

## **Federalism and Local Governance in Africa: The Case of Intergovernmental Relations in Nigeria**

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**Abstract:** The cruciality of using federalism to advance the prospectus of local governance and the requisite of the latter for resolving the problems of democracy and development have continued to raise issues over intergovernmental relations in Nigeria. These issues have understandably been purveyed both in thoughts as in practice. But quite importantly is that they have being about how the Nigerian laws can be arranged in order to approximate the requisites of local governance; the latter suggesting a trend in which governance is properly hinged on the people. Also, these issues have revolved around how the current structuring of governments in which the lower tiers are heavily dependent on the higher ones can be reduced. Finally, these issues have being about how to resolve the identity aspects of the democratic struggles of the Nigerian people in the context of the existing federal arrangements in the country. Consequent on these three above, this study seeks to explore the interface between the content of intergovernmental relations in Nigeria's federalism and the prospectus of local governance in the country. It notes necessarily that the former has been short changing the latter and that the details of these realities are crucial enough for engendering requisite social actions and practices with implications for governance. In the final analysis, the perpetuation of Nigerian federalism and democracy and their proper extrusions to the wider African terrains are no doubt contingent on the quality of democracy contextualized in local governance in the country.

**Key words:** Local governance, democratic struggles, laws, perpetuation, doubt contingent

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### **INTRODUCTION**

The task of this study is to examine how the content of intergovernmental relations in Nigeria's federalism has been contributing to the limitations on local governance in the country, especially from the point of view that local governance has been considered as a requisite for the resolutions of contemporary political economy crisis in Africa. The specific tasks include an examination of the limitations on local governance that have emanated from the structures and characters of those Nigerian laws that relate to federalism. They also include an examination of the implications that the heavy dependence of the lower tier governments in Nigeria on the higher ones have produced on the weakening of local governance in the country. Finally, they include an examination of the implications of the various forms of identity crisis in the democratic struggles of the Nigerian people on the fluctuations in the federal arrangements including in particular issues of federal institutionalizations and their overall roles in the weakening of contemporary local governance in the country as in the rest of Africa.

The engendering of local governance in Nigeria has also been considered as critical to two related aspects of this study. The first is that it provides a strong impetus

for the sustainability of Nigerian federalism; for in actuality such sustainability remains primarily a function of the robustness of democracy and relatedly of the propensities of local governance. Also, the engendering of local governance in Nigeria energizes considerably the prospectus of federal extrusions in the African society especially in so far as much of Africa has still shared a commonality in the persistent reproduction of comprador development. Indeed, all the failures that have been shown here have been at the core of the persisting political economy crisis in contemporary African development.

The three key operating concepts of this study namely federalism; intergovernmental relations and local governance have been used to perform a number of functions in the study. First, federalism is here used to denote an institutional arrangement of a governmental system embodying inter and intra-relating tiers in independent but coordinate forms which has arisen from but also continues to respond to the dynamics of specific human societies. Intergovernmental relations on the other hand are used here to depict the various aspects of interactions and relationships between and among tiers of governments that are embodied in a federal country such as Nigeria. Finally, local governance as used here refers to

the various forms in which governance especially at the local levels are properly hinged on the people as distinct from the mere administrative engagements of lower tier governments. Even though, it is contextualized at the local levels, the thrust of local governance is systemic basically because its feasibility is a function of the constitution of popular power. Accordingly, local governance has been defined in this study by the: synchronized economic and political organization of the people and the political empowerment of the people which also translates to the empowerment of the state.

Essentially, the centrality of intergovernmental relations to federalism has not only being from the fact that they embody the legalities and practicalities of inter and intra-tier relations but much more because they provide the rudiments for sensitizing the social bases of and developments in federal contracts. Accordingly, intergovernmental relations in Nigeria have been both a subfield of Nigerian federalism as well as evidence of the interactions between and among the numerous tiers of governments in the country. But they have also sublimed the understanding of the original external determinations and definitions of Nigeria's federalism especially in their facilitations of idyllic forces since the colonial era. In addition, intergovernmental relations in Nigeria have been historic trends in which federal practices have rather been shortchanging genuine democratic development in the country.

The significance of this study is defined in terms of its orchestrated values in the environments of social research and practice and in particular political practice. As has often been admonished, social research quickly serves as a critical force in social transformation as soon as social consciousness serves as the link between the researcher and the subject of research. For this study, the theoretical primer of radical philosophy employed in analysis creates the requisite nexus for analytical consciousness. In addition and as has been noted in previous studies, there are two key dimensions at which intellectual and practical engagements relate, both of which have had clear significance for social change and development. The first is that as a general rule, intellectual engagements are always efforts geared towards bringing into knowledge what is not yet known. At the other angle, what is already known plays vital roles in the transformation of what is yet to be known including also the larger society that is being studied. It is really in deference to the second aspect that intellectual engagements have often been admonished to play crucial roles in the improvement of the human condition, see for instance (Umezurike, 2010) as well as (Poulantzas, 1978) where similar discussions have been made).

In the environment of social research, the present effort has a thrust for the re-enlivening of the scholarship on federalism especially in Africa. This thrust has been

engendered by situating the nexus of local governance on this scholarship. For as Davis (1978) has observed:

Whereas, federalism was once an ornament of political science, it has begun to show distinct marks of wear and tear. The signs are everywhere: in the many and different approaches to the subject; in the varying attempts to rectify its name; in the alternating arrangements brought within its fold; in the minimal returns of comparative studies and in the growing disinclination of many scholars to work with the concept. The subject has indeed fallen on hard times (Davis, 1978)

Even though local governments have been erected in various countries of Africa including Nigeria where its universalized practices began in 1976, local governance in the understanding that has been given above has grossly been shortchanged. Even in Nigeria where the number of lower tier governments including state and local governments have been grossly enlarged, the content of local governance in these institutions have been largely absent. Accordingly, the scholarship of federalism in Nigeria as in the rest of Africa has been engrossed with the superstructures rather than the substructures of governance. It is not unexpected that limited results have been emerging from these studies moreso as they neglect the everyday experiences of African peoples as they relate to federalism.

The above trend has been quite dangerous, especially because federalism in African countries had at origin been superstructurally foisted on the idyllic aspects of African society with very little impetuses for democratic development. Indeed, federal development has been going in circles in Africa because the federal institutions that are being developed have been in alien relationships with the domestic democratic forces in the various African countries. In Nigeria for instance, solutions have been found in state coercion mostly in military governments and their related forms, so far the most veritable recipe for the federal imperative.

At the realm of political practice, the present study is considered valuable enough in the manner in which it proffers viable options for solving the federal impasse in Nigeria as in the other federal countries in Africa. Again, this option has its primary focus on the prospectus of local governance. This option is viable because it bridges the existing disconnect between governmental institutions and the African peoples. Also, this option is grounded in the prima facie of peoples' organization and in particular the organization of their production lives as a central factor in the federal imperative. The current situation in which state-centric political mobilization has been emphasized has rather fostered limited democracy. More often, these mobilization instruments have

been vastly militarized and undermining of peoples' power for which they have been ostentatiously erected.

Finally, the study re-enacts crucial issues that are related to federalism which are germane for solving some of the problems of contemporary globalization as they concern such political communities as are found in Africa. In the main, in lieu of globalization, viable regional blocs have been emerging in the various parts of the world, mostly deferring to the issues of federalism as a process of governance across the world. Even though the African Union (AU) and the New Partnership for African Development (NEPAD) have been created, their present roles in the struggles for human survival and development in Africa have been quite limited. The position of the present study is that the enhancement of these roles is proficient in the engendering of local governance in the various countries of Africa. To put the matter much more pointedly, for all countries of the world, every cross-border extrusions of federalism or democracy is contingent on the robustness of local governance in those countries of concern.

The literature that has informed the present effort in examining the interface between the content of intergovernmental relations in Nigeria and the prospectus of local governance in the country as in the rest of Africa is legion. This review revolves around those studies which have raised contentions over the inadequacies of Nigeria's albeit Africa's federal experiences especially from the angles of their over-centralization while still remaining federal and also from the angle of their limited instrumentalization for proper people-oriented governance. While the aspect of over-centralization has pertained mostly to federal experiences in Africa, Nigeria inclusive; the issue of limited instrumentation has bearings on the extant theories of the interface between political institutions generally and political development. Invariably, the more encapsulating contention in the subject is its appropriate conceptualization. For if what federalism means is not clear, then issues raised about its dysfunctions may not also be quite clear. Again, conceptual understanding is most proficient on the basis that the knowledge angle even though less than the object being studied has remained the most veritable dimension of transforming what is being studied including also the practices. Birch (1966) and Davis (1978) have recognized a number of approaches to the understanding of the concept of federalism. These have included: the institutional approach best testified in K.C. Wheare's *Federal Government*; the sociological approach in which William Livingstone's "A Note on the Nature of Federalism" articulated mainly as questions related to the social configuration of society including its diversities for instance; the process approach in which Carl Friedrich's *Trends of Federalism in Theory and Practice* which generally suggests that even though points of

destinations may be found, every society is in a process of federating and the bargain approach in which Morton Grodzins and Daniel Elazar had reflected on the American experience and acknowledged the stringent bargains among political leaders that yielded its federalism (more elaborate discussions of these have been made by Davis (1978)).

Even though this classic work of Kenneth Wheare which had been published at the end of the Second World War has dominated conceptual understanding of federalism, it is important to note that all of these approaches noted above have clear implications for the related concept of intergovernmental relations. For instance while intergovernmental relations underscore a character of the institutional approach, they equally contextualize aspects of social diversities that conduct federalism and its developments as well as the processes through which non-federal societies are yielding to federal forms of existence. In addition, intergovernmental relations contextualize how political leaders have jostled with the tasks of constructing federalisms. In a related comment, it has been noted that:

For after all is said and done, it is within the legal framework provided by a federal arrangement, particularly its divisions of governmental powers that federal instrumentalities take on meaning and significance. What the process view adds is that it sensitizes us to the changing and evolving nature of the federal balance and to the fact that intergovernmental cooperation usually cuts across the formal constitutional division of powers (Jinadu, 1980)

Apart from the fact that intergovernmental relations cut across the various approaches through which federalism has been conceptualized, their centrality to federalism is also evident in the nexus of federalism and democracy. This nexus has been particularly important because federal imperatives have been evidence of democracy and yet intergovernmental relations have provided one of the most visible contexts for deciphering if not also prospecting all these. As Obianyo noted "federalism is inextricably linked to democracy given its tendency for popular participation and deconcentration of power" (Obianyo, 2005). Thus, as the present study has attempted to proffer, the engendering of local governance has remained a highly proficient thrust of organizing societies, conducting governance as well as mobilizing the people through a proper appropriation of intergovernmental relations.

There is no doubt that there have been limitations to the thrust of building viable democratic and federal

development in much of Africa due to the over-centralization of political governance. In an edited book entitled: *The Failure of the Centralized State: Institutions and Self-Governance in Africa*, James S. Wunsch and Dele Olowu clearly illuminates these contexts which the structures and characters of intergovernmental relations have purveyed. As has been noted:

Ethnic conflicts, political inefficacy, administrative weaknesses and economic stagnation can be understood in part as caused by attempts over the last two decades to impose a high level of centralization in contemporary African states and that these explanations argue forcefully for changes in political structure and development strategy (Wunsch and Olowu, 1995)

It has also been noted that:

The proportion of national revenues expended by national as opposed to local governments, the taxes raised by national versus local governments, the proportion of GNP expended by government, the judicial weakness of sub-national governments and the absence of competitive political parties or contested elections are all conventional indicators (Wunsch and Olowu, 1995)

Even though some historiographies for the exorciation of centralized governance in the volume has been made, especially in the second chapter, i.e., Gu *et al.* (1995) and in the fifth chapter, Olowu (1995), the rest of the book carries quite little of the economic foundations in the failures of centralized governance in Africa. The submission of Obianyo (2005) largely defines much of the tone of these analyses. According to this author:

The power devolution model which signalled and nurtured the formative stages/periods of Nigerian federalism is at the root of the centralized federalism in practice in Nigeria. This was further consolidated by the long years of military autocracy as the democratic culture in which federalism thrives has hardly taken root before the military took over. The consequence is that emergence of an all-powerful federal Leviathan dishing out powers/responsibilities as it deems fit to other tiers of government. This tendency has negative implications for the sustenance of the federal culture in terms of power duality principle and the freedom/security it guarantees to the minority or disadvantaged group (s) within the polity.

It has significantly eroded state powers, even through constitutional means of local concern, specifically, local government system and its modus operandi (Obianyo, 2005)

But the economic foundations of these realities do exist, see for instance, Beckman (1989), Ake (1981, 2003) and Umezurike (2010) amongst others and have been nonetheless crucial to analysis. There is no doubt that these institutional ramifications have strong bearing to the character of underdevelopment of productive forces and complexities in the relations of production in the African society (Umezurike, 1991; Ake, 1981). In clear terms, federalism as other political institutions in Nigeria has responded to the character of underdevelopment, especially as the latter pertains to the comprador character of the Nigerian political economy. Indeed and as has been noted in Umezurike (2010), the low institutionalization of political power which has been a concomitant of this character has rendered political rule more coercive than is necessary. The top-heaviness of all the Presidential Constitutions in Nigeria including the 1979 and 1999 Constitutions of the Federal Republic of Nigeria including also the abrogated 1989 Constitution of the Federal Republic of Nigeria have been key illustrations of the over-centralization of political power on the centre as against the lower tier governments.

The resolutions for local governance as against the current practices of intergovernmental relations contained in Nigerian federalism are clear enough in the extant theories of political institutions as critical aspects of political development. As has been observed, political development has often been narrowly construed as “the development of institutions, attitudes and values that form the political power system” (McLean and McMillan, 2009). Nonetheless, the political development of Nigeria has involved the modes of resolutions of the contradictions that are underscored in political crisis in the country. The issues are equally replicated at the instances of the economy and ideology in the processes of accumulation.

In lieu of the above, the theories that have emerged from political developments across the world have definite implications for the political struggles of the peoples. Federalism has hardly been an exception. Both Davis (1978) and Ake (2003) have made relevant contributions to the concrete character of development of federalism and its related concept of democracy in the manner that implicates the centrality of local governance. In defining democracy as popular power, Ake (2003) dwelt

on a rigorous explanation of the political arrangements in the Athenian society that underscored the trends of local governance in the democratic dispensation. This political arrangement meant that in the Athenian polis:

All citizens formed the sovereign assembly whose quorum was put at 6,000. Meeting over 40 times a year, it debated and took decisions on all important issues of public policy including war and peace, foreign relations, public order, law making, finance and taxation. The assembly was regarded as the incarnation of Athenian political identity and collective will. To underline this, it preferred to take decisions by consensus rather than votes. The business of the Assembly was prepared by a council of 500 which had a steering committee of 50 headed by a President who held office for only 1 day. The executive function of the polis was carried out by magistrates who were invariably a committee of 10 usually elected for a non-renewable term of 1 year” (Ake, 2003)

For Ake (2003), therefore, it is only when democracy is trivialized that it fails to take after the Athenian fashion in which due regards for local governance has been writ large. Thus, it has been further observed that “we can not complain of not knowing what the meaning of democracy was to those who invented it and to the people who have tried to practice it without trivializing it” (Ake, 2003). Invariably therefore, the thrust of democratization built on local governance even in the current era of representative democracy still requires adequate recourse to the Athenian prospectus.

It is also not fortuitous that in the attempt to reconstruct federalism, Davis (1978) paid due regard to this same Athenian practices of local governance. Drawing from earlier studies including that of Davis (1978) had observed that:

If we are to believe the considerable work of such historians of the Hellenic civilization as Freeman, Ehrenberg, Busolt, Tarn, Rostovtzeff and Larsen, it would appear that the properties of something like a federal arrangement were first articulated in the Hellenic world of religious, tribal and city-state alliances (Davis, 1978)

Thus, the Hellenic pioneer of federalism had been evident in the manner the robustness of local governance propelled significant practices of alliances and leagues that equate modern-day federalism. As Davis (1978) also observed that “of the five or six leagues of this kind (reputedly, the Arcadian, Aetolian, Thessalian, Phocian, and Achaean), it is the Achaean League, the union of all

Peloponnesos ...maybe all of Greece that is held up as one of the most advanced examples of a Hellenic Federal System” (Davis, 1978).

Instructive to contemporary federal practices are also the seven elements identified in the case of federal Achaean. These have included:

Common citizenship; division of competence; a central legislature and full time executive; executive and legislative power to command the poleis; principally if not exclusively in matters of war and peace; autonomy of the poleis in all matters but war and peace; equal representation of each polis in the central assembly and the permanence of the treaty which created the league (Davis, 1978)

Finally, it is important to note that the thrust of building viable federal practices anchored on local governance in Nigeria requires satisfactory transcendence of the current comprador character of the Nigerian political economy; for it is this condition of existence that has consistently denied the appropriate recipe of economic reforms for national development in strengthening federalism and local governance. Analysis of the substantive issues that have characterized this trend and their prospectuses of resolutions have been made in the study.

#### **THE ROLES OF THE NIGERIAN LAWS IN THE WEAKENING OF LOCAL GOVERNANCE IN ITS CURRENT FEDERAL PRACTICES**

In this study, efforts have been made to explore how the established laws for political governance in Nigeria and in particular the various Constitutions of the Federal Republic of Nigeria have embodied provisions that have inauspiciously accounted for the limitations in local governance in the country. This exploration is a crucial test of one of the propositions of this study especially in due regard of the fact that these constitutions have generally served as the key guides to democratic governance in Nigeria. Also, the constitutions have underscored the extent to which political rule in the country has been disposed to democratic governance as well as the extent of leveraging of the provisions of the Constitution to the crucial question of local governance. There are two important subdivisions here: the first is the aspect that demonstrates specific provisions of the Constitution that quickly suggest their top-heaviness and bottom leanness especially on matters of local governance. In clear terms, the central government has over the years acquired for itself magnificent power and resources to the detriment of the state and local

government tiers. This trend has generally conformed to the overbearing roles which military governments have played in the fostering of these constitutions. The second section which is also related with the first embodies a closer focus on the constitutional provisions for the existence of the local government system in Nigeria. Being the lowest tier of government, the local government system has been conceived here as the most meaningful structure adequate enough for the fostering of local governance in Nigeria. Its overall incapacitation and dwindling fortunes since, 1976 that it was inaugurated through the Local Government Reform in Nigeria continues to raise issues about the inadequacies of current governance practices for engendering appropriate local governance. On the whole, specific illustrations have been drawn mainly from the 1999 Constitution of the Federal Republic of Nigeria which in any case is of current use. For even though Federal Constitutions began to be inaugurated in Nigeria as from 1954, post-independence Federal Constitutions in Nigeria have included the 1979, the abrogated 1989 and the current 1999 Constitutions of the Federal Republic of Nigeria.

On the issues of legislation in the 1999 Constitution of the Federal Republic of Nigeria as are contained in Part 1 of the Second Schedule, extensive legislative powers referred to as Exclusive Legislative List had been reserved for the Federal Government of Nigeria. A total of 68 items in this list secured for the Federal Government legislative powers over such important matters as Accounts of the Government of the Federation, Defence, Exchange Control, Immigration amongst others. The concurrent list which provides for joint legislative powers between the Federal and State Governments in the country has concerned issues of lesser centrality to proper democratic governance.

Perhaps in no other manner has the overbearing powers of the central government in Nigeria been overtly underscored than in the aspect of control of national resources and in particular revenues that accrue to the governments. The 1999 Constitution of Nigeria provides for the establishment of Consolidated Revenue Fund as follows:

**80 (1):** All revenues or other moneys raised by the Federation (not being revenues or other moneys payable under this constitution or any act of the National Assembly into any other public fund of the Federation established for a specific purpose) shall be paid into and form one Consolidated Revenues Fund of the Federation.

Furthermore, sections 162 (1); (3-5) provide more elaborations that generally contextualize the large extent of the domineering roles of the central government in Nigeria over public finances of the country. These are clearly shown.

**162 (1):** The Federation shall maintain a special account to be called the Federation Account into which shall be paid all revenues collected by the Government of the Federation except the proceeds from the personal income tax of the personnel of the armed forces of the Federation, the Nigerian Police Force, the Ministry or Departments of Government charged with responsibility for Foreign Affairs and the residents of the Federal Capital Territory, Abuja.

**162 (3):** Any amount standing to the credit of the Federation Account shall be distributed among the Federal and State Governments and the Local Government Councils in each State on such terms and in such manner as may be prescribed by the National Assembly.

**162 (4):** Any amount standing to the credit of the states in the Federation Account shall be distributed among the states on such terms and in such manner as may be prescribed by the National Assembly.

**162 (5):** The amount standing to the credit of the Local Government Councils in the Federation Account shall be allocated to the State for the benefit of their Local Government Councils on such terms and in such manner as may be prescribed by the National Assembly.

As can be deciphered from the above, not only has the central government exercised overarching powers over the distribution of public revenues in Nigeria but that over the years, the lower tier governments and in particular the Local Governments have received paltry amounts of these revenues. More details of this trend will be provided latter in this study.

The Local Government Councils in Nigeria have fared so badly on all account with regard to its position as the government at the grassroots in the country. The practice of local government in Nigeria became universalized in 1976 at the instance of the Local Government Reform in the country. These practices became entrenched in the 1979 Constitution of the Federal Republic of Nigeria and indeed have been maintained in the subsequent Federal Constitutions. At the moment in Nigeria, there is a total of 774 Local Governments in the country and a host of Development Centres created across the federation.

The lean constitutional assignments and financial bases of the Local Government Councils in Nigeria are clear indications of its limited relevance as facility for building local governance in the country. These have been unambiguously stated in the Fourth Schedule of the 1999 Constitution which has been under discussion. The provisions are as follows:

The main functions of a local government council are as follows:

- The consideration and the making of recommendations to a state commission on economic planning or any similar body on. The economic development of the state, particularly in so far as the areas of authority of the council and of the state are affected and proposals made by the said commission or body
- Collection of rates, radio and television licences
- Establishment and maintenance of cemeteries, burial grounds and homes for the destitute or infirm
- Licensing of bicycles, trucks (other than mechanically propelled trucks), canoes, wheel barrows and carts
- Establishment, maintenance and regulation of slaughter houses, slaughter slabs, markets, motor parks and public conveniences
- Construction and maintenance of roads, streets, street lightings, drains and other public highways, parks, gardens, open spaces or such public facilities as may be prescribed from time to time by the House of Assembly of a State
- Naming of roads and streets and numbering of houses
- Provision and maintenance of public conveniences, sewage and refuse disposal
- Registration of all births, deaths and marriages
- Assessment of privately owned houses or tenements
- Control and registration of: outdoor advertising and hoarding, movement and keeping of pets of all description, shops and kiosks, restaurants, bakeries and other places for sale of food to the public and laundries and liquor

The functions of a local government council shall include participation of such council in the Government of a State with respect to the following matters:

- The provision and maintenance of primary, adult and vocational education
- The development of agriculture and natural resources other than the exploitation of minerals
- The provision and maintenance of health services
- Such other functions as may be conferred on a local government council by the House of Assembly of the state

As the above elaborately shows the functions of the Local Government Councils in Nigeria pertain to the issues that are germane to local governance. Nonetheless and as shall be explained latter in this study, the Councils have not been adequately mobilized to discharge such

functions. Moreover, in the fewer periods of non-military governance since, 1976 that it had been universalized across the country, elections into the councils have been fraught with fraudulent practices.

### **HEAVY DEPENDENCE OF LOWER-TIER GOVERNMENTS AND ITS IMPLICATIONS FOR WEAK LOCAL GOVERNANCE IN NIGERIA**

The weakening of local governance in Nigeria has been further demonstrated by the heavy dependence of the lower tier governments on the higher ones. This has been clear enough in the manner of tax jurisdiction in Nigeria. This shows the aspects of legislative controls of the three-tiers of government in the country including the Federal, the State and the Local Government Councils. While issues of tax jurisdiction introduces quite meaningfully the hiccups in the inter-tier relations, further illuminations have been provided by the structures of the finances of the three tiers under discussion. This study therefore examines these two interrelated aspects in greater details.

Table 1 as shows the tax jurisdiction that is currently in use in the country. As the table illuminates, for all types of taxes, specific issues of tax jurisdiction in terms of the tier of government that exercises legislation, administration and collection as well as retention of the proceeds of these taxes are clearly shown.

It is important to quickly note that tax jurisdiction in Nigeria has been largely stable, especially when compared with the frequent changes in revenue allocation. The stability of tax jurisdiction in the light of the persisting manner in which it is wholly to the advantage of the Federal Government in particular underscores the heavy extent in which over-centralization of political governance in Nigeria has been realized.

Expectedly, the Federal Government of Nigeria has exercised legal control over Mining Rents and Royalties and Petroleum Profit Tax both of which have bearings to crude petroleum exploration and exploitation in Nigeria. Crude oil related revenues in Nigeria have indeed been highly above the non-oil aspects. As will be further illuminated in Table 2, the oil related revenues that accrued to the Federal Government of Nigeria in comparison to the non-oil ones was a mere ₦166.6-467.4 million, respectively in 1970 but quickly climbed up to a ratio of ₦4,271.2-1,243.2 million, respectively in 1975. In 1980, the ratio stood at ₦12,353.3 million to a paltry ₦2,880.2 million for oil and non-oil components, respectively. Till date, the Oil Revenues of Nigeria have still weighted much more than the non-oil in terms of the two constituting a totality of the revenue sources of the country. In 2007 for instance,

Table 1: Tax jurisdiction in Nigeria

Types of taxes	Jurisdiction		
	Legislation	Administration and collection	Retention
Import duties	Federal	Federal	Federation account
Excise duties	Federal	Federal	Federation account
Mining rents and royalties	Federal	Federal	Federation account
Petroleum profit tax	Federal	Federal	Federation account
Capital gains tax	Federal	State	State
Personal income tax	Federal	State	State
Value added tax	Federal	State	State
Companies tax	Federal	State	State

Revenue Mobilization, Allocation and Fiscal Commission (RMAFC) in Aiyede (2005), "Tax Assignments, Revenue Sharing and Political Reform: Nigeria in Comparative Perspective" in Warisu O. Ali (Ed.), Political Reform Conference, Federalism and the National Question in Nigeria, A Publication of the Nigerian Political Science Association, p313

Table 2: A summary of the finances (excluding public debt and capital receipts) of the three-tiers of Governments in Nigeria for selected years, 1970 to 2007

Finances per tier	Years							
	1970	1975	1980	1985	1990	1995	2000*	2007*
Total federal revenue	634.0	5514.7	15233.5	15050.4	98102.4	459987.3	1906.2	5663.7
Oil revenue	166.6	4271.5	12353.3	10923.7	71887.1	324547.6	1591.7	4462.9
Non-oil revenue	467.4	1243.2	2880.2	4126.7	26215.3	135429.7	314.5	1200.8
Total expenditure	903.9	5942.6	14968.5	15050.4	60268.2	248768.1	701.1	2450.9
Current revenue of the state-tier**	-	-	3817.1	4844.9	19967.4	69641.7	359072.1	2065406.0
Federation account	-	-	3695.4	3260.8	16378.8	38671.5	251570.0	1109338.8
Value added tax	-	-	n/a	n/a	n/a	6256.9	30643.8	144372.8
Internal revenue	-	-	121.7	1584.1	2761.7	16993.0	37788.5	305706.3
Grants and others	-	-	0	n/a	670.5	7284.0	33289.3	209378.8
Stabilization funds receipts	-	-	n/a	n/a	156.4	436.3	5780.5	37694.9
Total expenditure of the state-tier	-	-	7233.8	5857.1	20049.3	77895.5	359670.6	2116138.9
Current revenue of the LGCs***	-	-	-	-	-	24412.7	151877.3	832.1
Federation account	-	-	-	-	-	17875.5	118589.4	568.1
State allocation	-	-	-	-	-	625.4	1923.1	3.0
Value added tax	-	-	-	-	-	3558.1	13908.7	105.1
Internal revenue	-	-	-	-	-	2110.8	7152.9	21.3
Grants and others	-	-	-	-	-	242.9	10303.2	134.6
Total expenditure of the LGCs	-	-	-	-	-	22443.3	153864.8	827.4

\*in billions. \*\*including share of excess crude as from 2005; the value of this share for 2007 was ₦258914.3 billion and \*\*\*the values for 2007 were calculated in billions. Drawn by the researchers with data from Annual Abstract of Statistics of the National Bureau of Statistics, 2008, pp126-7; 392-399

while Oil Revenues contributed ₦4462.9 million to the total revenue of the Federal Government of Nigeria which stood at ₦5663.7 million, the non-oil portion had been as low as ₦1200.8 million.

It is already clear enough that Nigeria has over the years been dependent on crude petroleum for its revenues. What the above data further illustrates is that the Federal-tier of government has largely taken control of this source. Indeed, the critical issue that has been raised over the Niger Delta crisis in the country has been the limited extent to which this viable revenue source accrued particularly to the governments and people in the Niger Delta.

Another clear illumination of the failures of local governance in lieu of the top-heaviness of intergovernmental fiscal relations in Nigeria is obviated by the low tax base of the Local Government in the country. This tax jurisdiction has been illuminated in the previous sub-section under the discussions of the functions of the local government in Nigeria. At the risk of repetition, these have included the following: rates, licences on

radio, television, bicycles, trucks, wheel barrows and carts including also fees derived from the registration of birth, deaths and marriages. For all intents and purposes, sustainable local government councils in Nigeria at the moment have been the ones that take charge of large trading markets as are found in commercial areas of Lagos, Kano, Onitsha, amongst others.

Table 2, provides a summary of the finances of the three tiers of government for selected years has served the purpose of illuminating further the heavy dependence of the lower tiers on the higher ones which has also formed the kernel of the discussion so far.

As Table 2 shows, the local governments in Nigeria have been resoundingly dependent on the higher tier governments for their sustenance. For instance, in the years 1995, 2000 and 2007, the current revenues of the 774 Local Government Councils in Nigeria had been ₦17875.5 million, ₦151877.3 million and ₦832.1 billion, respectively out of which had been accounted for by ₦17875.5 million, ₦118589.4 million and 568.1 billion from the Federation Account. This account represented a pool



in which various funds that accrue to the Federal Government are contained and subsequently shared to the various tiers of government on the basis of a revenue allocation formula. Accordingly, over 70% of the current revenue of the Local Governments in Nigeria for the specific years had been accounted for by the shares from the Federation Account. The internally generated revenues from current receipts had been quite paltry. Table 2 also illuminates the high extent to which the 36 state tier of Government in Nigeria have been heavily dependent on the Federation Account shares with quite insignificant internally generated funds. This situation has largely incapacitated the facilitative roles of the lower tiers of government and in particular the Local Governments in local governance.

**IDENTITY CRISIS, FLUCTUATIONS IN NIGERIAN FEDERALISM AND THEIR IMPLICATIONS FOR WEAK LOCAL GOVERNANCE IN NIGERIA**

Identity crisis has been used here to underscore the conflicts and contradictions evident in the conducts of Nigerians with regard to their conjunctive interactions with the structures of federalism and extant primordial interests. Here, there are two key dimensions of identity crisis in Nigerian federalism both of which have had clear implications for the fluctuations in the federal practices and of course the weakening of local governance in the country. The first has to do with the trends in which primordial cleavages have been at the core of Nigerian federalism. For sure, the persisting instrumentalization of idyllic forces in Nigerian federalism has been an undercurrent of these realities.

The second manifestation of the interface of identity crisis, fluctuations in Nigerian federalism and the weakening of local governance has been the manner in which there has been an inability to accord legal values to federal institutions in Nigeria. In other words, federal institutions in Nigeria have been largely corrupted by the manner in which their legal statues have often been denied.

To begin with the first above, the predominance of ethnicity and sub-ethnic forces in Nigeria has been creating problems in the practices of federalism in the country. It has been shown that there are over 250 ethnic groups in the country. Table 3 illustrates clearly structure of the tiers of government in Nigeria since political independence in 1960.

In more ways than one, ethnic and sub-ethnic forces have contributed to the request and subsequent creations of these lower-tier governments as are shown in Table 3.

**Table 3: The structure of Nigerian Federalism since 1960**

Years	Federal Government	Regions	State-tier of Government	Local Government
1960	1	3	-	-
1963	1	4	-	-
1967	1	-	12	-
1976	1	-	19	201 (entrenched in the 1979 constitution)
1987	1	-	21	781 (1981)
1991 to 1996	1	-	30	449 (1987)
1996-Date	1	-	36*	774 since, 1996

\*The Federal Capital Territory, Abuja has existed independent of this State-tier. Anyanwu (2006), "The Problems and Prospects of Fiscal Federalism and Nation-building in Nigeria", in F.E. Onah (Ed.), *Fiscal Federalism in Nigeria*, Nsukka, Great AP Express Publishers Ltd.

Right from 1954 when Nigeria became a federation there had been three regions that were in existence. These were the Northern, Western and Eastern regions. What is clearly important at these earliest periods is that various political leaders in these three regions preferred retaining solidarity within the existing regions to the creation of additional ones. Thus, the Northern region which had been largely dominated by the Hausa/Fulani ethnic group maintained the unity of the region inspite of the fact that they had been many minority ethnic groups in the region. The Western region which had been largely composed of the Yoruba ethnic group rejected any attempt at bifurcation. The late Chief Obafemi Awolowo who had been the first Premier of the region preferred to recover the Kabba and Igbomina Provinces into the fold of the Western region. The position had been made because these provinces had been noted to be of Yoruba ethnic group. Indeed, the creation of the Midwestern Region in 1963 from the Western region had not been well taken by the leadership of the area. Until the secession of the Eastern region in 1967, the solidarity of the Region despite Igbo domination had been assured.

Table 3 shows that twelve state tiers had been created out of the four regions by General Yakubu Gowon. Evidently, these 12 states had been created by the military to undermine the secession of the Eastern region who had declared the Republic of Biafra. Subsequently especially with the additional wealth of Nigeria which arose from the oil boom of the 1970s, there had emerged a persisting request for states. State creation in Nigeria since this era has been anchored on ethnic balancing. In 1976, seven more states had been created to bring the number of State-tier governments in Nigeria to 19. Currently, there are 36 states with the Federal Capital territory being independent of them. The close association of state creation with ethnic balancing is clear enough from the complaints of the Igbo leadership that it had one state tier less than its erstwhile counterpart regions in the first republic.

Addressing the issue of state creation has also led to the creation of six geopolitical zones in the country. These zones have included the North West, North Central and North East in the former Northern region. The defunct Western region is the present South West geopolitical zone while the former Eastern region constitute the present South Eastern geopolitical zone. The minority ethnic groups in the South are currently the South-South geopolitical zone. The current structure has not gone well with the Yorubas and the Igbos who have not been at ease with their being lumped together despite having being at parity with the Northern region.

What is nonetheless important to this study is that the projection of idyllic forces in the practices of federalism in Nigeria has been at the core of diminishing returns of federalism as a veritable means of advancing democracy and local governance. The clamour for expanding the sizes of the lower-tier governments has not quite succeeded in advancing higher prospectuses of these tiers for democracy and local governance in Nigeria. The second issue raised is with regard to the persisting devaluation of the legal basis of federalism in Nigeria. The devaluation of the legal basis of federalism by subjugating mainly to the requirements of the primordial order has in recent times raised a Leviathan in the entrenchment of the Federal Character Principle in Nigerian Constitutions. The functions of the Federal Character Commission as contained in the 1999 Constitution appears.

**8 (1):** The commission shall have the power to:

- Work out an equitable formula subject to the approval of the National Assembly for the distribution of all cadres of posts in the public service of the federation and of the states, the armed forces of the federation, the Nigerian Police Force and other government security agencies, government owned companies and parastatals of the states
- Promote, monitor and enforce compliance with the principles of proportional sharing of all bureaucratic, economic, media and political posts at all levels of government
- Take such legal measures including the prosecution of the head or staff of any Ministry or government body or agency which fails to comply with any federal character principle or formula prescribed or adopted by the commission
- Carry out such other functions as may be conferred upon it by an Act of the National Assembly

**8 (3):** Notwithstanding any provision in any other law or enactment, the commission shall ensure that every public company or corporation reflects the federal character in the appointments of its directors and senior management staff.

It shall be the duty of the Board of Directors of every state owned enterprises to recognize and promote the principle of federal character in the ownership and management structure of the company.

These functions do appear to embody issues germane to democracy in the context of social diversities. Nonetheless, the core of the matter is that it is hardly a pedestrian for nurturing the proper practices of federalism in such countries as Nigeria. In fact its provisions certainly contradict the logic of globalization particularly as it relates to free movement of persons. The advantages that appear to exist quite easily dissipate into the limitations on citizenship rights and obligations which the Nigerian constitutions have in some manner addressed. On the whole, the practices of Federal Character have been reproducing the Nigerian petty bourgeoisie in large numbers. The fact that this class finds limited existence outside the public sector has been at the core of bloated public sector corruption and misgovernance.

## CONCLUSION

This study sustains the thrust that the entrenchment of local governance in Nigeria has remained a veritable means of enlarging the prospectuses of federalism and democracy in the country. This submission is built on the inadequacies of both federalism and democracy in the content and practices of intergovernmental relations in the country. Even when the lower tiers of government and in particular the local government system in Nigeria has been assigned engagements at prospering democracy and federalism, the system has lacked appropriate resources for realizing the objects. Moreover, the complementary constitutional empowerment for actualizing popular rule has been concentrated on the central government.

This study has also noted that the proper realization of popular rule in the manner in which it leverages local governance is systemic and does require the entrenchment of a popular national state in Nigeria. This is a form of political rule in which the Nigerian state operates as a representation of the interest of the popular masses of this country.

The study finally contextualized the current failures in local governance as deriving from the top-heaviness of Nigerian laws and in particular its constitutions. It equally noted that much of these laws have been persisting in the continuing deprivations of the lower tier governments.

Also, the role of idyllic forces including also the predominance of ethnicity and ethnic relations has been eroding meaningful returns in federal practices in Nigeria.

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