

THE DOCTRINE OF FEDERALISM IN A PLURALIST STATE: A STUDY OF LOCAL GOVERNMENT AUTONOMY AND DEVOLUTION OF POWER IN NIGERIA

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Abstract

The centripetal and centrifugal forces plaguing pluralist states has indeed, become a disturbing notoriety to the intellectual class in recent times and to that extent increasingly fueled their constant review of the applicability of federalism in this circumstance. Fiscal or true federalism has been romanticized as a panacea to the contending social and ethnic forces jostling for accommodation in pluralist state like Nigeria. This study therefore, aims at interrogating the raison d'être for federalism and the notion of autonomy and devolution of powers in Nigeria. While employing consociational democratic theory, data were sourced from documentary instrument mostly from secondary sources and content analytical methods were used in its analysis. The study argues that a prototype federalism that structures the autonomy and devolution of powers constitutionally to local governments can guarantee stability in a pluralist state. The study among other things; recommends that autonomy of the local government is sacrosanct and a veritable instrument for the stability and sustenance of federalism in a pluralist state as evidenced in Nigeria.

Keywords: Federalism, pluralism, state, autonomy, and devolution of powers.

Introduction

The history of Nigeria has remained factually a history of clash of social forces and social groups. This took inception from the amalgamation of Northern and southern protectorates from 1898 that culminated in 1914 by the colonial masters superintended by Lord Lugard. It became a political mishmash. It has been established that Nigeria a bid to weld the diverse ethnic groups ranging over four hundred ethnic groups together, the colonial masters officiated the concept of federalism with effect from 1946. The Richards Constitution was aimed at promoting the unity of Nigeria, providing for the diverse people of the country and securing greater participation by the people in the discussion of their own affairs (Akinboye and Anifowose, 2005).

Sequel to this constitution, the country was balkanized into three main regions with a view to uniting the country together. Suffice to say that subsequent constitutions, 1951, 1954, 1958, and 1960 all sang the songs of federalism. The 1960 constitution provided for federal arrangement with the federating regions. The response of the people from the minority ethnic groups has been agitation to be protected within the larger Nigeria.

To buttress and strengthen the federal arrangement, the federal military government under Gen Yakubu Gwon, created the twelve states by fiat or decree in Nigeria, six in the north and six in the south (Ike, 2000, p.9). The creation of twelve of states seemed to have brought equality in the federal structure of the country. But the agitations for the creation of more states continued which brought the proliferation of states from twelve to nineteen states of the federation and subsequently to thirty-six states today.

The 1976 state creation brought about the reform of the local government in Nigeria. The existence of the local government in the 1950s has placed it under the Native authority system. The 1976 Local Government reforms in Nigeria saw Local government as the government at local level exercised through representative councils established by law to exercise specific functions and powers within the defined area (Johnson, 2013, p.1).

The reform of the local government system in Nigeria was made to fit and ensure the devolution of powers among the three levels of government in Nigeria. As a pluralist state, Nigeria attempts at accommodating the jostling ethnic groups by adopting federalism and devolving powers among the three levels of government. This is done to ensure the rights of all are protected within the federating units. The agitation for the protection of the minority ethnic group has assumed the dimension, calling for the restructure of the pluralist nature of the Nigerian states. Therefore, this study sets out to examine whether federalism in Nigeria has devolved powers to local government with a view to ensuring autonomy at the local level.

Delineation of concepts

Federalism

Federalism as a concept has constituted debate among scholars particularly in the third world countries. The practice of federalism has undergone historical attrition in Nigeria, and the practice is somewhat difficult and complex. In a bid to drive home the concept of federalism in Nigeria, certain social categories were invented to solve the problem associated with federalism in Nigeria such as: zoning system and power sharing, federal character principle and national integration. All these tend to define and create the indexes of federalism in Nigeria. Federalism falls into major divisions political and economic varieties.

Political federalism entails a constitutionally established system with at least two orders of government each of which has some genuine autonomy from the other. The government at each level is primarily accountable to their respective electorates (Anderson, 2010, p.1). Furthermore, federalism in Nigeria fits into the argument above, because all the historical peregrination of federalism in Nigeria has been on political considerations without

paying attention to social and economic forces, centrifugal and centripetal contortions. Federalism is an arrangement in Nigeria where political powers are shared between the federal government and subordinate units, the federal government dictate the tone of revenue and all accruable economic fortunes in the federation. This is contrary to the tenets and principle of fiscal federalism.

Fiscal federal studies the respective roles and interaction of government within federal systems, with a particular focus on the raising, borrowing, and spending of revenues. It examines the functioning of these systems and tries to provide a principled basis for evaluating them (Anderson, 2010, p.2). It is on the basis of fiscal federalism that can accommodate the various shades of opinion and interests. In the southern parts of Nigeria, agitation continues to heat up the polity calling for the application of fiscal federalism and political restructuring of the political system.

Pluralism

Pluralism is the core question and political issue militating against federal system. Pluralism entails the availability of diverse ethnic groups and multicultural groups co-existing together as a political entity. Here the critical areas of problem- hunting and problem solving seem to lie in ethnicism, nepotism and relatively low level of loyalty not self or group but to a higher order of things. A country with over 374 ethnic groups or over 400 distinct languages like Nigeria displays high degree of pluralism. Pluralism is thus extended into a doctrine concerning a given diversity, cultural, ideological, racial, national, class, gender, or multiplicity of actors within the political environment, national and international, and so a challenge to a state centrism and contradiction of the class theory (Obasi, 2002, p.326).

Autonomy

Political autonomy appears the burning issue among the federating unit in a pluralist state. In a country of where political form of federalism prevails, agitation for recognition will usually dominate the political system. Following the collapse of regionalism in the 1967, creation of states by the federal government, agitations for political autonomy has been the dominant features of the Nigerian federalism. It will be recalled that Nigeria went to war to save the country from disintegration when the federating Eastern Nigeria sought for secession from Nigeria. It is a decentralization concept applied to multicultural society. Questions of autonomy particularly arises in multicultural political societies where centre-periphery, majority-minority contradictions create fears and anxieties over cultural exploitation and domination (Obasi, 2002, p.30).

Devolution of power

Decentralization involves the following concepts deconcentration, delegation, and devolution. The concern of this paper is on devolution of powers. It is the most extreme form of decentralization. It involves the delegation of powers and responsibilities over specific functions by the central government to local government and or special statutory bodies that at least in theory, operate outside the control of the central government or federal (Ezeani, 2004, p.6). Furthermore, devolution means the transfer of power to geographic units of local that lie outside the command structure of the central government (Sherwood, 1969, pp.60-67). In his further argument, devolution represents the concept of separateness, of diversity of structures within the political system as a whole (Sherwood, 1969, pp.60-87).

Devolution is usually seen as form of decentralization in which local government units are given responsibility for some functions but in which the central government often retains some supervisory powers and may play a large financial role (Rondinelli, 1981, p. 138). In federal system, devolution of powers tend to be characterized by the following features: (i) local government autonomy and independence are clearly spelt as third tier of government over which the central government has little or no direct control, (ii) local units must clear and legally recognized geographical boundaries, (iii) local government must be granted corporate status including the power to raise sufficient revenue to perform assigned functions, (iv) devolution involves the need to develop local government as institution, and (v) finally devolution entails reciprocal, mutually benefitting and coordinate relationships between central and local governments (Rondinelli, 1981, p. 139). Having examined the characteristics above as the major indexes of devolution, it can be simply stated that devolution represents the core of decentralization.

Theoretical paradigm

A theory consists of constructs or concepts, definitions and propositions, hypothesis and all these are put together to present a systematic view of a phenomenon, specify relationship between the concepts and constructs or variable of the phenomenon and explain and possibly predict the phenomenon (Asika, 2006, p.9). With particular reference to this work, the study adopted the consociational democratic theory to explain the work.

In his seminal work on consociational democracy in plural states, Lijphart adumbrates that the genre of consociationalism can be defined in terms of four strands indexes: (i) government by grand coalition of the political leaders of all significant segments of the society, (ii) the mutual veto or concurrent majority rule, which serves as additional protection, especially for vital minority interests; (iii) proportionality as the principal standard

of political representation, civil service appointment and allocation of resources and (iv) a degree of autonomy for each segment to run its own affairs. Nigeria federalism since independence has had tortuous journey with ethnic conflict and challenges. Thus, consociational model which explicitly defines modalities for power sharing has degree of relevance when applied to Nigeria's national question conundrum.

The problem of national question has continued to plague the country since the amalgamation of 1914; minority questions continue to agitate the polity. This has led to the multiplicity of states and local government creation in order to accommodate the various shades of opinion. The existence of local government is meant to protect the interest of the local people, who might find it difficult to benefit from the state and federal governments.

Methodology

The study adopted the qualitative type research in carrying out investigations in social sciences. It adopted his historical research design, which relies on document analysis. It is a method that enables historians and political Scientist to search into recorded facts, and other historical evidence in books, journals, newspapers etc that either of recent or remote significance. The data adopted for the study were generated through secondary sources. In addition, internets materials were used within relevant materials. The study adopted content analysis and interpretive techniques for the analysis of the data. So the data employed were deliberately culled and extrapolated from the evidence available in journal papers, books, internets materials, and documentary materials etc.

Nigerian federalism and the notion of devolution of powers

The nature of Nigerian federalism has made it possible that democratic stability, national integration, and sustainable socio-economic development have eluded Nigerian post-colonial state (Dauda, 2004, p.164). After the country has gotten her political independence from the British hegemony in 1960, the federal structure has been wobbling, and tilted towards authoritarianism. The fear of the unknown to the minority groups continued to generate concern in the polity.

In January 1966, Ironsi who took over power following the collapse of the First Republic attempted to restructure Nigeria's lopsided federalism into unitary system (Dudley, 1973). However, this restructuring met with bloody resistance from the north because of fear of domination which greeted 1966 military coup d'état ushered massacre and pogrom against the Ibos. The cumulative fear of ethno-regional fear of domination, prejudices as well as manipulation of socio-cultural cleavages by the political class in the First Republic, Nigeria

drifted into anarchy and civil war. In spite of the tragic lessons of the civil war, communal violence along ethnic and religious cleavages continues to pose threats to national integration and democratic stability in Nigeria (Elaigwa, 1993, Bangura, 1996).

Nigeria came out of war with lopsided federalism. There was attempt to decentralize the country in 1967 by the creation of more states under the regime of Yakubu Gowon. Before the war, the official colonization of Nigeria was in 1900 by British colonial authorities. During this period, we had Indirect Rule System of local government whereby local government was run through traditional rulers, emirs, obas, chiefs or warrant chiefs. This was done after the amalgamation of Northern and Southern Protectorates in by Lord Lugard (Ugwu, 2017, p.39).

Both colonial and post-colonial Nigeria had never had uniformed local administration throughout the country. For instance, the East Central states had a new pattern of local government administration in 1971. It was known as Development Administration. This system was used in the South Eastern and Mid-Western States. The main thrust of this system of local government was rooted in self-help. While in the West, the Council Manager System was introduced from North America. The structure of the Council Manager System was made up of a council of elected or appointed members which play the major roles as Board of Directors in a business organization and secretary who performed the functions of a chief executive of the company (Ugwu, 2000, p.21). This was the true picture of the local government system in Nigeria prior 1976 Local government Reforms. On this note, devolution of powers in Nigeria has not actually devolved powers to the tune of autonomy to the local government.

However, the reforms of 1976 came with a view to addressing the deficiency arising from the colonial time. The 1976 Local Government reform initiated by the then General Olusegun Obasanjo Military regime was landmark in the efforts by the federal government to accord the third tier of Government its pride of place in the scheme things in Nigeria. The reforms introduced the following conditions into local government system:

- (i) It made provision for democracy by the conduct elections
- (ii) The division of local government responsibilities into mandatory and optional functions
- (iii) Articulation of revenue sources of rates, fees, fines, and annual transfers from the federal and state government
- (iv) Vividly distinguished between local government and traditional authorities.

- (v) Harmonization of the conditions of service of senior personnel of local government with those of their counterparts in the state.
- (vi) It ushered in a uniform system of single tier local government for the people of Nigeria.
- (vii) Insulation of traditional rulers from partisan politics
- (viii) Provision of special training programmes for senior management staff (Johnson, 2005, p,59).

In the face of these reforms, the devolution of powers among the three levels of government does not grant full political autonomy to local government. As it has been stated earlier in this study, the devolution of local governments is more of political consideration, rather than concrete provisions in the constitution. There is the legal status of local government in Nigeria, but the proviso in the constitution never placed local government to enjoy the required autonomy as obtained in some states of the world. The current Local government system was created by military administration in Nigeria through the local government reforms. This stipulated the creation of the office of executive chairman. (Ugwu, 2000, p.25). The 1979 constitution captured the 1976 reforms which brought the presidential system of local government system with participatory democracy. The 1999 constitution reflected the 1979 constitution specifying the operation of presidential system. With this the structure of the federal and state government were obtained in the local government. By these provisions in the constitution, the local government performs the following functions:

- (i) To bring governance closer to the people
- (ii) To ensure administrative convenience
- (iii) To ensure effective mobilization of resources
- (iv) To maintain law and order
- (v) To provide agricultural services
- (vi) Town planning
- (vii) To create markets, motor parks, and gardens and host of other functions

The practice of federalism and L.G.A Autonomy

The practice of Nigerian federalism from the 1914 to 1976, local governments transited through Native Authority System. It has metamorphosed to the reforms of 1976, which gave birth to presidential system of local government. By the provisions of the reforms, it is expected that local autonomy should take effects. But on the contrary, it is important that there is never a time in Nigeria's post-colonial political history that local

governments operated independent of both the state and federal governments, which is the crux of local autonomy (Akpan and Okonette, 2013). The desire to have autonomy of local government has been an impinging factor on the federal government. It is notable that current local government system now was the creation of the military, and has not been fully legislated by the civilian government. The 1976 reforms were operational from 1979 to the contemporary time. In 1985, Nigeria had some other reforms, but presently we operate under 1999 Constitution of the Federal Republic of Nigeria, which stipulates the separation of powers among federal, state and Local Governments. We have several reforms on Local government such as 1984 Dasuki Report of the Nigerian Local Government, 1992 Handbook on Local Government Administration; 1989 and 1999 Constitution, which we presently operate (Ugwu, 2017, p.25).

While there have been reforms in Nigeria, none of them have actually informed the local autonomy. There are seven elements of local government autonomy; separateness, government, taxation, political tradition, political initiative, leadership, geographic distance and electoral realities (Wright, 1995). Examining the element one after another, it is obvious that these elements are not fully applied in Nigeria. Orebe (2013) noted that Nigeria remains the only federation globally where federal government decides how, where and when a local government must run. In the developed world, state or regional government create and finance local government (Ugwu, 2017, p.86). With the total financing of the local government by the federal government, the idea of autonomy remains a mirage. In the 1999 constitution, it appears that state is in control of local government by creating them but funding comes from federal government, so it becomes difficult for autonomy to be realized.

The 1976 reforms expressly recognized local government as a tier of government. Invariably, it is expected that autonomy will be real on the local government. But while the local government was seemingly moved to be under the state government; its modus operandi is not entirely state affairs. The control of federal and state government over local government makes difficult for the autonomy of the local government to be real. In the 1999 constitution, the state government are empowered to create local government to be approved by the National Assembly, but the attempts by various states government to create local government was not given approval by the National Assembly. It will be recalled that the 1999 constitution empowered that state House of Assembly legislate on the matters of local government. This brought the joint account between state and local government.

Furthermore, the Joint Account between state and local government has eroded completely the concept of autonomy in the local government. As it is in many states of the

federation, state government decides the type of projects local governments are meant to execute and appropriate the funds of the councils. Inadvertently, the 1999 constitution also makes it possible for state government to cripple local governments financially by routing funds standing to their credits in the Federation Accounts through the States /Local Governments' Joint Account rather than directly to them (Ugwu, 2017, p.77). 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 (Section 162 (8) of 1999 constitution). But rather than ensure fiscal responsibility, the law has provided a window for state governments, which are constitutionally required to fund the councils, instead hold them hostage as well as make them their appendages. In practice, the operation of the joint account has denied local governments their financial autonomy (Ugwu, 2017, p.77). What we can expressly understand from the provisions of the 1999 constitution is that empowering the states to streamline the structure, finance, composition, and functions has hampered the autonomy of the local councils under the current democratic dispensation. It is a wind that blows the council no good.

Also the constitutional provision that empowered the State Independent Electoral Commissions to conduct elections into the councils, has made the state Governors the gods of the local governments in Nigeria. By these State Governors rather select council chairmen single handedly without brooking opposition during the charade called elections at the council level. It was only in 1998 that there was country wide election in the local government since the return democracy. Immediately, after the 1999 constitution took effect, it has been difficult to hold elections into the councils across the federation. In the southeast comprising Imo, Abia, Ebonyi, Anambra and Enugu states, elections have been infrequent. The appointment of Caretaker Committee to oversee the affairs of the Councils has been predominant. In 2011, the Governor of Imo State, His Excellency Owelle Rochas Okorochoa dissolved elected council chairmen, and resorted to Transition Committee with impunity. These council chairmen got judgment in the court, but the governor flagrantly flouted the court order. Equally, tenures of the elected council have varied from two years to three years according to the whims and caprices of the State Houses of Assembly.

It is important to note that reckless creation of development centers by the state governors in the country has whittled the powers of the local governments. Development centers receive from backing of the law from the State House of Assembly to function as local government deriving funds from the state and local government joint account. In Ebonyi

state, it has sixty-four development centers in addition to thirteen local governments. This creates room for appropriating the funds of the council recklessly in order to meet the needs of the politicians. This is state of the local government across Nigeria. The exploration of this study is that local government autonomy in Nigeria is still a mirage given the above indexes.

Problems Associated with the local government system in Nigeria

Having examined the practice of federalism and local government in Nigeria, it behoves on this study to go further in investigating the problems associated with the local government system in Nigeria. Local Government has evolved from colonial period to post-colonial era in Nigeria. It changed from Native Authority system to the presidential system of local government as we have it in today in Nigeria. Upon these various reforms and evolutions; the contemporary local government is still fraught with multiple problems that militate against its success and survival. These problems have whittled the roles and autonomy of the local government as recognized by the constitution. These problems include but not limit to the under-listed problems:

- (i) Constitution of the Federal Republic of Nigeria (1999)
- (ii) Ministry of local government
- (iii) Local Government Service Commission
- (iv) Appointment of the Caretaker Committee of Local government
- (v) Appointment of Sole Administrators
- (vi) Use of Heads of Personnel Management of Local Governments as Chairmen in most cases
- (vii) Creation of Office of Special advisers to Governors on local government matters
- (viii) House of representative and Senate committee on local government
- (ix) State Houses of Assembly Committee on Local Government
- (x) Interference on Local Government Statutory Allocations from Federation Account Committees
- (xi) Non remittance of 10% internally generated revenues to local government by most state governments
- (xii) Nigeria's Political culture (Ugwu, 2017, p.89).

Ezeani (2004) articulated the problems of local government in Nigeria such as personnel, corruption, loss of autonomy and financial problems as major factors militating against the autonomy and development of local government in Nigeria. As these problems continue to exist, and government does nothing to stop them; autonomy will continue to elude the local governments in Nigeria.

Conclusion

Several studies have been done on the local government system in Nigeria from the colonial to post-colonial era. What have attracted the attention of scholars are the critical challenges and peculiarities associated with the operation of the local government in Nigeria. Scholars and practitioners continue to pore and investigate the reasons why in spite of the transformation and metamorphosis of the local government; political autonomy continues to elude the council throughout the country. In this study we have discovered that major problems facing the local government is the structure and practice of the Nigerian federalism. The constitution provides that both federal and state government control the local government. The study identified the following constitutional pitfalls that tend to undermine the autonomy due for local government: the issue of state and local government joint account, ownership of state independent electoral commissions, and creation of local government subject to the express approval of the National Assembly. With all these problems on ground, it is very difficult for the autonomy of the council to be realized in Nigeria

Therefore, the study concludes that concerted national dialogue and constitutional amendment should follow suit under the current democratic dispensation, so as to speedily come to terms with the realization of local government autonomy.

Policy alternatives

The problems of local government in Nigeria have endured and continue to constitute impediments to the growth, autonomy and development of the councils. The study having established that devolution of powers has not yielded the desired local government autonomy to recommend the following policy alternatives. These recommendations if applied will eventually help to bring about the local government autonomy in Nigeria:

- (i) It is imperative that constitutional amendment will remove the local government from the control of state government completely. This will ensure complete autonomy.
- (ii) That the constitution should provide for four-year tenure as obtained at federal and state government.
- (iii) It is also necessary that SIECS should be coalesce to INEC, so that INEC will take over the conduct of local government elections.
- (iv) The study recommends that statutory allocation should come directly to local government, thereby abolishing state and local account joint account.
- (v) Creation of local government should be based on economic viability and not on patronage.

- (vi) The fight against corruption should be intensified across the three tiers of government in Nigeria.

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