



Nigeria

Rotimi T. Suberu

Major constitutional reforms in Nigeria positioned local government as the third tier of the country's federal system after the central government and the states. The reforms entrenched the boundaries of Local Government Areas (LGAs); codified a schedule of exclusive, advisory, and concurrent functions for the localities; mandated the transfer of federal and state revenue to local authorities; and guarantee the existence of democratically elected local councils. Despite the grand constitutional rhetoric of three-tier federalism, however, local government in Nigeria remains chronically weak and thereby contributes to the violent instability plaguing the north-east and other areas of the country.

A burgeoning literature has identified multiple factors driving the travails of Nigerian local government: persistent intergovernmental contestation over the constitutional status of localities; relentless agitation for reorganisation of local boundaries; inadequate funding and professional staff; the unresolved roles of traditional chieftaincy institutions; and massive corruption and mismanagement. Essentially, however, local government in Nigeria has hardly been reflective of the agency of local

R. T. Suberu (✉)
Bennington College, Bennington, VT, USA
e-mail: rsuberu@bennington.edu

grassroots' communities. Instead, the centralising agendas of a paternalistic federal government, and the political machinations of predatory subnational state governments, have undermined the development of truly local institutions of government. The pages that follow examine the historical, constitutional, and intergovernmental contexts of Nigeria's delocalised local government system, an exploration that begins with an overview of the country.

I COUNTRY OVERVIEW

Located in West Africa and endowed with a landmass of 924,000 km², Nigeria is bordered to the south by the Gulf of Guinea, to the west and east by Benin and Cameroon, and to the north by Niger and Chad. Africa's most consistently federal polity, Nigeria is also the continent's demographic giant, a multi-ethnic colossus, and the biggest oil producer with the largest economy. Along with its cyclical alternations between military and civilian regimes, Nigeria's complex ethnic demography and oil-centric political economy have shaped the evolution of its local government and federal systems.

With an estimated population of 220 million in 2021, and an annual population growth rate of 2.5 per cent, Nigeria is expected to displace the US as the third most populous country in the world by 2050. This population includes three major ethnic groups (the Muslim Hausa-Fulani in the north, Christian Igbo in the south-east, and religiously bi-communal Yoruba in the south-west), more than 200 smaller ethnolinguistic communities (the so-called ethnic minorities), and about equal numbers of Muslims and Christians.

The imperative to regulate this enormous diversity animates the development, redesigns, and dynamics of Nigerian federalism. Successive military administrations, in particular, have sought to cauterise the combustible centrifugal instability inherent in Nigeria's diversity by fragmenting large regional governments into smaller constituent states and by empowering the localities in order to 'further weaken the states'.¹ From only three ethnic-majority-dominated regions at independence in 1960, the Nigerian federation today consists of 36 constituent states and the federal capital territory of Abuja, 774 constitutionally designated local

¹ World Bank, *State and Local Governance in Nigeria* (2002) 8.

government areas, and six quasi-official geopolitical zones: the Northwest, Northeast, and Northcentral zones in the more populous, predominantly Muslim, and poorer northern half of the country, and the Southwest, Southeast, and South-South (Niger Delta) zones in the predominantly Christian and less populous, but oil-rich, south.

Oil revenues decisively influence politics and governance in Nigeria. Petroleum exports increased from 26 per cent of total exports and 7 per cent of public revenues in 1965 to 93 per cent of exports and 82 per cent of government revenues by 1974.² Despite volatile global oil prices and recent increases in Nigeria's non-oil tax revenues, the country's political economy continues to be 'built around a model of centrally redistributed oil money'.³ Oil revenues have facilitated the political centralisation of the federation, while compounding the country's governance and socioeconomic challenges.

Although it is regarded as a middle-income country, with a 2019 gross domestic product (GDP) of about USD 448.1 billion, Nigeria belongs within the low human development category. According to the World Bank, 40 per cent of the Nigerian population live below the poverty line, while another 25 per cent are vulnerable.⁴ Despite repeated official attempts at governance reform, multiple economic and political woes continue to plague Nigeria: extreme rates of unemployment and under-employment; sluggish non-oil growth; failure to diversify public finances away from dependence on hydrocarbons; double-digit inflation; high debt service payments; huge infrastructural gaps; low spending on health and education; weak institutions; complex security crises; and rampant ethno-political instability. The Boko Haram Islamist insurgency in the Northeast, for instance, has killed an estimated 350,000 people and displaced more than three million.⁵

After the collapse of a parliamentary-style First Republic (1960–1966), two extended periods of military rule (1966–1979 and 1984–1999), the failure of a presidential Second Republic (1979–1983), and the abortion

² Peter Lewis, *Growing Apart: Oil, Politics, and Economic Change in Indonesia and Nigeria* (University of Michigan Press, 2007) 56.

³ Sarah Burns and Oliver Owen, *Nigeria: No Longer an Oil State?* Oxford Martins School Working Paper (2019) 3.

⁴ See www.worldbank.org/en/country/nigeria/overview (accessed 29 August 2021).

⁵ International Crisis Group, 'Managing Vigilantism in Nigeria', Africa Report No. 308, 21 April 2022, 3.

of a protracted transition to the Third Republic (1986–1993), Nigeria inaugurated its Fourth Republic in 1999. Under the 1999 Constitution, the Nigerian president is elected for a maximum of two four-year terms on a plurality-plus-geographical-distribution rule: to be successful, a candidate for the Nigerian presidency must win the highest number of votes and at least a quarter of the votes in two-thirds of Nigeria's 36 states and in Abuja. Successful candidates for state governorships similarly can serve only a maximum of two four-year terms and must win a plurality of votes plus a quarter of votes in two-thirds of the LGAs in their respective states.

Nigeria's bicameral federal legislature and unicameral state legislatures, by contrast, are elected for unlimited four-year terms on a simple plurality rule in single-member districts. The country's federal Senate consists of 109 legislators (including three senators from each state and one senator from Abuja), while the federal House of Representatives comprises 360 members.

Elections to federal and state executives and legislatures are conducted by an Independent National Electoral Commission (INEC), while local government elections are conducted in each state by the State Independent Electoral Commission (SIEC). INEC prepares the electoral register for, and registers the political parties that participate in, all national, state, and local elections. The INEC is appointed by the President, subject to senatorial approval, while SIEC is appointed by the governor, subject to ratification by the state house of assembly. While electoral processes in Nigeria are violently corrupt and contentious, the federal and state elections that are conducted by INEC are more credible than local elections that are administered by SIEC. Elections at the federal level produced a historic alternation in the presidency from the Peoples' Democratic Party (PDP) to the All Progressives Congress (APC) in 2015.

The Nigerian judicial system actively mediates electoral contention in the country. The system is based predominantly on the common law tradition, with accommodations for indigenous customary and Islamic laws. There is an elaborate hierarchy of state and federal courts, with the federal Supreme Court at the apex. The major state courts include the State High Court and the Customary and Sharia Courts of Appeal, while the federal courts include the federal High Court and Court of Appeal. The federal Court of Appeal and Supreme court exercise appellate jurisdiction over the state courts. In addition, the 1999 Constitution established a powerful federation-wide National Judicial Council (NJC), under the chairmanship of the Chief Justice at the Supreme Court, to

oversee the appointment, funding, and discipline of all major federal and state courts. Although susceptible to centralised control by the Chief Justice, the NJC has enhanced judicial independence, enabling the courts to play an important role in arbitrating intergovernmental conflicts including conflicts over the control of local government.

2 HISTORY, STRUCTURES, AND INSTITUTIONS OF LOCAL GOVERNMENT

Although Nigeria's 1999 Constitution did not accord any formal role in the local government system to traditional authorities, local government in modern Nigeria has its roots in British 'indirect rule' of colonised peoples through their indigenous or native political institutions. Following Britain's 'amalgamation' of Nigeria as a single political entity in 1914, the Native Authority Ordinance of 1916 established a uniform legal foundation for native administration throughout the country.⁶ The Ordinance defined a native authority as any officially designated chief, native, or native tribunal, and it empowered such authority to preserve order, control crime, and craft by-laws. Modifications to the Ordinance cemented the roles of native authorities as agents of British colonial residents and district officers, rather than autonomous and representative local institutions. The Native Revenue Ordinance of 1917 made financial provisions for the native authorities, while the Townships Ordinance of the same year regulated local administration in more urbanised settlements. The Native Authority Ordinance of 1933 broadened the definition of native authority to encompass any native council or group of natives, while providing a consolidated legal framework on the procedures and finances of native authorities. The Native Authority Ordinance of 1943 authorised the establishment of native police forces and prisons, while the Statement of Policy of 1947 clarified the division of labour between the central government and native authorities in such fields as education, public works, public health, and veterinary services.

⁶ RE Wraith, 'Local Government', in John Mackintosh (ed) *Nigerian Government and Politics* (Northwestern University Press, 1966) 200–267; Alex Gboyega, *Political Values and Local Government in Nigeria* (Malthouse Press, 1987); Habu Galadima, 'Federal Republic of Nigeria', in Nico Steytler (ed) *Local Government and Metropolitan Regions in Federal Systems* (McGill-Queen's University Press, 2009) 234–297.

The 1940s, however, witnessed an advance towards decolonisation and representative government in response to growing nationalism in Nigeria. The Richards Constitution of 1945 used the native authorities as electoral colleges for selecting Nigerian representatives into regional councils in the north, west, and east of the country and, thence, into a central legislature. In the 1950s, the country's three regional governments assumed responsibility for the design and reform of local government. Thereafter, the history of Nigerian local government can be summarised in terms of three major waves of local government reforms, each of which was followed by periods of institutional decay and decline.

During the 1950s, the first wave of local government reforms involved attempts by regional governments to transform native administration into modern local government through the introduction of local representative institutions. The Eastern Region's Local Government Ordinance of 1950 pioneered this wave of reform by establishing a three-tiered system of relatively autonomous county, district, and local councils. Under the Ordinance, councillors would be 'elected directly to local councils and thence indirectly to district and country councils'.⁷ Subsequently, the Western Local Government Law of 1952 provided for direct elections into local and district councils and indirect elections into divisional councils. In both regions, native chiefs retained only a minority of seats in local government.

Unlike the two southern regions, the Northern Region was less inclined to implement a rapid transformation of native administration into a modern democratic system of local government. Instead, reflecting the enduring legacy of indirect rule in its Muslim emirates, the North mostly preserved the powers of the emirs and other traditional chiefs under a new 1954 law for its multi-tiered native authority system. Significantly, the North retained the anachronistic and arguably pejorative label of 'native authority' for its local institutions. Nonetheless, beginning with its non-emirate sections, the Northern region gradually introduced varying proportions of elected members into the native authorities. By the 1960s, emirs and other chiefs had effectively 'disappeared as sole native authorities'.⁸

⁷ Wraith (n 6) 214.

⁸ *Ibid.*, 243.

Despite its democratisation or liberalisation during the first wave of local reforms, the Nigerian local government barely lived up to expectations for a regime of accountable local representation. To varying degrees, the tiers of local government were plagued by inefficiency, ineffectiveness, remoteness, repressiveness, unrepresentativeness, over-politicisation, jobbery, bribery, nepotism, and regional government interventionism. In the Western Region, for instance, by 1965, all councils had been suspended and replaced with regionally appointed sole administrators or management committees.⁹

The intervention of the soldiers, the dissolution of the regions into smaller states, and the onset of civil war (1966–1970) compounded the decline of local government. The soldiers divested the local government of powers over local police, prisons, and courts. They tinkered continuously with the local structures inherited from the First Republic, fragmenting some of the larger Northern native authorities, consolidating many of the smaller Southern councils, and deploying senior civil servants to the localities as sole administrators, executive council managers, or chief resident, divisional, and development officers.¹⁰ None of these experiments approximated the liberal democratic aspirations of the local government reforms of the 1950s.

Following a takeover of the military regime by a new cohort of soldiers in 1975, a second wave of local government reform was launched in Nigeria in 1976. Guided in part by the recommendations of a major Public Service Review Commission, the 1976 reforms imposed a nationally uniform, single-tier local government system throughout the federation, while specifying a population range (between 150,000 and 800,000) for all local councils. Henceforth, reflecting the military's quest to homogenise Nigeria's local governance in the name of national integration, all LGAs in the country would have similar structures, including personnel and pay systems, with no distinctions between rural, urban, and municipal areas. Furthermore, in order to meet the prescribed population range, small towns and villages were merged to create a single LGA, while large metropolitan cities were divided into multiple LGAs 'without

⁹ Ibid., 239.

¹⁰ Oyeleye Oyediran and Alex Gboyega, 'Local Government and Administration', in Oyeleye Oyediran (ed) *Nigerian Government and Politics under Military Rule* (St Martin's Press, 1979) 169–191.

an overarching metropolitan authority to oversee the effective planning and management of the whole metropolitan area'.¹¹

The 1976 reforms also transferred significant portions of federally collected revenues to the LGAs, reaffirmed the functional responsibility of the localities to deliver basic services at the local level, and provided for the training of local government personnel. The reforms divested traditional rulers of any formal (as distinct from informal, advisory, or indirect) roles in local government, established directly or indirectly elected local councils, and promoted local democracy as the foundation for national democratisation.

But the second wave of local government reform proved short-lived, effectively ending with the inauguration of the Second Republic in 1979.¹² Defying the relevant provisions of the 1979 Constitution, state governments in the Second Republic failed to conduct local government elections and, instead, replaced elected councils with appointed committees. The states also encroached on statutorily guaranteed local government functions and finances, while proliferating local government areas for largely partisan reasons. The number of LGAs increased from 301 in 1976 to 781 by 1981. Following the collapse of the Second Republic, however, the military regime restored the 301 LGAs, while appointing a Committee on the Review of Local Government Administration in Nigeria (the Dasuki Committee). After an intra-military coup in 1985, a new military administration initiated a third wave of local government reform in the country.

The essence of Nigeria's third-wave local government reforms, which overlapped with the military's programme of political transition to a Third Republic (1986–1993), was to revive and consolidate the goals of the 1976 reforms. Third-wave local government reforms in Nigeria advanced the military's vision of a nationally uniform or delocalised local government system by entrenching the boundaries, structures, and powers of local government areas in the 1989 Constitution. The reforms empowered the federal government to conduct local government elections, while expanding and directly transferring federal revenue allocations to the

¹¹ Akin Mabogunje, 'Promoting Good Governance: What Can We, the People, Do?', Lecture delivered at Lead City University, Ibadan (8 July 2011).

¹² Dele Olowu, 'Governance and Policy Relevance of the Nigerian 40-Year Grassroots Revolution: 1976–2016' (2019) 85(4) *International Review of Administrative Sciences* 726–742.

localities. The reforms also abolished or diminished several agencies that state governments had traditionally used to control or manipulate the localities, including state ministries of local government. Consistent with the principle of a nationally uniform local government system, the third-wave reforms provided for a presidential system of local government throughout the federation, including the at-large election of the LGA executive chairman (and vice-chairman), election by wards of members of the LGA legislative council, and appointment of a cabinet of departmental heads or supervisory councillors by the chairman.¹³

But third-wave local government reforms were inconsistently implemented, with the military government itself taking several actions that sabotaged the integrity of the reforms. The soldiers, for instance, imposed capricious directives and controls on local authorities and dismissed democratically elected local councils.¹⁴ The military arbitrarily created local government areas, increasing the number of localities from 301 in 1984 to 449 in 1989, 589 in 1991, and 774 during 1996–1997.¹⁵ The reforms effectively collapsed with the military's annulment of presidential elections and the termination of the transition to the Third Republic in 1993. Compared to the 1989 Constitution for the Third Republic, the 1999 Constitution for the Fourth Republic afforded less protection for local government as a third tier of the federal system.

3 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

Prior to the military's 1979 Constitution, local governments in Nigeria barely received any constitutional recognition. Instead, subnational regional or state statutory laws and edicts regulated local government in the Nigerian federation. Reflecting the soldiers' desire to entrench the concept of three-tier federalism, however, the military-supervised federal constitutions of 1979, 1989, and 1999 included more or less elaborate provisions on the structures, functions, and finances of local government.

¹³ Constitution of the Federal Republic of Nigeria (Promulgation) Decree 1989, sections 283–307.

¹⁴ Alex Gboyega, 'Protecting Local Governments from Arbitrary State and Federal Interference' (1991) 21(4) *Publius: The Journal of Federalism* 45–59.

¹⁵ Rotimi Suberu, *Federalism and Ethnic Conflict in Nigeria* (United States Institute of Peace Press, 2001) 106–108.

The 1999 Constitution entrenched Nigeria's 774 localities, including 768 LGAs in the 36 states and six 'area councils' in Abuja. A rigorous process of constitutional amendment is required to alter the number and boundaries of these localities. A law to create a new LGA, for instance, must 'define such area as clearly as practicable', consider the 'administrative convenience', the 'common interest', and 'traditional association' of the affected community.¹⁶ In addition, however, the law must be approved by two-thirds of the local councillors and state legislators representing the proposed area, by a two-thirds majority of the people (voters) in the affected local government, by a simple majority of local councils in the affected state, and by a two-thirds majority of the state legislators. Moreover, an Act of the National Assembly is required, under section 8(5) and (6) of the Constitution, to 'make consequential provisions with respect to the names and headquarters' of any newly created local government areas after 'adequate returns' must have been made to the Assembly by a state legislature.

What is more, section 3 of the Constitution, which lists the number of states and localities in the federation, can be amended only with the approval of a two-thirds majority in each House of the National Assembly plus the supporting 'resolution of the Houses of Assembly of not less than two-thirds of all the states'. In essence, these complex requirements make it virtually impossible to alter the number and boundaries of Nigeria's 774 localities. Consequently, all new local government units created by the states after 1999 were downgraded and redesignated as local council development areas (LCDAs), rather than fully fledged LGAs.

In addition to entrenching local boundaries, the 1999 Constitution guarantees 'the system of local government by democratically elected councils', while mandating the government of every state to 'ensure their existence under a law which provides for the establishment, structure, composition, finance, and functions of such councils', as provided by section 7. The concurrent legislative list of the Constitution empowers state legislatures to enact laws on elections to local councils 'in addition to but not inconsistent with any made by the National Assembly'.

Similar to the legislative lists prescribing the exclusive, concurrent, and residual powers and functions of national and state governments, the Constitution provides a 'Fourth Schedule' on the 'functions of a local

¹⁶ Section 7.

government council'. The functions include advising state governments on economic development and planning, establishing and maintaining a wide range of local services and public goods (for example, cemeteries, motor parks, and public conveniences), and participating with state governments to provide basic educational, health, and agricultural services.

To support these local functions, the Constitution not only empowers the localities to levy and collect local rates and issue various licenses, but also provides for the allocation of federal and state revenues to local governments. The National Assembly, acting on the advice of the President and the Revenue Mobilisation Allocation and Fiscal Commission (RMAFC), is required to enact legislation for the distribution of major federally collected revenues (the 'Federation Account') 'among the federal and state governments and the local government councils in each state'.¹⁷ The Constitution also requires each state to pay local 'councils in its area of jurisdiction such proportion of its revenue on such terms and in such manner as may be prescribed by the National Assembly'. Furthermore, each state shall maintain a 'State Joint Local Government Account into which shall be paid such allocations to the local government councils of the state from the Federation Account and from the Government of the State'. Finally, all revenues 'standing to the credit of the local government councils of a State shall be distributed among the councils on such terms and in such manner as may be prescribed by the House of Assembly of the State'.¹⁸

In comparative terms, the provisions above on local government in the 1999 Constitution exceeded the recognition that the 1979 Constitution accorded to local government. The major difference between the 1979 and 1999 constitutions is that the former did not explicitly entrench the boundaries of the localities, thereby promoting the proliferation of new LGAs during the Second Republic.¹⁹ Of the three military constitutions of 1979, 1989, and 1999, however, the 1989 Constitution included the boldest attempt to establish local government as a separate order of government. The Constitution entrenched the number (then 449) of LGAs in the federation, while empowering state governments to create

¹⁷ Section 162.

¹⁸ *Ibid.*

¹⁹ Sections 7–8.

a maximum of seven development areas in each LGA. In addition, the 1989 Constitution provided for the direct allocation of federal revenues to the localities, while establishing a National Primary Education Fund/National Primary Education Commission to relieve the financial burden on localities of primary-school teachers' salaries.

The 1989 Constitution also empowered the national electoral commission (rather than the state-level electoral commission) to conduct local government elections, prescribed a three-year tenure for each council, and outlined elaborate conditions for the election of the chairman, vice-chairman, and councillors of local governments. Furthermore, the 1989 Constitution gave recognition to several local government bodies, including the office of Auditor-General of Local Governments in each state, a Traditional Council for a local government area or group of areas, and the Local Government Service Commission (LGSC).²⁰ Yet the challenges that plagued Nigeria's third-wave local government reforms (see above) under the 1989 Constitution suggest that robust constitutional designs may not always translate into effective governance at the local level.

4 GOVERNANCE ROLE OF LOCAL GOVERNMENT

While the colonial native authority system gave local government an important regulatory role in maintaining political order, the democratisation and liberalisation of local government during the first wave of local reforms in Nigeria emphasised and expanded the public welfare (as distinct from the purely regulatory or coercive) functions of the localities.²¹ In the former Eastern Region, for instance, local authorities by 1964 provided and operated '14 teacher training colleges, 16 secondary schools, and 1, 800 primary schools', while 'offering 90 scholarships to universities, 56 to technical colleges and over 3, 000 to secondary schools'. In the same year, local authorities in the East provided, maintained, or constructed '63 general health centres, 146 maternity centres, 278 dispensaries, 963 bridges, 15,000 miles of road and 351 customary courts'.²² Overall, in the Eastern Region, as elsewhere in the federation,

²⁰ Constitution of the Federal Republic of Nigeria (Promulgation) Decree 1989.

²¹ Wraith (n 6) 207.

²² *Ibid.*, 220–221.

expenditure by local authorities in the early 1960s accounted for about one-fifth of all public expenditure.²³

Reforms of the local government system since the 1970s included the codification in the national constitution of the advisory, exclusive, and concurrent functions of the localities. While the advisory functions of LGAs involved ‘making recommendations to a state commission on economic planning [and development]’, their exclusive functions covered a broad range of responsibilities. These included licensing, control, and regulation of small businesses (shops, kiosks, bakeries, restaurants, liquor stores, outdoor advertising); the establishment, maintenance, and regulation of markets, motor parks, public conveniences, sewage, cemeteries, burial grounds, and homes for the infirm; the construction and maintenance of roads, streets and street lighting, and ‘such public facilities as may be prescribed from time to time by the House of Assembly of a state’; and the collection of rates, including the ‘assessment of privately owned houses or tenements for the purpose of levying such rates as may be prescribed by [the state legislature]’. However, the most important governance role of the localities involved the ‘shared’ functions of delivering basic educational and health services under state supervision and in accordance with federal policy.²⁴

The military’s delineation and homogenisation of the advisory, exclusive, and shared functions of the localities did not enhance the functional integrity and autonomy of local government. Instead, multiple factors combined to diminish the governance role of the localities since the collapse of the First Republic and the advent of military rule. For starters, the fragmentation of the regions produced smaller and weaker states that were less secure, and more abusive and intrusive, than the old regional governments in their relations with the localities. In addition, the proliferation of subnational state and local governments created huge demands for administrative and professional personnel that proved unsustainable at the local level despite the establishment of training programmes and service commissions for local government personnel.

The promotion of local government reform by soldiers as part of a broader strategy of centralised national integration not only eroded the authority of the states to regulate the localities, but also directly

²³ Ibid.

²⁴ Constitution of the Federal Republic of Nigeria 1999, Fourth Schedule.

encouraged the expansion and intrusion of the federal government into local functions. A spectacular mutation of such intrusiveness in the post-military era after 1999 involved the ‘zonal intervention’ or constituency projects ‘nominated’ by federal legislators, funded by the federal budget, and delivered or supervised by federal ministries, departments, and agencies (MDAs). These projects included the construction, rehabilitation, and/or furnishing of primary-school classroom blocks (and offices and toilets), vocational or skills acquisition centres, primary health-care centres and cottage hospitals, markets, village bridges and roads, community town halls, motorised boreholes, erosion controls, and rural electrification projects. The projects also involved the delivery to grassroots communities of free medical outreach programmes, skills acquisition and training programmes, and economic ‘empowerment’ tools such as generating sets, grinding machines, sewing machines, and tricycles and motorcycles.²⁵ Often plagued by corruption, patronage, mismanagement, and weak monitoring, these direct federal intervention projects could arguably be delivered more effectively, efficiently, and transparently by local government.

At the same time, federal takeover of local police and prisons, along with state takeover of local courts, eliminated an important historical governance function of the localities in maintaining public order at the grassroots level. The epidemic of insecurity in Northern Nigeria in the Fourth Republic was not unconnected to the disappearance of native authority policing structures, the imposition of a dysfunctional unitary police system, and the disenfranchisement of indigenous organic structures of chieftaincy governance. The reliance of several conflict-mitigating interventions on the revalorisation of these structures underscored the pitfalls of marginalising traditional institutions in the formal local government system.²⁶

Meanwhile, as a result of the proliferation of subnational governments and identities, local governments were saddled with issuing controversial indigene certificates that excluded so-called non-indigenes (Nigerians living in states or localities in which they have no ancestral ties) from public opportunities and services available to indigenes. In many states in

²⁵ See <https://yourbudget.com/wp-content/uploads/2019/12/2018-Constituency-Project-Report.pdf> (accessed 30 August 2021).

²⁶ Leif Brottem, ‘The Growing Complexity of Farmer-Herder Conflict in West and Central Africa’, *Africa Security Brief*, Africa Centre for Strategic Studies (July 2021) 4.

the ethno-religiously combustible Northcentral zone in particular, these indigene practices fostered ferocious inter-group violence and mayhem, which local councils lacked the authority and resources to contain.

The allocation of federal revenues to the localities since military rule notwithstanding, resource and financial constraints continued to undermine the governance role of the localities. Simultaneously with an increase in federal revenue transfers to local authorities in the 1990s, local government was exclusively assigned the burden of paying the salaries of teachers in an expanding primary-school system. The attendant wage obligations hobbled the capacity of local governments to undertake any other functions. The implementation of uniform pay scales, including federal wage increases, across all local governments compounded the fiscal crisis of the localities. Such wage obligations were particularly detrimental to the financial integrity of poorer, rural localities, several of which repeatedly struggled to pay the salaries and allowances of their workers.²⁷

5 FINANCING LOCAL GOVERNMENT

A steep decline in internally generated local revenues, the virtual disappearance of grants-in-aid from regional state governments, an overwhelming dependence on federal revenue transfers, and the unsustainability of loan financing, define the contemporary financial position of Nigeria's localities. Local revenue sources include more than 40 items, but the most notable sources are community and poll taxes, tenement rates, land registration and other local fees and licenses, earnings from government enterprises and investments, and rent on kiosks and other local government property. Historically, locally collected taxes, rates, and 'miscellaneous fees and licences' provided up to 70 per cent of total local government revenues in the old Northern and Western regions, and more than 40 per cent of local revenues in the Eastern Region.²⁸ But the culture of revenue-collecting and self-supporting subnational authorities changed with the influx and infusion of centrally collected and redistributed oil revenues in the 1970s. Currently, locally collected revenues constitute, on average, less than 10 per cent of local government revenue.

²⁷ Stuti Khemani, 'Local Government Accountability for Health Service Delivery in Nigeria' (2006) 15(2) *Journal of African Economies* 285–312.

²⁸ Wraith (n 6) 223, 236, 247.

Beyond their displacement by oil rents, local revenue sources face enormous impediments to their generation in the Nigerian context.²⁹ Pervasive poverty renders incomes too small to sustain robust tax systems, while an extensive informal sector facilitates high rates of tax avoidance and evasion. A strong local administrative machinery for revenue collection, including regular and accurate valuations of property, is mostly lacking. This has led many local authorities to hire tax consultants, who often resort to aggressive, abusive, and counterproductive strategies of revenue collection. Meanwhile, local governments' commercial undertakings (for example, bus transit firms, poultry schemes, and farms) are often operated inefficiently, thereby dissipating rather than generating revenue.³⁰ Yet another impediment to autonomous local revenue generation involves the overbearing revenue powers of the higher orders of government. Local government, as already indicated, constitutionally can only assess tenement rates, while state legislatures levy the rates. In practice, several Nigerian state governments have taken over this potentially (and universally) important local revenue source.

The evaporation of locally generated revenues has occurred in tandem with the disappearance of state/regional transfers or grants-in-aid to local governments. From providing between 30 and 50 per cent of local revenues in the First Republic, grants from regional states now barely figure in the revenues of localities. With the infusion of central oil revenues into the localities since the 1976 local government reform, state governments have abandoned their financial obligations to the localities, defying a national statutory requirement to pay 10 per cent of states' internally generated revenues to local governments. Many state governments justify the failure to fulfil their financial obligations to the localities on the grounds that local governments retain the proceeds of the pay-as-you-earn (PAYE) personal income tax that are statutorily due to the states from local government employees.³¹ Yet the paucity or absence of state funding for localities is consistent with a pattern in which state

²⁹ BC Smith, 'The Revenue Position of Local Government in Nigeria' (1982) 2(1) *Public Administration and Development* 1–14; ST Akindele, OR Olaopa, and A Sat Obiyan, 'Fiscal Federalism and Local Government Finance in Nigeria: An Examination of Revenue Rights and Fiscal Jurisdiction' (2002) 68(4) *International Review of Administrative Sciences* 557–577.

³⁰ World Bank (n 1) 49.

³¹ World Bank, *Nigeria State Finances Study* (2003) 29.

governments adopt predatory relations with local authorities, including preempting federal transfers to the localities.

Federal transfers to the localities, which are disbursed predominantly according to the horizontal distribution principles of relative population and inter-unit equality, currently constitute the largest proportion of local government revenues, accounting on average for more than 90 per cent of local government revenues. Indeed, the proportion of general Federation Account revenues going to the localities increased remarkably from less than 5 per cent in 1976 'to 10.0 per cent in 1981, 15.0 per cent in 1990, 20.0 per cent in 1992, and 20.6 per cent in 2002'.³² In addition, local governments currently receive 35 per cent of federally collected value-added tax (VAT) revenues. These federal transfers have increased the quantity, but not the quality, of local finances. Despite their overwhelming importance for local finances, federal transfers to the localities come with multiple challenges and risks.

Oil export-based federal transfers to the localities are subject to disruptions in oil production and prices, with detrimental implications for the stability of local budgets. Local governments' near-exclusive reliance on central transfers detaches local authorities from local political economies and constituencies, thereby compounding the syndrome of delocalisation, while undermining fiscal accountability and promoting political corruption. What is more, the transfers are prone to underpayment by the federal government, interception by the states, and onerous and non-transparent deductions by both orders of government, leaving localities with little or no revenues to undertake any significant development projects.

In theory, local governments can raise loans for capital projects against future federal transfers. However, only large and financially viable localities in relatively prosperous urban centres can afford to raise such loans. Following the 1976 reforms, the 'Federal Government advocated restricting loan financing to revenue generation projects, lest local revenues become overwhelmed with the combined cost of recurrent charges and debt servicing'.³³ Furthermore, borrowing of money by local governments is on neither the exclusive nor concurrent legislative lists of the 1999 Constitution. Such borrowing is a residual subject under the

³² Dele Olowu and James Wunsch, 'Nigeria: Issues of Capacity and Accountability in Decentralization', in James Wunsch and Tyler Dickovick (eds) *Decentralization in Africa: The Paradox of State Strength* (Lynne Rienner Publishers, 2014) 161–162.

³³ Smith (n 29) 9.

exclusive regulation of state governments, which have a reputation for arbitrary control and punitive supervision of local authorities.

6 SUPERVISING LOCAL GOVERNMENT

The 1976 reforms transformed local government from a subject under the exclusive oversight and control of subnational regional state governments into a matter under concurrent, and often politically contentious, state and federal supervision. Aside from the delivery of basic educational and health services, where local governments essentially operated as agents of federal and state governments, supervision of the localities by other orders of government was prominent in the demarcation of local boundaries and the tenures of local councils, as well as in financial matters and in personnel management.

The demarcation of local boundaries was especially contentious. In an April 2004 letter to the federal Minister of Finance, for instance, President Obasanjo directed that Federation Account revenues should not be released for local councils in several states (including Ebonyi, Katsina, Lagos, Nasarawa, and Niger) in which elections had been conducted in local government units that are not listed in the 1999 Constitution.³⁴ However, while other states promptly abrogated the new local governments, Lagos sought redress from the Supreme Court. In *AG Lagos v AG Federation* (2004), the Court ambiguously declared the newly created local government units in Lagos to be legal but inchoate in the absence of their ratification by the National Assembly. In addition, the Court ruled that the President could not legally withhold federal transfers to localities in Lagos in so far as the money ‘applies to the 20 Local Government Councils [in the state] for the time being recognised by the Constitution and not the new Local Government Areas which are not yet operative’.³⁵

Another area of intergovernmental contention involved the wholesale replacement of elected local councils with appointed bodies. State governments in the Fourth Republic justified this undemocratic behaviour on multiple grounds, among them the expiration of the terms of elected councils, legal controversies surrounding the conduct of local elections,

³⁴ See Rotimi Suberu, ‘The Supreme Court and Federalism in Nigeria’ (2008) 46(3) *Journal of Modern African Studies* 471.

³⁵ *Ibid.*, 472.

the absence of adequate financial resources to organise regular local elections, and misconduct on the part of the sacked local government chairmen and councillors. Essentially, however, aborting local democracy enabled the governors, backed by pliant state legislatures, to use local government positions to impose and compensate political loyalists.

While the courts consistently invalidated the sacking of democratically elected councils, such judicial interventions were ineffective because the final judicial determinations came after the expiration of the tenures of the sacked councillors. Typically, the courts resorted to ordering the offending state governments to pay sacked councillors all salaries and allowances due to them during the unserved portions of their tenures.³⁶ Such outcomes reinforced the rent-seeking nature of Nigerian politics, while effectively leaving the offending state governors and legislatures unpunished for their assaults on local democracy.

In a bid to check such impunity, the federal Attorney General and Minister of Justice in June 2020 asked the Oyo State Government ‘to immediately disband all caretaker committees and restore democratically elected representatives to man the local governments’. However, while he acknowledged that it was ‘common practice’ for governors illegally to ‘truncate democratically elected local government councils’, the minister not only targeted his intervention at an opposition-controlled state, but also sought to use the federal security agencies forcefully to remove the state-appointed caretaker committees, restore the elected councillors, and preempt a judicial resolution of the crisis.³⁷ The Oyo State Government successfully obtained an interim judicial injunction that restrained the federal agencies from such forceful intervention, however. Owing to its own partisan shenanigans, the centre could not enforce compliance with the constitutional provisions for democratically elected local government.

Finances were yet another domain of contentious oversight of local government by state and federal governments. Aside from controlling the State Joint Local Government Account (SJLGA), many state governments imposed expenditure ceilings on local councils, while micromanaging

³⁶ Grace Oladele, ‘Legality of the Dissolution of Elected Local Government Councils in Oyo State, Nigeria’ (2020) 8(5) *Global Journal of Politics and Law Research* 25–41.

³⁷ Attorney-General of the Federation and Minister of Justice, ‘Unconstitutionality of Dissolution of Elected Local Government Councils and Appointment of Caretaker Committees: The Urgent Need for Compliance with Extant Judicial Decisions’ (Federal Ministry of Justice, 14 January 2020).

the preparation and implementation of local budgets. Each state maintained an auditor-general for local governments responsible for regularly auditing the finances of the localities and reporting to the state assembly. However, reflecting the weak commitment of most state governments to financial transparency, the office of auditor-general for local governments remained ineffective, underfunded, and understaffed.³⁸

The federal government attempted several times to promote greater transparency and accountability in state governments' management of local finances. In his controversial April 2004 letter, Obasanjo asked the Federal Minister of Finance not to disburse federal financial transfers to the localities via their respective states without (among other conditions) receiving evidence from the state governments that they were fulfilling their own financial obligations to the localities. Obasanjo subsequently signed the Monitoring of Revenue Allocation to Local Government Act of 2005. The Act established and prescribed the membership of the SJLGA Committee, provided for the prompt payment of all federal and state transfers into the SJLGA, guaranteed the distribution of such monies to local councils according to the relevant state laws, and prescribed sanctions for state governments and their functionaries for any violations of the financial rights of the localities. However, the Supreme Court, in *AG Abia & Ors v AG Federation & Ors* (2005), invalidated the Act, faulting it for incorporating several clauses that unconstitutionally encroached on the autonomy and authority of state governments.

Federal oversight of local finances resurfaced as an issue of intergovernmental contention when the Nigerian Financial Intelligence Unit (NFIU) released the 'Guidelines to reduce vulnerabilities created by cash withdrawals from local government funds throughout the federation, effective from 1 June 2019'. The guidelines prohibited any withdrawals from the SJLGA without the monies first reaching the accounts of each local government council, and required that all transactions (above a cash withdrawal limit of half a million Nigerian Naira a day) must be done through valid checks or electronic funds transfer. By promptly challenging and denouncing the guidelines, however, the 36 state governors showed that they would continue to frustrate attempts by the NFIU and other national anti-corruption agencies to impose federal oversight of state-local finances.

³⁸ World Bank (n 1) 50.

State oversight of local personnel matters was less politically contentious. Following the 1976 reforms, local councils directly appointed, promoted, and disciplined junior staff (Grade Level 01–06), while the Local Government Service Commission (LGSC) of each state recruited and managed the senior staff (GL 07 and above) of local government. The commission would insulate senior local staff from the vicissitudes of local patronage politics, reinforce the concept of a unified local service, and enable poor rural localities to get a reasonable share of qualified personnel through a system in which the LGSC rotated senior staff between localities every three to five years.

Establishing the LGSC, however, created a dual personnel system at the local level, while undermining the authority of localities to control their key staff or creatively develop their personnel systems. Meanwhile, with the LGSC appropriating local government revenues for staff development and training, the LGA staff often lamented the paucity of such training opportunities.³⁹ Indeed, a perennial challenge involved the underutilisation and inadequacy of the numerous federal training institutions (including the Administrative Staff College of Nigeria and the institutes for administration or local government at three leading public universities) that were designed to meet the human-resources needs of the three orders of government.

7 INTERGOVERNMENTAL RELATIONS

Several bodies mediate the complex intergovernmental relationships (inter-local, state-local, and local-state-federal relations) involving local government in Nigeria. Two major organisations conduct inter-local relations, namely the Association of Local Government of Nigeria (ALGON) and the National Union of Local Government Employees (NULGE). Both institutions often mobilise inter-local opposition against state encroachments on local autonomy.

Previously known as the Nigeria Association of Local Governments (NALGO), ALGON is the umbrella body of all local government chairpersons in the country: it is the equivalent at the local level of the powerful Nigeria Governors Forum (NGF). ALGON promotes inter-local government cooperation, advocates for improving the autonomy

³⁹ *Ibid.*, 47.

and rights of local governments, and encourages research into local government. In its time as NALGO, the association successfully advocated for the scrapping of State's Ministries of Local Government during the third wave of local government reform.⁴⁰ More recently, ALGON campaigned against attempts by certain state legislatures to reduce the statutory terms of local government chairpersons to two years. Although plagued by credible allegations of corruption within its leadership and by controversies about the membership status of chairpersons of local council development areas (LCDAs), ALGON remains vociferous in agitating for the 'liberation of local governments' from 'the shackles' and 'oppressive over-interference' of state governments.⁴¹

NULGE, for its part, has roots in the staff associations of the defunct native authorities. In its current incarnation as a Nigeria-wide umbrella organisation for all local government employees, NULGE claims to have about one million members throughout the country. It promotes the education, training, and welfare of local government employees, while also advocating for more autonomy for local councils. It supported the NFIU guidelines as 'a bold move to end the financial recklessness by state governors as they feast on funds meant for the 774 local government councils in the federation', and has called for a federal forensic audit of the SJLGA.⁴²

The SJLGA Committee is the most contentious of many key institutions for conducting state-local relations in Nigeria, the others being the Ministry of Local Government and Chieftaincy Affairs, SIEC, the State Primary Healthcare Development Agency, the State Universal Basic Education Commission (SUBEC), the Office of the Auditor-General for Local Governments, and the Local Government Service Commission. Under the 'Monitoring of Revenue Allocation to Local Government Act of 2005', the SJLGA committee would be chaired by the commissioner responsible for local government in a state. SJLGA members would include all chairmen of local councils in the state, the accountant-general

⁴⁰ Gboyega (n 14) 57.

⁴¹ Association of Local Governments of Nigeria, 'Presentation of the Association of Local Governments of Nigeria', <https://uclgafira-alga.org/wp-content/uploads/2019/12/Presentation-ALGONEn.pdf> (accessed 30 August 2021).

⁴² Leo Sobechi, 'Executive Order 10: Between Good Governance Push and Presidential Excesses', *The Guardian* (Lagos: 10 June 2020); 'NULGE Urges Buhari to Carry out Forensic Audit on State-LG Joint Accounts', *Vanguard* (Lagos: 5 July 2018).

of the state, a representative of the state revenue board, as well as two federal functionaries, namely, a commissioner of the RMAFC (not being an indigene of the state) and a representative of the accountant-general of the federation. Following the invalidation of the Act, each state independently constituted or maintained its SJLGA Committee, which retained the local government commissioner as chairperson but excluded any federal functionaries.

SJLGA Committees are widely criticised for their complicity in purloining revenues otherwise due to the localities. The ‘Borno State SJLGA Distribution and Fiscal Committee Law of 2002’, for instance, empowered the committee to make multiple upfront deductions from the Account for the upkeep of emirate councils, the personal emoluments of retired local government staff, and the operations of the local government audit department and the Department/Ministry of Local Government. Other deductions would involve charges for training, stabilisation, and general administration.⁴³ Such deductions, alongside the burden the councils bear for paying primary-school teachers’ salaries, fuel rhetoric in Nigeria about the ‘zero allocation’ of federal revenues to local government.

Federal government agencies in important relationships with local government include the National Assembly (with its local constituency projects and its ultimate constitutional authority over local boundaries and revenue allocations), the Universal Basic Education Commission (UBEC), the National Primary Healthcare Development Agency (NPHCDA), the National Agricultural Land Development Authority (NALDA), INEC, RMAFC, and the anti-corruption institutions.

The 1984 Dasuki Committee proposed the establishment of a National Local Government Commission to coordinate the multifaceted relationships obtaining between the federal and local (as well as state) governments in Nigeria. While rejecting the proposal for a fully fledged commission, the federal government maintained an office in the presidency to promote harmonious ‘intergovernmental relations amongst all tiers of government by providing avenues for close dialogue and collaboration on issues of national importance’.⁴⁴

⁴³ Jude Okafor, ‘Local Government Financial Autonomy in Nigeria: The State Joint Local Government Account’ (2010) 6 *Commonwealth Journal of Local Governance* 127–131.

⁴⁴ See www.osgf.gov.ng/offices/political-affairs/states-and-local-government-affairs

Currently entitled the Department of State and Local Government Affairs, the office has the following functions: facilitate capacity-building programmes for local government functionaries in collaboration with the Local Government Service Commissions as well as international agencies and donors; serve as a repository of data on subnational governments' developmental policy planning; hold a watching brief for the localities at monthly meetings of Federation Account Allocation Committee (FAAC); monitor the implementation of pensions and schemes of service for local government employees; interface with institutions such as ALGON, NULGE, and the National Council of Traditional Rulers of Nigeria (NCTRN); ensure that states and local governments fulfil their statutory obligations to each other; and take appropriate actions on complaints brought before it by the subnational governments.⁴⁵ However, contentious intergovernmental relations may be mediated not only by formal governmental bureaucracies but also, even more decisively, by the informal culture and organisation of party politics.

8 POLITICAL CULTURE OF LOCAL GOVERNANCE

In Nigeria's post-independence history, truly competitive electoral party politics at the local level has been more of an exception than the norm. The largest region (the North) of the First Republic lacked fully representative or elected local government in its core emirate section; no local elections were conducted throughout the duration of the Second Republic; and elected local councils disappeared with the abrogation of the Third Republic at the moment of its final inauguration in 1993. In the Fourth Republic (1999 to date), 25 of the 36 states lacked elective local governments by May 2012. Although the Fourth Republic made some progress in the regularisation of local elections over time, at least 10 states did not have elected councils in October 2021.⁴⁶ Meanwhile, of the four local elections conducted during the extended periods of military rule in Nigeria, the two most successful ones (those in 1976 and 1988)

(accessed 30 August 2021).

⁴⁵ Ibid.

⁴⁶ Shine Your Eye, 'Local Government Elections', www.shineyoureye.org/info/local-government-elections (accessed 28 November 2021).

were conducted on a ‘zero-party’ (non-partisan) basis, while the elections in 1991 and 1997 were characterised by widespread irregularities.⁴⁷

The poor quality of local elections compounds their low quantity or relative paucity. In the First Republic, for instance, regional and local elections were blatantly and brutally manipulated, leading to the annihilation of opposition parties and the consolidation of one-party systems in the regions.⁴⁸ The tendency towards local electoral authoritarianism and one-party local rule has become entrenched in the Fourth Republic, with the governing party in each state typically winning all chairmanship and more than 90 per cent of councillorship contests.⁴⁹ Abuja, where local elections are conducted by INEC rather than a SIEC, and Kaduna State, where the government innovatively introduced electronic voting in 2018, are perhaps the only exceptions to the absence of credible local elections in the Fourth Republic.

Nigerian local elections are less competitive than state and national elections, which themselves often do not meet basic standards of electoral transparency and integrity. Local elections have become travesties and farcical rigmaroles, lacking a transparent legal framework and electoral calendar, and rife with litigations, opposition boycotts, voter apathy, ‘inflated voter returns, ballot stuffing, altered results, and ... intimidation of voters and electoral officers by hired political thugs’⁵⁰

State governors bear the primary responsibility for the failure of local democracy. The ‘governors in collaboration with state assemblies unilaterally change the timeline for the conduct of elections’, whimsically determine the ‘timing of the release of funds for the conduct of elections’, and arbitrarily dissolve and reconstitute SIECs.⁵¹ According to the Forum of States Independent Electoral Commissions, the gubernatorial practice of appointing caretaker committees to run the affairs of local governments has ‘negatively impacted on the independence and integrity’ of SIECs.

⁴⁷ Massoud Omar, ‘Ensuring Free, Fair and Credible Elections in Local Governments in Nigeria’ (2012) 2(1) *Developing Country Studies* 75–81.

⁴⁸ John Mackintosh, ‘Electoral Trends and the Tendency to a One-Party System’, in J. Mackintosh (ed) *Nigerian Government and Politics* (Allen & Unwin, 1966) 508–544.

⁴⁹ Bakare Majeed, ‘Why Fresh Move to Transfer LG Polls to INEC May Not Help After All’, *Premium Times* (27 November 2021).

⁵⁰ Omar (n 47) 77.

⁵¹ See www.fosieconng.org/CONDUCT_OF_LOCAL_GOVERNMENT_ELECTIONS_NIGERIA.html (accessed 30 August 2021).

These commissions ‘will be better focused and organised to deliver credible elections only when there is constitutional certainty in terms of the tenure of local governments’ and ‘when electoral timelines are clear and all political parties and candidates are aware of the same and prepare for the same’.⁵²

The absence of a credible multi-party local electoral democracy undermines the inclusiveness, responsiveness, and accountability of local authorities. Responsiveness to local issues and communities is further undermined by the current constitutional requirement that only national political parties can participate in local elections. Local communities, including women’s groups, can hardly find effective expression in polity-wide parties that prioritise the capture of centralised power over the advancement of under-represented local interests. In 2015, only ‘9.8 per cent of councillors and 3.6 per cent of chairpersons were female’.⁵³

Not surprisingly, Afrobarometer surveys show that Nigerians generally do not consider local councils to be truly accountable and participatory institutions: ‘[a] majority of respondents (55 per cent) disapproved of the performance of the local government’, while more than three-quarters claimed they had never contacted local government councillors. Less than 30 per cent of Nigerians trust local government officials or believe that local revenues will be used to provide public goods (as distinct from private patronage), including basic health services.⁵⁴

9 COVID-19’S IMPACT ON THE ROLE OF LOCAL GOVERNMENT

The Covid-19 pandemic made an extensive impact on the Nigerian economy, society, and governance. It adversely affected the global price of oil, Nigeria’s dominant foreign-exchange earner, contracting the country’s GDP by 3.5 per cent in 2020, and plunging Nigeria into a new

⁵² Ibid.

⁵³ Commonwealth Local Government Forum, Nigeria, www.clgf.org.uk/regions/clgf-west-africa/nigeria/ (accessed 30 August 2021).

⁵⁴ ‘Public Opinion and Local Government in Nigeria, 2008’, *Afrobarometer Briefing Paper No. 53* (December 2008).

wave of economic recession following an earlier recession during 2015–2016. The pandemic compounded Nigeria’s already high rates of unemployment, underemployment, and poverty, with Human Rights Watch projecting ‘that the pandemic will result in an additional 10.9 million Nigerians entering poverty by 2022’.⁵⁵ The pandemic also affected governance and politics, unravelling the budgets of federal and state governments, while providing a pretext for the postponement of local government elections in one state.⁵⁶ Most saliently in the context of this chapter, however, the pandemic highlighted the marginality of local government in contemporary Nigerian governance, with the localities merely functioning as operational arenas and implementing agencies for federal and state policies on the pandemic.

Leading Nigeria’s response to the pandemic were federal agencies like the presidency, Presidential Task Force (PTF), National Center for Disease Control, Central Bank of Nigeria, Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development, and federal security organisations. Between them these agencies mobilised a multi-million-dollar private-sector coalition against Covid-19 (CACOVID), established and equipped isolation and treatment centres across the federation, designed preventative regulations and guidelines, policed social distancing measures, crafted economic stimulus packages, and delivered the federal government’s cash transfers and food assistance programmes to the states and localities.⁵⁷

The federal government explicitly acknowledged and promoted the responsibility of state governments to adopt or adapt the centre’s Covid-19 response plan under ‘national supervision and coordination’.⁵⁸ In addition to implementing the federal government’s Covid-19 plan, however, the states mounted Covid-19 responses of their own, including lockdowns (in addition to the federal lockdowns) and associated regulations, economic palliatives, and special task forces.

⁵⁵ Human Rights Watch, *Between Hunger and the Virus: The Impact of the Covid-19 Pandemic on People Living in Poverty in Lagos, Nigeria* (2021).

⁵⁶ Mercy Corps, ‘The Need for Good Governance and Peacebuilding in the Time of Covid-19: Lessons from Northeast Nigeria’ (September 2020) 7.

⁵⁷ Kayode Fayemi, ‘The Role of Nigeria’s State Governments in Recovery: Responses to Covid-19-Linked Challenges’ (Chatham House, 2 February 2021).

⁵⁸ Omeiza Ajayi, Boluwaji Obahopo, and Dirisu Yakubu, ‘Covid-19: Churches, Mosques, to Reopen as Schools Remain Shut’, *Vanguard* (Lagos: 2 June 2020).

LGAs were the primary operational or reference units for the federal and state Covid-19 intervention strategies, but the local councils themselves played a limited and passive role in responding to the pandemic. The federal government delivered its Covid-19 preparedness and response plan, training programmes for health workers, and vaccine roll-outs through the NPHCDA to Primary Health Care (PHC) centres run by local governments. Local councils were also involved in distributing federal and state food palliatives and in selecting the beneficiaries of the federal government's USD 68 million public works programmes (targeted at unskilled workers unable to earn a living during the pandemic). Yet because they lack genuine popular legitimacy and 'are populated by appointees at the behest of their political patrons and susceptible to high turnover', the local councils could not alleviate 'the extreme politicisation of government aid distributed during the Covid-19 pandemic'.⁵⁹ Indeed, according to the civil society activist Idayat Hassan, 'Covid-19 has further exposed the breakdown of accountability and functionality of the Nigerian local government system.'⁶⁰

A functional, autonomous, and accountable local government system could have enhanced Nigeria's management of the pandemic by helping to focus the federal and state interventions more effectively and transparently at ward, community, and household levels; by extending the reach of those interventions from Nigerians in the formal sector to the majority of poor and vulnerable citizens in the country's huge informal sector; by disseminating pertinent sensitisation messages, while challenging Covid-19 denialism, stigma, and vaccine hesitancy; by countering the conduct of some state governments, including Cross River and Kogi, which flouted or obstructed national testing and control measures; and, in general, by mobilising community leaders, traditional chiefs, women, youth groups, and other grassroots organisations behind the national Covid-19 response strategy.

There was, therefore, no approximation in Nigeria of the role that 'local leaders' in countries like the US, Brazil, and India played in proactively responding to the crisis when leaders at the higher orders of

⁵⁹ Mercy Corps (n 56) 6.

⁶⁰ Idayat Hassan, 'Local Governance in Nigeria: An Unsettling State of Affairs', *Urbanet* (1 September 2020).

government seemed unresponsive or dilatory.⁶¹ The repeated failures of local governance have reinforced ongoing national introspection about the constitutional structures and political future of Nigeria's localities.

10 EMERGING ISSUES AND TRENDS

The formal constitutional institutionalisation of local government as the third tier of Nigerian federalism has not enhanced subnational local autonomy, accountability, and governing capacity.⁶² While there is broad consensus in Nigeria that the local government system has failed and even collapsed, there is very little agreement about the main source of this crisis and the pathways to revitalising and reforming the system. Instead, debates on local government in Nigeria have polarised around a centralist perspective and a more federalist approach.

Centralists attribute the crisis of local government in Nigeria primarily to the depredations of state governments and the absence of robust federal protections for the localities. Consequently, the centralists recommend constitutional amendments that would transfer federal revenues directly to the localities and scrap the SJLGA, give INEC the responsibility for conducting local elections and eliminate SIEC, and impose a uniform three- to four-year tenure for all local councils in the federation. Centralists also desire more certainty and less ambiguity regarding the exclusive functions of the localities under the Fourth Schedule. Major proponents of this centralist perspective include ALGON, NULGE, the presidency, and the National Assembly.⁶³ Yet although it was largely incorporated in the 1989 Constitution, such a centralist approach to local government reform was subsequently abandoned by Nigeria's constitution-makers. Essentially, centralism is antithetical to Nigeria's

⁶¹ Madhavi Rajadhyaksha, 'Five Lessons for Local Governments during Covid-19', *Oxford Policy Management* (April 2020).

⁶² Tyler Dickovick and Beatty Riedl, 'African Decentralization in Comparative Perspective', in J Wunsch and T Dickovick (eds) *Decentralization in Africa: The Paradox of State Strength* (Lynne Rienner Publishers, 2014) 249–276.

⁶³ Emmanuel Samiala, 'NULGE Lauds National Assembly for Passing LG Autonomy Bill', *The Guardian* (Lagos: 2 August 2021); see also Ladipo Adamolekun 'The Idea of Local Government as a Third Tier of Government Revisited: Achievements, Problems and Prospects' (1983) 18(3–4) *Quarterly Journal of Administration* 113–138.

abiding commitment to federalism, including the principle of subnational state control of local matters.

For the federalists, the crisis of local government in Nigeria is rooted in the military's hyper-centralising imposition of a uniform system of local government on the country's diverse society.⁶⁴ The uniform system, the federalists claim, has delocalised the local government system, delinking it from the unique political, socioeconomic, cultural, and historical traditions and contexts of the various Nigerian communities. Federalists recommend delisting LGAs from the Federal Constitution and restoring the system of local government that was in place in the Fifties and Sixties, when local authorities were the exclusive preserve of powerful regional governments. The localities of that period were generally more financially autonomous, more functionally robust, better supported by regional political authorities, and more structurally integrated with traditional chieftaincy political institutions. The major proponents of this federalist approach to local government change are the governors. Southern Nigerian intellectuals and ethno-cultural leaders, who consider the current funding and distribution of LGAs to be skewed in favour of the North, also support the approach.

The federalist position received a major endorsement in the 2018 report of the ruling APC Committee on True Federalism. According to the report, 'the constitution should be amended and states be allowed to develop and enact laws for a local administration that is peculiar to each of them'. Nonetheless, the report recommended that 'the existence of democratically elected local councils should be guaranteed under the constitution, albeit under the exclusive administration of the states'.⁶⁵

Indeed, a middle ground can be found between the centralist and federalist perspectives. This intermediate approach would empower the states to develop and adapt their own local government systems within a national framework that maintains the formal constitutional status of the localities as the third tier of the federal system. The uniform structure

⁶⁴ Mabogunje (n 10); Victor Ayeni, 'The Illusion of Three-tier Federalism: Rethinking the Nigerian Local Government System' (1994) 7(5) *International Journal of Public Sector Management* 52–65; Okey Ikeanyibe, 'Uniformity in Local Government System and the Governance Model in Nigeria' (2018) 53(1) *Journal of Asian and African Studies* 147–161.

⁶⁵ Progressive Governors' Forum, *Report of the APC Committee on True Federalism Volume 2* (Progressive Governors' Forum 2018) 22.

of third-tier localities can be preserved, but the states should enjoy the autonomy to constitute additional tiers of the local government system. Kaduna State's creation of three metropolitan authorities (for its largest cities of Kaduna, Kafanchan, and Zaria) in 2021, along with the more common establishment of LCDAs by the states, exemplify the creative exercise of such residual autonomy of subnational state governments to adapt local administrative boundaries within the framework of a nationally prescribed local government structure.

Local governments should continue to receive federal revenue transfers, but these allocations would be tied to performance indicators and redesigned to match, rather than displace, local revenue generation efforts. Above all, local councils should be integrated into local communities by making them formally accountable to town meetings, community development associations, ward development committees, and other grassroots organisations. Only by forging such downward accountability to local communities can Nigerian local governments be transformed from mere agents of central and state governments into genuine institutions of local representation, participation, and development.

Open Access This chapter is licensed under the terms of the Creative Commons Attribution 4.0 International License (<http://creativecommons.org/licenses/by/4.0/>), which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons license and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons license, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons license and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.

