

Assessment on the Current State-Local Government Relations in Nigeria and the Quandary of Ineffectiveness: A Review

Pillah, Tyodzer Patrick, PhD

Department of Public Administration

Faculty of Management Sciences, Veritas University, Abuja

Email: pillahp@veritas.edu.ng

Abstract

The effectiveness of state-local government relations can indeed play a crucial role in addressing or exacerbating issues such as poverty in a country like Nigeria. This review re-echoes the ineffectiveness of state-local government relations in Nigeria, propagating poverty and suffering at the grass-root level. This study uses qualitative method of research using secondary data for analysis. Qualitative research allows for a deeper understanding of the nuances, contextual factors, and dynamics at play in the link between the state and local governments. Addressing the ineffectiveness of state-local government relations requires a comprehensive approach that involves strengthening governance structures, improving transparency and accountability, enhancing local capacity, and fostering collaboration between different levels of government. Additionally, fostering community participation and engagement can help ensure that poverty alleviation strategies are responsive to the unique challenges faced by local populations in Nigeria.

Keywords: *Capacity building, quandary, Nigeria, ineffectiveness, state-local government*

1.1 Introduction

Since the majority of those affected by state-local government relations live in rural areas, this component of intergovernmental relations is particularly important. The state government now has the authority to guarantee the establishment, operations, and funding of local government, in addition to giving it a tier of government with some autonomy under the constitution. The ultimate goal of this structure is to enable state and local governments to adapt to the specific local demands of the citizens within their respective spheres of influence. Regrettably, the majority of the federation's states witness the subordination of municipal governments to the more powerful state governments. The Federal Republic of Nigeria's 1999 Constitution, which established state joint local government accounts, provided for the distribution of federal funds to local governments (162(6)). It is thought that this account could act as a catalyst for local government fiscal federalism. According to Ahmad (2016), the majority of state governments took certain needless deductions and frequently used the money for personal interests rather than local government area development. He continued by saying that the state of affairs has had a major impact on the appalling way in which local government has initiated and carried out programs for rural development. In a similar vein, Oke (2017) observed that state governments have taken control of local governments and turned them into extensions of the state by using the state joint local government account. Local governments (LG) have been deprived of their financial independence in practice due to the joint account's operation. As a result, local governments have been denied their legitimate allotments of funding, which are essential for starting infrastructure projects that will fill in the gaps in rural areas' infrastructure. This could have been the reason for the majority of Nigeria's rural areas' inadequate rural infrastructure. The majority of rural communities still have terrible feeder roads, poor or nonexistent rural electricity, or poorly maintained rural electricity, portable water supplies that are still rare, etc. It is notable that local governments have been left to exploit the unviable tax bases while state governments have assumed control of the viable ones.

It has not been desired for state governments to regulate and supervise local governments through the State Local Government Service Commission and the Ministry of Local Government. With the relative autonomy granted to the councils by the constitution, these state organizations have persisted in trampling on what remains. They have been at the forefront of pushing local governments to adopt similar state government policies and programs while blatantly ignoring the unique needs and goals of rural residents. The imposition of initiatives and programs on the populace, which frequently conflict with their urgent needs, may have resulted from this circumstance. The aforementioned scenario might have arisen as a result of state administrations' blatant violations of constitutional restrictions when interacting with municipal governments.

1.2 Relations between Nigerian State and Local Governments

Regarding the connection between state and local government in Nigeria, the common consensus is that the constitution's requirements are obviously not being followed (Adeyemo, 2005; Awotokun, 2005; Ikeanyibe, 2016). For the sake of clarity, let me state once more that the 1979 constitution, which established the second republic (1979–1983), was the first step toward the goal of achieving a self-supporting, autonomous local government through the constitutional process. However, it was demonstrated during that time that LGs in IGR had been mostly ignored, mistreated, politicized, and marginalized (Obikeze & Obi, 2004). Various forms of patron-client relationships demonstrated that local government was not an independent level of government but rather a component of the state administrative framework. States unilaterally established new local governments, appointed caretaker committees, single administrators, or other undemocratic bodies in violation of the provisions of the constitution governing these procedures. They also tampered with the money distribution by the local government (Ibietan & Ikeanyibe, 2017). According to Ukiwo (2006), the nature of the state-local interaction under the second republic was as follows: Political maneuvering was the primary cause of the worst abuses of local council authority. Local elites were eyeing local councils, which now had guaranteed financing, and politicians realized they could sell local councils for votes. This led to agitations for more LGAs around the nation. Politicians also realized that, in order to gain political advantage, they could balkanize municipal governments. Most state governments disbanded local councils as elections drew near and appointed party members who would be counted among the community's vote-getters. It should come as no surprise that local government councils had a significant role in the widespread election fraud in 1983.

Beyond this, Akinsanya (2005) notes that throughout this time in Nigeria, the relationship between the federal, state, and local administrations was defined by the growing reliance of the states and local governments on the federal government. It appears that the states' authority was weakened and its functions, revenue base, and territory were reduced as a result of the inclusion of LGCs in the federal system in 1976 and their constitutionalization in 1979. States thus had to regain lost territory in terms of resources, political clout, and authority. The situation has not changed since 1999, despite calls to amend the constitution to support the role of LGs and criticisms of state meddling in LG affairs, indicating that the issue is as basic as some of the incidents in numerous states would suggest. Certain states have engaged in the manipulation of state legislation to create new LG councils without adhering to constitutional obligations, akin to what occurred under the Second Republic. Like the 1979 Constitution, Section 7(1) of the 1999 Constitution states that

The system of local government by democratically elected local government councils is under this Constitution guaranteed; and accordingly, the Government of every state shall subject to section 8 of this Constitution ensure their existence

under a law which provides for the establishment, structure, composition, finance and functions of such councils.

Section 8 covers the various functions that are performed by the federal government (National Assembly) and LGs in terms of establishing new LGs and redrawing the boundaries of those that are recognized by the constitution.

Only in the following situations can a bill for a law of a House of Assembly be passed with the intention of establishing a new LG area: (a) the House of Assembly receives a request from each of the following: (i) the House of the Assembly regarding the area; and (ii) the local government councils regarding the area. It states this in Section 8(3)(a). i–ii.

As per Section 8(4)(a)(ii), the House of Assembly can only approve a bill that aims to modify the boundaries of an existing LG area if it is endorsed by the two-thirds majority of the local government council members for that area or if it receives a request for boundary adjustments.

vii. In line with Section 8(5), an Act of the National Assembly passed in compliance with this section must include ancillary provisions regarding the names and official addresses of the states or local government units listed in Parts 1 and 2 of the First Schedule to this Constitution as well as in Section 3 of this Constitution.

Section 8(6) stipulates that each House of Assembly must provide sufficient reports to each House of the National Assembly following the creation of additional local government areas in accordance with this section's sub-section 3 in order for the Nation Assembly to exercise the authority granted to it by sub-section 5 of this section.

The creation of LG councils by the state House of Assemblies is almost impossible due to the rigidity of these mentioned procedures. With regard to crucial matters like LG creation and boundary modification, the provisions ideally aim to establish the LG system as a constitutional concern requiring the collaboration of the federal government (National Assembly), the state (House of Assembly), and the LG councils. In reality, however, states find ways to circumvent these rules in order to impose their willful creation of unilateral LGs or so-called Development Centers. Since 1999, a few states in the nation have made efforts in this direction. Following the democratic transition in 1999, the establishment of local governments was initiated in seven states: Bayelsa, Ebonyi, Enugu, Lagos, Kastina, Nasarawa and Bayelsa, Niger, Anambra, Edo, Ekiti, Enugu, Imo, Ondo, Oyo and Rivers, and are among the others that have either appointed an undemocratically elected LGC at some point since 1999, or they have disbanded constitutionally elected councils when their terms have not yet ended (See Obamwonyi & Aibieyi, 2015). In violation of Sections 8, 5, and the Constitution of 1999, Ebonyi state, for example, formed new LGs apart from the existing ones. The Ebonyi State House of Assembly enacted the Ebonyi State LG Area Creation and Transitions bill of 2001, also known as bill No. 7 of 2001. Development Centers (DCs) were later renamed from the 21 new LG councils that it founded. In a similar vein, Enugu state also set up 39 additional LGs, however they were all abandoned after they became Development Centers. It became so routine to form additional councils without fulfilling the constitutional requirements that President Obasanjo threatened in 2006 to stop providing federal funding for LG councils to the states that participated. This occurred early in the Fourth Republic. In response to the danger, some states chose to retract their actions, while others chose to conceal the structures as "developments centers" (DCs) or give up on the idea completely. As of this now, the only states that still run DCs are Lagos and Ebonyi. Thus, since 1999, efforts have been made in seven states to establish new LG forms. Two states continue to use the new structures as DCs, but several of them abandoned them in 2006 due to President Obasanjo's threats.

1.3 Relationship between state and local government

It is reasonable to assume that the state government will assist the LG Councils to the degree that is required for the councils to fulfill their assigned functions, given that the 1999 Constitution created the councils as a third level of government with the specific purpose of accelerating development at the grassroots level. Nonetheless, the constitution is silent on the nature of the intergovernmental connections that exist between state and local administrations. Similar to a master-servant relationship, the LG is fundamentally dependent on the state governments for survival. The LG does not work for the constitution. It is a government with specific constitutionally prescribed functions, just like any other.

However, by abusing its supervisory powers, it has been reduced to the status of a state government servant. According to Yakubu in Okechukwu et al. (2018), the connection between the local government and the state at the moment is best described as that of a servant and master. The States have extensive supervisory authority over LGs. The LG councils' current situation is bleak. They follow the policies set forth by their respective State governments in social and economic domains. The States are now in charge of running the local government councils after the LG Service Commission was revived. Every day, the chairman of the local government receives directives and circulars. The LG no longer know how much money flows to them from the States Allocation or the Federation Account, not to mention how the money will be used.

1.4 The efficacy of local government is plagued by an intergovernmental relations dilemma.

The 1999 Constitution's intrinsic flaws and the state governors' subsequent interpretation of its vague language are largely to blame for the intergovernmental relations issue that is crippling local government efficacy. A careful examination of a few constitutional gaps and State Governors' activities since May 29, 1999 will provide light on the difficulties in providing public services at the LG level in Nigeria. These are the following:

1.4.1 The almost total authority of the State Government over Local Government

The 1999 Constitution's Section 7(1) guaranteed a local government system led by a democratically elected LG Council. As a result, it is mandatory for state governments to guarantee the LG Councils' existence, makeup, funding, and operations (Abia, 2015). According to a straightforward reading of this clause, the 1999 Constitution has inevitably converted local governments into entities under the state government's authority because the state government established and largely absorbed LGs. Due to this provision's ambiguity, which grants the State Government nearly total control over LG, the State Government has misapplied and misconstrued it on multiple occasions. As a result, state governors have frequently disbanded local government councils and appointed caretaker committees in their stead. As per Section 7(1) of the 1999 Constitution, the Governors possess the authority to dissolve LG Councils; however, the Houses of Assembly must bestow this power onto them. There have been instances since democracy was restored in 1999 where state governors have dissolved councils without waiting for the State Houses of Assembly to provide the required constitutional powers. For reasons that are only known to him, Orji Uzo Kalu, the governor of Abia State at the time, dismissed the 148 LG chairmen and councilors that the electorate had chosen on June 16, 2006. Eight years after this action began, on Friday, July 11, 2014, the Supreme Court issued its ruling following a protracted legal struggle. As part of his first official task after taking office in 2008, former Oyo State governor Adebayo Alao-Akala fired the chairmen of the local governments, citing his lawsuit against the election that had placed them in office. Imo State's Governor Rochas Okorocha removed elected Local Council members from their positions as soon as he took office in June 2011.

Afterwards, he named Transition Committee Chairmen to oversee the 27 local councils' operations. The displeased officials took legal action as a result of this. The Governor disregarded the court's order to restore them, claiming he had appealed the decision (Abia, 2015). In 2012, Rotimi Amaechi, the former governor of Rivers State, placed 11 local council chairs on indefinite leave. Amaechi's action was based on the belief that the affected LG Chairmen had private talks with Barrister Nyesom Wike, the state's current governor and the then-minister of state for education, rather than attending a meeting he organized (Abia, 2015). Not quite five months remained in his first term of office when former Governor Emmanuel Uduaghan of Delta State fired the Chairman of the Burutu Local Government in December 2014. The State Governors of Ekiti and Bayelsa States fired 16 and 5 LG Chairmen, respectively, in 2010 and 2013, citing clearly political reasons. Due to constitutional restrictions and the unwillingness of the State Houses of Assembly to collaborate, LG Councils' attempts to question the State Governors' arbitrary actions in this area have not produced meaningful results.

1.4.2 Transparency in the way the state government manages its allocations to local governments

Although it is true that the 1999 Constitution's designated sources of funding for Local Government Councils are not being fully utilized by the system, this is made worse by state government actions that have appropriated the majority of the lucrative internal revenue sources, such as large markets, street names, and tenement rates, among others (Alao et al., 2015). Additionally, there is a lack of openness in how the state government manages its transfers to local governments. The distribution of revenue to the LG in Nigeria is outlined in Section 149(4-5). According to the constitution, the National Assembly must provide for the statutory distribution of public funds from the Federation Account (20%) to LG Councils throughout the federation. Additionally, the state Houses of Assembly must establish a plan for distributing 10% of internally generated revenue to the state's LG Councils in the form of public funds. Events over the years have demonstrated that the state government rarely transfers 10% of its internally generated revenue to local governments. Without a doubt, these acts much exceed the ability of Local Government Councils to provide efficient local government services (Ojugbeli and Ojoh, 2014). Section 162(4-6) of the Constitution of 1999 specifies that the state shall pay out to LG Councils the amount that those councils have in the Federation Account. The terms and procedures for this distribution will be determined by the state Houses of Assembly, whose constitutional responsibility it is to create the "State Joint LG Account" that will receive these payments. This clause in the constitution implies that the fate of the funds in the Joint Account after the Federation Account has been used to allocate the amount owed to LG Councils is not within the purview of the document. This has served as the foundation for the arbitrary practices surrounding joint account management in Nigeria. The State Local Government Joint Account Committee (JAC) was legalized in 2009, but Mr. Igberi, the then-Chairman of the Association of LG of Nigeria (ALGON) in Ebonyi State, argued that the structure prevented councils in the nation from receiving adequate funding and autonomy. He therefore called for an amendment to the constitutional provision. "The issue of Joint Account had facilitated all manner of deductions from councils allocation," he continued. (Sobechi, 2009). "Nothing seems to be working at the councils because they are either starved of funds or shortchanged by state governments through the Joint Account Allocation Committees," claimed Acba (2008), echoing the sentiments of council executives in Abia State. The majority of the state's Council Chief Executives protested state government deductions from their allotment, calling the action "illegal." The Nigerian Union of Local Government Employees (NULGE) Edo State Chapter supported the 18 council chairmen's decision in 2009 to refuse the May 2009 allocation from the Federation Account in protest of what

they saw to be an excessive deduction by the state government (Otabor, 2009). Additional issues pertaining to the Joint Account include the state government's tardiness in releasing the local government's statutory allocations and the local government's statutory allocations being diverted. The Independent Corrupt Practices and Other Related Offenses Commission (ICPC) invited the Ondo State Commissioner for Finance, Accountant General, Commissioner for Local Government, and Commissioner for Chieftaincy Affairs in 2008 regarding the purported diversion of 1.2 billion Naira that belonged to the state's 18 LG Councils (Ojo, 2008). According to the suit, statutory funds meant for the state's 18 LG Councils had been siphoned off for private gain for a period of six or nine months starting in 2005 (Ojugbeli and Ojoh, 2014). Subtly operating under Sections 7 (1) and (6) of the 1999 Constitution, the State Government has cynically created a number of methods to deprive the LG of the advantage of allocating its revenues. To allay concerns about legal action, LG employees in certain states are persuaded to write and sign letters endorsing this arrangement (Babatope and Egunjobi, 2016). LG employees are asked to provide a list of projects that they plan to carry out while the state government is awarding contracts, in order to demonstrate that they are involved in the process. In addition, there is the unbridled need for money and the overly optimistic expectations of the public, especially of the powerful local politicians, who want the council member to prioritize meeting their own demands over the requirements of the community (Alao et al, 2015). The LG administration faces diversions when trying to strike a balance between the duties of the governor and the expectations of the community. In actuality, the state government typically releases disproportionate funds to fulfill the demands of local governments, which frequently lack the resources to adequately compensate their employees and handle administrative tasks. As a result, in the majority of the federation's states, local government employees have not received their salaries for up to five or ten months, necessitating a government bailout.

1.4.3 Participatory Democracy

The 1999 Constitution makes it clear that a LG Council cannot be considered fully operational unless it has undergone democratic governance, as specified in Section 7(1) of the document. But even since democracy was restored in 1999, governors have persisted in using the Local Government Councils as a means of rewarding party loyalists who have helped them gain power in the past (Alao et al, 2015). Since Nigeria returned to constitutional administration in 1999, local government council elections have not taken place in some states. When elections do take place, they are usually charades arranged by the ruling parties to ensure that only their candidates emerge victorious and are proclaimed "elected" by ludicrous margins (Ahmed, 2016). For example, between 2007 and 2011, elections were held in Lagos State for 20 LG Councils and 37 Local Council Development Areas (LCDA). All chairmanships and councillorships were won by the Action Congress (AC), which subsequently renamed itself the Action Congress of Nigeria (ACN). On December 15, 2007, 33 chairmanship seats were won by the People's Democratic Party (PDP), which was in power at the time, in Oyo State during elections conducted by the Oyo State Independent Electoral Commission (OYSIEC). The All Nigeria People's Party (ANPP) only won nine seats in the 2007 Enugu State local government election, as the ruling PDP won 15 of the 17 council chairperson positions and 245 of the 254 councillorship seats. The All Progressive Congress (APC), the incumbent party in Kano State, won 98 percent of the seats in the 2014 LG Council elections. The APC won every chairmanship and councillorship seat in Yobe State, a state racked by crises. In Katsina State, the PDP, the ruling party, was victorious in all 34 chairmanship and 361 councillorship seats in the LG Council elections that took place on April 11, 2014. Notably, this was Katsina's first Local Government election since 2008. However, the vast majority of the state's opposition parties abstained from voting. The announcement that the government of Rivers State, then led by Rotimi

Chibike Amaechi, was willing to hold local government elections in the state startled everyone, especially because he was only six days away from leaving office. Despite complaints from the Peoples Democratic Party (PDP) and other political parties who said the poll would be tainted with anomalies favoring the ruling party, the All Progressive Congress (APC), the election was place on May 23, 2015, as scheduled. As a result, in 22 of the 23 LG Areas, the APC was able to secure chairmanship seats (Abia, 2015). In the LG Council elections held in Ondo State on April 23, 2015, the PDP's nominees won all eighteen chairperson posts (Radio Nigeria, 2015). The similar thing happened in Sokoto State, where on March 13, 2016, local government elections were held, and the APC easily won every seat, including that of chairman and councillor (Rimaye, 2016). The aforementioned analysis unequivocally demonstrates that the State Government's compliance with Section 7(1) of the 1999 Constitution since May 29, 1999, has only been deemed to be in violation. Unfortunately, state legislatures and governors still break the rules every once in a while, making it impossible to enforce the Constitution's requirements for a democratic composition of local administrations across the federation's states. Among these, the most critical is ensuring that local governments encourage more citizen engagement in selecting, through their elected representatives, solutions to community-specific development issues that make the most efficient use of available resources, be they locally produced or imported (Abia, 2015). Based on his comments about the election pattern for the Nigerian LG Council, former Federal Secretary to the Government Alhaji Mahmud Yayale Ahmed has advocated for the abolition of LG elections across the country, stating that "they have failed to produce the desired political leadership at that level of government" (Ahmed, 2016). Since then, opposition parties in the majority of states have made it the norm to either boycott local government elections or file legal challenges against the results of such elections. This exemplifies the unconstitutional process of forming LG Councils in Nigeria, which is in direct opposition to the intended function of LG as envisioned by the 1976 LG Reforms. It also violates Section 7(1) of the 1999 Constitution (amended 2011).

1.5 The Effect of State-Local Relations on the Provision of Local Government Services

The State Governors' involvement in LG activities is the main cause of the severe shortcomings that LGs in Nigeria are currently experiencing in terms of providing services (Vambe, 2018).

The governors are discovered to have taken control of their counterpart funding, taxes, and financial allocations. They also refuse to hold LG elections, instead appointing administrators who, for the most part, are party loyalists and their friends and relatives, turning local government procedures into meaningless schemes.

According to Ajibulu (2012), this has the effect of making local government seen as an extension of the state's ministry. Because of the fundamental nature of this issue, local government delays to start any development projects until it receives new instructions from the state government. As a result, local governance is now subject to orders and control. Discretion is not an option. This does not bode well for efficient local public service delivery; hence, LG Councils wait for orders from the State government rather than taking the initiative and working hard to make their areas better. LG cannot carry out their responsibilities in accordance with the 1976 LG Reform and the spirit of the 1999 Constitution without undue interference from the state. Only then can local governments grow.

1.6 Local-State Dependency on Federation Account and Development Problems

The fact that nearly all the states and LGs in Nigeria depend solely on revenue allocation from the federation account is undisputable. For this reason, governmental functions in most local-state levels have ceased, not only this, some states and local governments are still battling with regular payment

of salaries, despite the bailout fund given to them by the federal government. Although many reasons have been advanced for the introduction of the “State Joint Local Government Account” system by the state government. However, heavily reliant on monthly allocation from the federation account by the state government is perhaps one of the reasons for its introduction. The idea of “State Joint Local Government Account” is to manipulate local government monthly allocation from the federation account by the state government. Most of the state governments have insisted that the monthly allocation of the local governments within their states must first be paid into the “State Joint Local Government Account”. The decision to use ‘joint account’ is although enshrined in the constitution but the sole operator of the joint account is the state who decides the percentage of the monthly allocation to be given to local governments in most cases. In case the local government intends to embark on any project for the development, approval must be sought first from the state government. As a consequence, most of the local governments cannot stand on their own financially. Many LGs in some states are empty financially; they could not pay the salaries of their workers not to talk of embarking on developmental projects. Thus, most of the LG in contemporary Nigeria only exist in name without performing any meaningful activity. Sole dependent on the federation account will eventually put the states and its local government counterpart in perpetual debt. The debt profiles of many states in Nigeria have shown that their debts are more than the allocation they receive. It will be difficult for them to come out of the debts, especially, that the monies borrowed including the bailout are not interest-free. There is a likelihood that the interest will be compounding and mounting up and the debts continue to rise. Another effect of relying on monthly allocation, in the long run, is that those constitutional functions in the concurrent and residual list which the states and LGs are finding difficult to perform will eventually be taken over by the federal government. For this reason, the states and LGs will be left with nothing in terms of functions and responsibilities. When this happens, it will defeat the purpose of federalism, as federalism emphasise coordination and independence of the component units of the federation (Wheare, 1963). Thus, the states and local governments who are already playing second fiddle to the federal government in Nigeria will become irrelevant levels of government and consequently be relegated to background in the nation’s governance activities.

1.7 Conclusion

One of the major areas where dissimilar levels of government in Nigeria relate is in the area of ‘fiscal’; commonly referred to as 'intergovernmental fiscal relations'. Fiscal relations have been problematic as a result of non-commensuration of assigned responsibilities with tax-raising powers and resource allocation especially to the state-local levels of government. The present sharing formula gave 52.86%; 26.70% and 20.60% of the revenues to the federal, state and local governments respectively. That is, more than half of the accrued revenue is being allocated to the federal government, while the state and local government settle with the leftover. Therefore, it is now a problem for the state-local governments to carry out their constitutional responsibilities, especially in the areas of provision of social and infrastructural facilities; seeing to the welfare of the citizens and in the payment of salaries and allowances of the civil servants who are 'the machinery of the government'. Beyond this is the huge debts incurred by the state-local which repayment covers over 20 years. Therefore, the present intergovernmental fiscal relations have not been favourable to the state-local government. Apart from the fact that it has failed to aid or enhance development at these levels of government, it is clear that, in the next quarter of a century, meaningful development may continue to elude the state-local levels of government.

1.8 Recommendations

A pragmatic approach must be taken to increase the monthly allocation of the state-local governments. Increment in allocation to the state-local government can be achieved if proactive steps are taken to reduce corruption among the populace; if wastage and unnecessary spending is stopped in public offices; if the cost of governance is drastically reduced and if the nation embarks on aggressive economic diversification.

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