7	N/A	435.9825939	374.6497697
2008	1289855288	817759239.7	N/A	1289.855288	817.7592397

Source: Auditor General's Office (Local Government) Asaba 2010

Summary of Research Findings

The findings indicate that sampled local governments and indeed most local councils have spent a fair percentage of their financial earnings on infrastructural development. These include, building and renovation of Health centers, construction of markets and abattoirs, grading and rehabilitation of roads, renovation and construction of palaces, civil centers, office buildings maintenance and reconstruction, purchase of office equipments and machinery for public use and other social and auxiliary services too numerous to Mention here. The local governments are better positioned to offer and provide these services due to its proximity to the grassroots. Most of the projects undertaken by the councils have a ward to ward spread across the local government areas.

Conclusion

The ward councilors and their appointed supervisors (executive arm) are involved in decision/policy making and implementation. Due to the guaranteed funding of the local governments by constitution a lot of interest has been generated into the affairs of the local councils, deliberate participation has become inevitable by the local populace. It should be placed on records here that the relocation of a local government Headquarter from Ogidigben to OgbeIjoh in Warri south west local government was one of the factors that led to the Ijaw/Itsekiri ethnic violence that lasted over a span of three years claiming thousands of lives and destruction of properties. Local government elections across the country are unarguable, the most contested and vicious in our Nation today. The local governments have become training grounds for most of our present day politician who started their careers from the local government. Democratic local legislative houses now debate and promulgate bye-laws and other incendiary legislation that pertain to law and order in the rural communities. The local governments have as a matter of fact come to stay as an identifiable tier of government in the Nigeria federal system.

Recommendations

- i. the supreme court of Nigeria have given its landmark judgement granting financial autonomy to local governments and barring governors from holding unto or disbursing council. Funds. To cast in iron the decision taken by the Apex court, the national assembly should forthwith commence the amendment/expulsion of section 162:3-8 from the constitution.
- ii. the state government in a federal democracy should continue to supervise the affairs of the local governments In line with section 7 and 8 of the constitution. However, the ministry of local governments role should be restricted to monitoring and standardization of performance.
- iii. the office of the auditor-general / local government in the various states should be reflected in the constitution.
- iv. the local government service commissions in the various states should be straightened to continue to attract qualified and suitable manpower that will operate the local government bureaucracy. The commission should be listed in the constitution to guarantee security of tenure for its members.

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