

Improving Local Government Relations with Other Tiers of Government in Nigeria: The Imo State Experience

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Abstract

This study highlights the current relationship between the local government and other tiers of government in Nigeria. It argues that the essence of the relationship among various tiers which is the maintenance and well-being of the polity has been unrealizable due to the lopsided nature of the relationship. The study applies the data from available literature, information from the interviewees and personal experience as a former member of the local government council. The analysis reveals that the local government is handicapped due to the overbearing influence of the higher tiers. It further reveals that every aspect of the local government's life has been controlled by the higher tiers. The study concludes that the present model of relationship between the local government and other tiers is a failure and needs to be changed. It therefore suggests an alternative model of relationship that will improve the system.

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Introduction

Local Government cannot exist in isolation from other tiers of government and other institutions. Just like every other organization and cooperate body, the local governments interact with other elements of society which are also interdependent. Put differently, as human beings, we live in a very interdependent society.

Inter-governmental relation is a continuous process that has always been determined by prevailing conditions of the period. According to Professor Bello-Imam, all over the world, there exist three models of inter-governmental relations.¹

They are the partnership, principal/agent and dual models. In Nigeria, the principal/agent model which exhibits the relationship that can best be described as master-servant relations prevails. This is the model where the local government is not regarded as a tier of government but an appendage of the State that is charged with the responsibilities of discharging certain services that are local in nature. In this model, the principal (federal/state government) exercises checks and control over the agent (local government) The Federal/State government determines the way and manner the local governments should perform its function.

Supporting the above contention, Westt admitted that even though local government is the third-tier of government system in Nigeria, its functions and organizational structure originate from the state government as provided by the constitution.²

It is now obvious that this model has failed, there is a need to adopt another model that will allow some level of freedom to the local governments.

Beginning from the colonial period till date, the relationship between the local governments and the higher tiers in Nigeria has been a lopsided one. The excessive control of the Federal/State governments over the Local governments constitutes the major reason for the low performance of the third tier. The result is that national development suffers as many rural communities lack essential amenities and services expected to be rendered by the local governments. What therefore should be done to enthrone the right relationship that will guarantee national development? This is the problem this study is set to address

The purpose of this study is to review the current relationship between the local government and other tiers and identify the major constraints that need to be nipped in the bud for improved service delivery.

The study shall also look at inter-local government relations and local government relations with traditional authorities.

This study is expected to provide information that will help future researchers in history and other related field. It will also provide data that will help policymakers and other stakeholders to design a workable framework that will improve the system.

Inter-Governmental Relationships in Nigeria: A Historical Perspective

Inter-governmental relations in Nigeria with regard to local government date back to the colonial period. As at this period, according to Kunle Awotokun, “the general principle which characterized the state- local relations had been patron-client (master-servant) relationship.”³ Local government as at this period was an appendage of the regional government. The

local government was not a constitutional matter and had no constitutional relationship with the federal government. Local governments were created by regional laws. For instance, the adoption of a memorandum by the Eastern Regional House of Assembly gave birth to the 1950 local government ordinance.⁴ This was followed by the promulgation of the Western Regional Local Government Ordinance of 1952 and the Northern Region Local Administration Law of 1954. The creation of the divisional administration system in 1951 by Ukpabi Asika in eastern Nigeria, and the 1957 western regional local government law among others were sources of powers through which regions/state governments created local governments.

The regional governments controlled the activities of the council through the ministry of local governments. The minister in charge among other duties approved the bye-laws, annual estimates, and major contracts and ensured strict compliance with the implementation of their major projects. Other regional government representatives sent to the local government for various supervisory functions were the divisional officers and inspectorate unit of the Ministry of Local Government. They attend council meetings and provide technical assistance to them. The appointment, promotion and discipline of the local government staff were the responsibilities of the ministry while the local government services board played an advisory role. Local government funds were provided by the regional governments through grants.⁵ There were also other sources of internal revenue granted them by the regional government. Financial control and election of local government officers were also managed by the regional government. This was the situation in Nigeria till 1976 when Bello-Imam confirmed thus: "The nature of colonial administration in Nigeria as it relates to local governance and central governments-local government relations during the first military regime in Nigeria between 1966 and 1976 are also examples of the working of the model in this country".

By 1976 the federal government became actively involved in local government affairs. First, the 1976 Local Government reforms which Ngozi Orjiakor described as a "historic achievement in the development of the local government system in Nigeria"⁶, were initiated by the Federal government. Secondly, the federal government through the reform introduced a uniform system of local government administration all over the country. The federal government further took responsibility for funding the election of local government officials among others. The relationship between the local government and other tiers since 1976 has been a dynamic but complex one.

The Local Government – State Relations

In a federation like Nigeria, local government is a creation of federal and state laws. Even though the 1999 constitution of the Federal Republic of Nigeria (as amended) recognizes the existence and functions of the local government, the constitution assigns the responsibilities of making and amending local government laws to the state government. State government still retains their powers to create local governments. These powers are no longer absolute because these state laws are subject to the provisions of the Constitution. The functions allocated to Local Governments under State laws must be in tandem with the functions spelled out in the constitution (see the 1999 Constitution of Nigeria, fourth scheduled). With these constitutional provisions, the state governments have no power to abolish a local government or amend its laws on their own without reference to the constitution. The creation of new local government and adjustment of

boundaries are the responsibilities of both the national and state assemblies.

During the second republic, the Sam Mbakwe administration created new thirty-eight local governments, bringing the total number of local governments to fifty-nine. These newly created councils were immediately dissolved by the military regime that succeeded it. It is interesting to note also that the legislative approval of the local government councils is required for the creation of new local government and adjustment of boundaries. State governments are empowered to make laws through the state house of assembly which shall be subject to section 8 of the 1999 constitution provides for the establishment, structure, composition, finance and functions of such councils.⁷

In compliance with section 7 of the 1999 constitution as it is obtainable in other states of the Nigerian federation. For instance, the Imo State House of Assembly enacted the Local Government Administration Law No. 15 of 2000. The local governments make bye-laws to regulate the conduct of the citizens in certain areas of activities such as environmental sanitation, location and structure of buildings, and town planning among others. These bye-laws made by the local governments require the approval of the state government. When there is a conflict between local authorities on the provision or lack of certain local services, the state government through the commissioner for local government adjudicates on such matters.⁸

Local government bye-laws are sometimes prepared by the Ministry of Justice staffed with legal professionals, so as to avoid or reduce the cost of hiring such legal services by the local councils. Furthermore, the state ministry of local government in conjunction with the ministry of justice prepares model bye-laws which each local government adopts and amends to conform with the peculiarity of that local government.⁹

The local government law made by the state house of assembly provides for some regulatory or control measures which the state government shall apply when necessary to the operation of the local government. For instance, the Imo State Local Government Administration Law No. 15 of 2000 provides in Part xi Section 73(1) the power of the House of Assembly to order the holding of inquiries. It, therefore, states that "subject to sections 128 and 129 of the Constitution of the Federal Republic of Nigeria, the legislature shall cause an inquiry to be held at such times and in such places as it may consider necessary or desirable for the purposes of this law and for this purpose shall appoint persons to conduct inquiry into the conduct of any local government in the state "¹⁰.

Other such regulatory powers of the state can also be found in part xi section 73 (2) and (3), part x section 70 of that law. The local government through the joint planning board participates in the economic planning and development of the local governments in the state. The establishment of this joint planning board is provided in the 1999 constitution. The approval of annual estimates of local governments is also done by the state. The state government has the power to dissolve or suspend a local government that is found not capable of discharging its functions and appoints a caretaker committee. This measure may apply according to Ransom West where:

- a. Council fails to hold a meeting as specified by the edict.
- b. The executive council is dissatisfied that a council is not discharging its functions under the edict in a manner conducive to the welfare of the inhabitants of the area of its authority.¹¹

Before its abolition in 1988, the Ministry of Local Government exercised a lot of control over virtually all the activities of local governments in Nigeria. Ogunna observes thus “bicycle plates, revenue receipt books, birth, death and marriage certificates were provided centrally by the ministry”. Since 2010 the Imo state government has re-established the ministry of local government. The state further audits the annual account of the local government through the office of auditor general for local governments. The report of the audit is sent to the legislature or public account committee as was the case during the military era for scrutiny.

In every local government, there exists the town planning authority set up by the state government. Membership is composed of the town planners and engineers from various state ministries and two private members who are indigenes of the local government. The functions of the authority among others include control of buildings and other structures and ensure an orderly arrangement and management of the overall development activities in the local government. State governments before 1976 reforms were responsible for the funding of their local government through grants-in-aids system. Now the state government only contributes as its statutory obligation ten percent of its total internal revenue to local governments. The state can also give a special fund called matching grants to local government for the execution of specific development projects. The local governments relate with the state through the services they render to the people either on their behalf or in conjunction with the state government. For instance, the provision of primary education, health and agricultural service among others are functions provided jointly by the local, state and federal governments. In Imo State, primary education is managed through the Imo State Universal Basic Education Board. The state can also delegate any of its functions to local governments to perform or extend some of its services and programmes to the rural populace through the local governments. Examples include the state directorate for food, roads and rural infrastructure, the State Action Committee on AIDS which has been replicated at the local government-(local action committee on aids) state immunization programmes and agricultural development programmes.

Worthy of note also is the promulgation of law No3 of 2005 in Imo state which created thirty-six development areas from the twenty-seven local government areas in the state. The preamble of that law states that "whereas notwithstanding the existence of local government areas/councils, there is need for further articulated grass root development in Imo state. And whereas one of the means of achieving this development is by the creation of local government development areas within the local government areas.¹² Local government areas in Imo state thus became fragmented. Some of its functions were ceded to the development area (see section 5, Law No. 3 of 2005). These development areas have been scrapped since 2011 by the Okorochoa administration. In their place, in 2012, the Okorochoa administration established the Community Government Councils as the fourth tier of government, vide Imo State Autonomous Community Councils Administration Law No. 1 of 2012. However, like the local governments and development areas, the community government councils suffered state government interference.¹³ Through legislation, the States reduce the tenure of local governments, limit the scope of revenue-generating functions, present copies of local government budgets to State Assembly and power to enquire into the runnings of the local government.

Judicially, the local governments relate with the state through the magistrate, customary and sharia courts. The local government uses any of the above courts to seek redress whenever their bye-laws are contravened or other matters

arise. These are Courts of record operating in the states in Nigeria. People can be dragged to any of these courts for not paying their taxes, rates or those who fail to participate in a state clean-up exercise. See the case of Owerri municipal council versus Rennis Fast Foods Owerri over non-payment of operational permits at Owerri magistrate court with suit No ORC/68401/2014.

Individual members of the society can also sue a local government for not performing its functions or when the right of the individual is trampled upon. An example is the case between Nze Damian Osuoha and Oguta local government and others as defendants at Oguta High Court with suit No HOG/69M/2017. See also the case with suit No HOW/146/2003 between W.T. Anyahara and Owerri municipal council at Owerri High Court. Responding to interview questions Mr. Chris Egeonu, the litigation officer of Owerri Municipal Council made reference to the adoptive bye-laws 1950-1999 of the eastern region, the legislative bye-laws of Owerri Municipal Council and the council resolution law as the authorities under which they operate.¹⁴ According to him, part xv of the Imo State Local Government Administration Law No. 15 of 2000 conferred on the local governments the powers to make bye-laws.

The relationship between the state and the local government is also expressed in the appointment, promotion, transfer and discipline of local government senior staff which is the duty of the state local government service commission. The state executive holds regular meetings with the chairman of the local government. Important issues such as security and other development matters are addressed. The appointment of caretaker committees at the local government in Imo state since 2011 has made such meetings regular. The caretaker committee had no choice but to carry out every instruction from the state executives. On election of local government officials, it used to be the responsibility of the regional government during the first republic. After the 1976 reforms, the 1979 constitution transferred the power to conduct local council elections to the state electoral commissions. This assignment was not carried out by the state until the end of the Second Republic. By 1987, the federal government through a federal electoral body conducted the local governments' elections. This exercise was repeated in 1990, 1991 and 1998. Following the promulgation of the 1999 constitution which provided for the establishment of State Independent Electoral Commissions, the state thus became responsible for the election of local government officers. In Imo state, the local government elections of June 2004 and August 2010 were conducted by the Imo State Independent Electoral Commission.

Local-Federal Government Relations

We have observed earlier how the regional/state governments created, controlled and managed the local government before 1976. The establishment of local governments became a constitutional matter since the enactment of the 1989 constitution. Sampson Ekwonna captures thus: "the center plays a decisive role in the creation of new local government. Through the national assembly's power or supreme legislation, the center can allocate tasks to the local governments."¹⁵

According to S.T. Akindele, there are some institutional machinery established in Nigeria for the maintenance of Inter-governmental relations. They include the National Economic Council, the National Council of State, the liaison offices, and the state local government training funds for training of local government staff. The Federal Government did not only

provide funds for the training of local government staff, but also provided the training programme through designated tertiary institutions like the University of Nigeria Nsukka, Obafemi Awolowo University Ife and Ahmadu Bello University, Zaria. Other schemes enjoyed by the local government staff include the Pension Scheme, Scheme of Service, and National Health Insurance Scheme among others.

The local government can provide some necessary assistance to federal government field workers. For instance, the local governments in Imo state provide office accommodation and, in some cases, residential accommodation inclusive to immigration staff, state security officers and National Security and Civil Defence Corps officers posted to the local government. In the same vein, local government officers enjoy the services, assistance and co-operation of their federal counterparts in the local government. The services of National Youth Services Corps members and Electoral officers are good examples.

On financial relations, the federal government in 1976 introduced statutory revenue allocations to local governments. The National Assembly provides the formula for the sharing of all revenue accruing to the federation which the local government now has a stake in. The federal government also directed that state governments should pay their statutory ten percent of their total internal revenue to the local governments in the states. Before its amendment, it was ten percent of the state's total revenue. This directive was very effective during the Babangida military regime. The federal government can also give specific grants to local governments for certain projects or assist any local government that is affected by natural disasters.¹⁶

The security agencies assist the local governments in maintaining law and order in the various localities with the local government. The local governments sometimes show appreciation through the provision or maintenance of police vehicles, residential or office equipment or furniture. During the Obasanjo civilian administration, the Association of Local Governments of Nigeria (ALGON) ensured that every police division across the country received a patrol vehicle that had the inscription "Donated by ALGON".

As we observed earlier in this work, the federal government took over the task of conducting Local government elections in 1987, 1990, 1991 and 1998. Since the passage of the 1999 constitution, that responsibility has been transferred to states. The Independent National Electoral Commission still retains the duty of voter registration, voter education and delimitation of constituencies.

On party politics, Nigeria has practiced both two-party (as was the case during the Babangida military administration) and multi-party (as recorded during the 1st, 2nd and 4th republics.) systems. Council election has also been conducted on a non-party basis. When elections are organized on a non-party basis, the credentials of the candidates matter. On the other hand, under party arrangement, the policies and programmes of the party and its acceptance by the people are highly considered. Registration of a political party is the exclusive responsibility of the federal government through the electoral body and there is always a law guaranteeing such exercise.

Candidates for local government elections like their counterparts in other tiers of government use party names and symbols in contesting elections. Any party that wins imposes its policies on the council, state or federal government as the

case may be. In the words of Nnaji “members of a political party follow party lines in the council chambers and elsewhere and work in close and active co-operation with their party colleagues”.¹⁷

There were cases where some communities were denied certain projects or services because they did not support the political party in power. There were also cases where the ruling party used the state or federal might to intimidate or impose itself on the local government. The pulling out of other political parties except the Action Congress in the Lagos Local Government election of 11th October 2008, the dissolution of the elected local government councils in Imo state in 2011 by Governor Okorocha among others are good examples. Moreso, some local governments pay allowances to some party officials and release funds for the maintenance of party offices. Jason Osai recounts his experience when he was appointed the Chairman of Ogba/Egbema/Ndoni Local Government Area in Rivers State.¹⁸

Inter-Local Government Relations

The politics of local government and state creation in Nigeria have been motivated by political and economic factors. As Ransome Westt puts it “it is very significant to note that because of the linkage between statehood, local government and economic interests, the agitation for the creation of states and local governments is now championed by the majority groups”.¹⁹ As a result of this development, some groups of people that have common ancestral origin were balkanized thereby placing them in different local government areas. For instance, three communities in Egbema clan-(Okwuzi, Mgbede and Aggah) are now in Ogba/Egbema/Ndomi local government area of Rivers State while the remaining thirteen are in Ohaji/Egbema local government area of Imo State. The people have taken advantage of the separation to benefit from the services projects and other opportunities offered by both local governments.

Secondly, two or more local governments can come together to pursue a common goal. In the year 2000, Oguta and Ohaji/Egbema local government areas pulled their resources together and sponsored the protest that shook the National Assembly when Imo State was excluded from the NDDC bill. The protest however paid off as Imo State was later included in the bill. Furthermore, the local governments in Nigeria have come together under the umbrella of the Association of Local Governments of Nigeria to tackle the major national issues confronting the local governments. Prominent among them are the local government autonomy and the enthronement of democracy (ie elected councils) at the third-tier government in the country. The then leadership of the association led by the president Nwabueze Okafor and its secretary general Shittu Bamaiyi Yakmut vowed to leave no stone unturned until victory was achieved.

Boundary dispute is another area of concern when discussing inter local government relations. Some local governments have been living in hostilities with their sister local government. During the period of study, violent attacks resulting in destruction of lives and property and protracted litigations among others were some of the products of boundary disputes. The dispute over ownership of Ajagbodudu between Ethiope West and Warri North local government areas of Delta State is a good example. The matter was decided in the court yet the court judgment did not bring about the expected peace. According to Victor Williams Efe “The solution proffered that put down the crisis by the state government was to take over the payment of salaries of staff of the school there and other things vital to promote the peaceful co-existence of the two

groups in the area”.²⁰

Theoretical Frameworks

W.J.M Mackenzie and his colleagues in the efficiency-Service Delivery Theory contend that provision of services to the people should be the main focus of local government. They argued that local government is in a better position to efficiently and effectively provide certain services because of its nearness to the grassroots than the other higher levels of government. For the local government to perform these functions, it should be allowed the powers, resources and necessary autonomy that are needed. The absence of these conditions explains the type of relationship that exists between the local governments and other tiers in Nigeria.

The multiple goal-seeking model concept of the General System theory propounded by Ludwig Von Bertalanffy provides theoretical insight on the essence of local government existence. As a human organization, it is created and operated to achieve goals. The theorists conceive organization as a system made up of inter-related and interdependent parts and that the presence of these various parts and the relationships between them can be understood in terms of the contributions they make for the maintenance and wellbeing of the system as a whole. This theory is proper for this study.

Methodology

The materials used in this work are sourced from available literature, interview with stakeholders and personal experience as a former member of Local Government Council.

The stakeholders are mainly Local Government Staff, Politicians and Community Leaders.

In Nigeria, we have the Federal and State Governments as the higher tiers of government. This study is concerned with how the local governments relate with these higher tiers and other institutions like the traditional authorities using Imo State as a case study.

Results: (Available Literature)

Results from the available literature and the stakeholders highlight the lopsidedness in inter-governmental relationship in Nigeria which is very unhealthy for our national growth and development.

In the first instance, the constitution of the Federal Republic of Nigeria created a lot of loopholes that subordinates the local governments to states.

According to Onwe, the Powers of the States under section 7 subsection (1) to create and manage the local government system was made subject to the operation of section 8 subsection (3) (5) and (6) of the 1999 constitution.²¹ In other words, the local government draws its existence from State legislation.

The Federal and State government in exercise of their constitutional power control every aspect of local government operation.

On finance, the major source of local government revenue comes from the Federal Revenue Allocation. This fund is remitted to the State-Local government joint account managed by the State government. The regulation and control of the financial activities in the local governments are done through the financial memoranda. The annual estimate of the local government is prepared according to the guidelines from the State. The State also Audit the accounts of local governments through Office of Auditor-General for Local Government.

Administratively, the State Government has the powers to hold enquiries into local government activities. The Governor can suspend or dissolve a local government Council and appoint a Management Committee. This is very common in Nigeria since 1999.

The Judiciary as an arm of Government pertains only to the state and federal tiers. Whenever the local government bye laws are contravened or other matters arise, they seek redress through Customary, Magistrate, Sharia or High Courts. They can also be sued when they err. The above scenario also apply in the election of local government officials. Since the local government became a constitutional matter, the election of its officials has been conducted by the National Electoral body (1990, 1991 and 1998) The 1999 constitution came on board and transferred the responsibility to State Independent Electoral Commissions, (2004, 2010 Elections in Imo State). It is important to note that the federal electoral body still retains the task of voter registration, voter education and keeps custody of voter register.

Stakeholders

Results from our respondents show that the relationship places the local governments in a situation where they remained at the beck and call of the higher tiers.

Some of the informant complained of the use of Caretaker Committee or Sole Administrators to manage the local governments instead of conducting credible elections as stipulated in the constitution.

There were also reports of usurpation of local government statutory functions and tampering of revenue accruing to the local government from the Federation account by the State governments.

Discussion

The local government cannot exist and operate in isolation. In spite of all the changes and reforms that took place beginning from the Colonial period till date, it still remains an inseparable part of the political system in Nigeria. It is not in dispute that the relationship has been lopsided such that the higher tiers assume the master position and the local government the servant position. An unhealthy relationship that has resulted in low performances by the Local Councils. The question now is what should be done to create a new relationship that will improve service delivery for national

development.?

Available records show that both the Federal and State governments draw their powers over the local government from the constitution. Such powers cover Financial, Judicial, Administrative and Legislative spheres.

The State sometimes, in exercise of these powers contravenes the provisions of the constitution. A practical example is the appointment of Caretaker Committee/Sole Administrator to manage the affairs of Local Government Councils instead of democratically elected team of officers as enshrined in the constitution which perform better. Another serious abuse of power by the State government is the tampering of local government revenue from the Federation account and refusal of States to remit to the local governments the statutory 10 percent from the States internally generated revenue.²²

Other areas that call for concern as the result indicates include: the power to conduct election of Local Government Officials, power of the House of Assembly to hold enquiries into the activities of local governments and usurpation of functions allocated to the local government in the constitution.

The issues raised above however, do not imply that there are no areas of healthy relationship among the tiers. This study is primarily concerned with the bad aspect of the relationship that should be changed in order to improve the system.

Conclusion

People have questioned the justification of local government existence. The reason being that they have performed below average when compared the huge sum injected into the system with the services delivered. The essence of relationship among the tiers of government in the opinion of Bertalanffy is defeated since their contributions have failed to guarantee the maintenance and wellbeing of the entire polity.

All the issues observed to be responsible for the ugly relationship are rooted in the constitutional powers of the higher tiers over the local governments.

To overcome this morass, the partnership model of Inter-Governmental Relations is recommended. In this model, the three tiers will be seen as equals before the law. The powers and responsibilities of each tier will be clearly spelt out and the activities of all the levels of government will be regulated by the constitution and the parliament.²³

Constitutional amendment is therefore a sine qua non for improved relationship among all the levels of government in Nigeria.

Endnotes

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