

## **Intergovernmental Relations in Nigeria: An Assessment of Its Practice at the Local Government Level**

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### **1. Introduction**

Perhaps, an appropriate premise to commence this discourse is to embark on the clarification of the concept of intergovernmental relations because of the attendant confusion that besmeared the concept. For instance, there has been an erroneous misconception that intergovernmental relations can only be discussed only meaningfully in a federal arrangement (Ayoade, 1980). For a proper clarification of the concept, three schools of thought have developed. The first school contends that intergovernmental relations can only exist in a federal system, the second posits that intergovernmental relations can both exist within a federal structure and as well as a unitary system of government, while the third school says that intergovernmental relations could as well include international relations Bamgbose, 2008).

The lesson we can learn from the above is that, intergovernmental relations exists both in the federal and unitary structures and in fact, the clamour that intergovernmental relations is only associated with the federal system should be discarded when we remember the Livingstonian definition of federalism which says that... 'Federalism is not an absolute but a relative term; there is no identifiable point at which a society ceases to be unified and becomes diversified. All communities fall somewhere in a spectrum, this runs from what we may call a theoretically wholly integrated society at one extreme to a theoretically wholly diversified society at the other (Rhodes, 1983).

Further still, Wright while alluding to the work of Bogdanor pointed out that other features of intergovernmental relations that set it apart from federalism included:

1. prominence of policy (rather than mainly legal) issues,
2. inclusion of all governmental entities-local units in addition to national-state (federal) relations,
3. importance of officials' attitudes and actions,
4. regular, continuous day to day interactions among officials and,
5. inclusion of all types of public officials- especially administrators in addition to elected officials (Wright, 1995).

Intergovernmental relations (IGRs) do not just imply relationship between different government organs but involves both the citizens and governmental institutions, agencies and officials. It takes into account the said agencies and officials at various levels of the governmental operations. It is very difficult for the policy formulators to make any policy by keeping it isolated from the effect and impact of the other governmental agencies in existence at different. From the above exposition, how then can we define the concept of intergovernmental relations?

### **1.1 Conceptual Definition of Intergovernmental Relations**

The term "intergovernmental relations" is commonly used to refer to relations between central, regional and local governments, as well as governments between any one sphere (level) , that facilitate the attainment of common goals through co-operation (Opeskin, 1988). Used in this sense, mechanisms for intergovernmental relations may be seen as employing consensual tools for the mutual benefit of the constituent units of the state.

For Van der Waldt and Du Toit (1997) intergovernmental relations refer to the mutual relations and interactions between government institutions at horizontal and vertical levels. This is in line with Thornhill's (2002) definition that "intergovernmental relations consist of all the actions and transactions of politicians and officials in national, sub-national units of government and organs of the state". The foregoing are in line with Adamolekun's (1999) position that it deals with the relationships between government and sub-national units, hence Adamolekun (1986) defines intergovernmental relations as the interactions that take place among the levels of government within a state. Crucial to this relation amongst spheres of government are statutory bodies (legislative backing) and non-statutory bodies (constituted by government for a specific task) as this can promote intergovernmental relations in the form of committees, boards or a range of other bodies (Kuye, Thornhill and Fourie, 2002:45).

Wright (1988) defines intergovernmental relations as an interacting network of institutions at national, provincial and local levels, created and refined to enable the various parts of government to cooperate in a manner which is appropriate to its institutional arrangements.

In his own view, Obi (2004) sees intergovernmental relations to mean the complex patterns of interactions, co-operations and inter-dependence between two or more levels of government. It is further described as a plethora of formal and informal relationships and transactions that develop among levels of government within a nation-state. In Nigeria for instance, it refers to the interactions that exist among the Federal (Central or National)

states and local governments, state and state interactions, state and local interactions or local and local interactions. All these put together refer to the pattern of intergovernmental relations.

An intergovernmental relations system therefore, consists of facilitative systems and relationships that enable the units of government to participate effectively and carry out mandate so that governmental goals are achieved. This includes executive mechanisms, coordinating mechanisms, cooperative agreements, judicial and legislative mechanisms that all facilitate delivery by government machinery. Intergovernmental relations can thus be defined as the 'glue' that holds them together. In other words, it is the interactions, relationships and the conduct of officials between governmental activities. It seeks the achievement of common goals through mutual relationships between and across vertical and horizontal governmental arrangements, alignment and cohesion across all spheres of government. The aim of governmental relations therefore, is to enable governmental activities (primarily service delivery), through synergy, effectiveness and efficiency in delivering services, to sustain democracy and strengthen delivery capacity across all spheres of government for the common good (Isioma, 2010:53).

Flowing from the above, intergovernmental relations can be described as the interactions that take place among the different levels of government within a state. Usually, the concept is associated with states having a federal administrative system. This, however, does not in any way suggest that intergovernmental relations do not take place in a unitary system. In a federal system however, where the relationships between the Federal, Central or National Government and the major sub-national units (province, region or state) are formally spelt out in the constitution, any re-arrangement must be through a constitutional amendment involving all the levels of government. Although, the emphasis in the analysis of intergovernmental relations is on Federal-State relations in a federal system, a comprehensive analysis of such relations shows diverse relations. With respect to a federal state therefore, nine types of relations are discernible. These are: Federal-state, Federal-local, Federal-Civic groups, state-state, state-local, state-civic groups, local-local, local-civic groups and inter-civic groups (Adamolekun, 1983; Olopade, 1984; Nwatu and Okafor, 2004).

In a unitary state, intergovernmental relations would be referred to as the interactions between the national government and the sub-national governments. However, the constitutional allocation of governmental functions between Federal and regional governments in a Federal system is absent. It is the Central government that determined which functions it allocated to the sub-national governments. The central government can also decide to modify the functional allocations without consulting the lower units. Furthermore, the central government in a unitary state can unilaterally determine both the substance and the style of intergovernmental interactions (Adamolekun, 1983:45).

The kind of jurisdictional interaction, separation of powers or constitutional mechanisms of checks and balances do not exist in a unitary or totalitarian system of government, because of in-built systematic contradictions. In such systems of government, the subordinate levels of government are glorified level of authority or mere rubber stamps. They lack actual jurisdictional powers and/or autonomy to determine what role to assign to the subordinate levels of government and the central government can decide to alter its decision without the consultation of the subordinate governments. This does not mean that in a unitary system of government we do not have measures of intergovernmental relations but a basic point to note here is that such subordinate government does not have the same attitude of freedom as a Federal System would have (Cameron, 1994:23; Adamolekun, 1983:47).

### **1.1.1 Characteristics of Intergovernmental Relations**

As a process, intergovernmental relations (IGR) are associated with some characteristics. According to Wright (1988:66), the major characteristics of intergovernmental relations could be summed up as follows:

1. Intergovernmental relations have a bearing on all governmental units in operation in a given system. From the top to the bottom, for example, in Nigeria, that is, the federal government, state governments, local governments, government agencies, public corporations, commissions, committees, institutions etc., are all involved in it. The relationship between each other and the quality of the same coupled with frequency of interaction amongst them has its impact on policy making and implementation;
2. Intergovernmental relations aim at purposeful behaviour of the governmental officials involved in the process. The officials' actions and attitudes have to be positive and meaningful. For their self-interest, they should not put the public interest at stake. The officials' goal-oriented attitudes does not permit them to have wrong inclination regarding the other participants involved in the process of policy making;
3. Intergovernmental relations aim at regular interactions among officials. Through frequent interactions, based on objective data and analysis, the officials at various levels can contribute to the attainment of targets fixed for the given unit of governance. The day-to-day contacts called for practical working relationship among the official. This would go a long way in improving the policy making process;
4. Public officials include all governmental officials and actors. These are elected representatives such as members of the national assembly, state legislative assemblies, local governments, or indirectly elected representatives as in the local governments, political executive and appointed officials, including the

- administrative personnel at lower and middle ranges, etc. The interaction amongst all the governmental actors and officials whether elected or appointed, contribute in improving the policy process; and
5. The financial aspects, viz., loans, grants-in-aid, revenue sharing, auditing, etc., also strengthens or weakens the intergovernmental relations. The governmental structures which are evident at grassroots, states, or federal level are made to facilitate the policy process in such a way whereby the common person could get the maximum benefits through the policies made. The financial assistance and help from one level of government to another is also a step in this particular direction and an important component of intergovernmental relations.

### **1.2 Models of Intergovernmental Relations**

At the global level, three models of intergovernmental relations exist. These are the Partnership or Overlapping-Authority Model, the Principal/Agent or Inclusive-Authority Model and the Dual or Coordinate-Authority Model (Benovertz, 1980; Wright, 1972).

Within the Partnership or Overlapping-Authority Model, the three or two levels of government are regarded as equals before the law. The Constitution and Parliament usually delineate and regulate the activities of all the levels of government. Consequently, both the powers and responsibilities of the various tiers of government could be added and subtracted from, over time. As a result of the co-equal assumption of the model, Local Governments usually command considerable financial autonomy as they are given powers to tax their citizens and discretion on the nature, form and level of services they wish to provide.

In the partnership model too, there is an inbuilt cooperation and understanding among the various levels of government, such that the functions of one tier of government can be performed by another tier on its behalf. For instance, in Britain, where this model of intergovernmental relations is near ideal, some services and functions which constitutionally belong to the Central Government are usually performed by the Local Governments on behalf of the Central because the responsibilities in question are personal in nature and by extension performed close to or where the beneficiaries live. Such services are social welfare services, health and social security delivery, aspect of immigration control, among others. On the other hand, some Local Government services which are technically beyond the competence of the tier of government could be centrally performed on its behalf by the relevant field department of the Central Government ministry (Bello-Imam, 1996:93).

Within the Principal/Agents or Inclusive –Authority Model, a hierarchical view of the relationship between the Federal, State and Local Governments is presented. This contrasts sharply with the partnership model. Under this model, the States and Local Governments are seen as means for locally administering centrally determined services. In real terms, the lower level of Government under this model, that is, the Local Government, cannot be regarded as ‘government’ but as a form of local administration as it is in all practical senses a field agent of the Central Department or Government. This means that within this model, services are deconcentrated and not devolved. Within this model too, Local Government is grossly limited operationally by central rules and regulations. This level of Government has some degree of local discretion but does not have any real independence of action. Within the model, the Central Government sees the Local Authority as spending its own money as the expenditure of the lowest tier of government is subsumed in the annual budget of the Central Government. Consequently, it exercises checks and controls on Local Government activities (Ayoade, 1988:12; Bello-Imam, 1996:93-94).

A further consequence of the imprecise laws that govern relationships in this model is that, between the various tiers of government, the Central Government arrogates to itself the power to issue guidance and advice to the Local Governments on the way and manner they should execute their functions. The Central Government subsequently follows up the guidelines with inspection to ensure compliance. The implication of this is that distinction between functional spheres amongst the various tiers of government is tenuous. The French system of local government is a vivid example of this model. The nature of the colonial administration in Nigeria as it relates to local governance and Central Government-Local Government relations during the first military in Nigeria between 1966 and 1976 are also examples of the working of the model in Nigeria (Bamgbose, 2008:76).

The Functional Dualism or Coordinate-Authority Model is that model of intergovernmental relations in which the various levels of government within a nation-state have functional competence in certain critical services as measured by their technical competence. Within this model, functional autonomy is usually emphasized. An example of this is where the various levels of government have concurrent responsibility in the discharge or provision of health, educational and agricultural services. This model is an opposite pole to the Inclusive-Authority Model. It posits federal-state authority relationship as autonomous. Their jurisdictions have distinct domains of power and control. The model aims at the element of coordination of the activities of all the units in the overall interest of the polity and the society. All the units, as per this model, are to work in accordance with the basic spirit of the constitution and established conventions of the land (Wright, 1972:2; Egomwan, 1984).

In a sense, therefore, the functional dualism model attempts to integrate both the elements of the partnership and the principal/agent models of intergovernmental relations. The significant distinguishing element is the emphasis on functional competence within the concurrent responsibility arrangement.

In conclusion, it should be noted that whatever model of intergovernmental relations exists in a nation-state does not necessarily make the Local Governments absolutely independent and sovereign units in themselves. This is because local governments are only infra-sovereign units of government administratively decentralized by the sovereign nation-state. Being statutory creatures of the Central Government, they are inevitably subjected to various administrative supervision by the central government (Humes and Martin, 1961). The totality of these supervisory relationships constitute the subject of intergovernmental relations which is most often misconstrued to be 'controls' by the higher tiers of government.

### **1.2.1 Institutions and Processes of Intergovernmental Relations**

The dynamics of the Nigerian Federation and the Nigerian Constitution make intergovernmental relations a political imperative. With over four hundred lingo-cultural groups, a population of over 130 million, thirty-six state and a Federal Capital Territory and 774 Local Governments, IGR in Nigeria is an inevitability. Over the years, the pendulum of Federal associations among groups has swung between centrifugal and centripetal forces, as Nigeria sought to adjust the Federation (Elaigwu, 2007).

As Nigeria used the framework of Federalism to manage her conflicts, she has found that intergovernmental relations is a necessary mechanism to promote cooperation, manage conflicts, respond to changing circumstances and deliver services more efficiently. Intergovernmental Relations is basically a mechanism for managing conflict and delivering services. Institutions and processes of Intergovernmental Relations services to;

- (i) Promote Co-operation among Governmental Units
- (ii) Recognize and manage conflicts
- (iii) Deliver services more efficiently and
- (iv) To respond to changing circumstances.

Formal and constitutional institutions also exist for IGR in many countries as well as ad hoc meetings among members. There are institutions and processes of IGR and they include constitutional institutions, statutory institutions and informal/ad hoc institutions. There have changes over time, depending on the constitution and the system of government in operation.

Looking at the constitutional institutions, these are constitutionally provided institutions of IGR and they include;

- The National Assembly – Section 4(1) of the 1979, 1989 and 1999 constitutions state clearly that 'there shall be a National Assembly for the Federation which shall consist of a Senate and a House of Representatives. Representing the whole Federation on the basis of population in the (House of Representatives – HOR) and on the basis of equality of states (in the Senate), the National Assembly in an open legislative institution of IGR. It has powers of legislation over appropriation bills, control over public funds, contingency fund and investigation. All these make the National Assembly an important inter-governmental institution in the constitutions. (FGN, 1979; FGN, 1989 AND FGN, 1999).

- The Supreme Court –The Supreme Court has the final power of arbitration in civil, criminal and constitutional matters. In Nigeria's Second Republic, State Governments took the Federal Government to court over revenue sharing formula and the Agricultural Development Basin Authorities. Individuals and Corporate groups also went to the court to seek redress.

- The council of States – This is essentially one of the advisory executive bodies contained in the constitutions of 1979, 1989 and 1999. Its functions include advising the President with regard to the conduct of national census, prerogatives of mercy, award of national honours, the Independent Electoral Commission, the National Judicial Commission and the National Population Commission. The membership of these bodies also reflects their intergovernmental nature.

- The Federal Character Commission --This is another constitutionally guaranteed executive IGR's agency. The functions of this agency include working out equitable formula for the distribution of all cadres of posts in the Federal and State public services, promoting, monitoring and enforcing compliance of proportional sharing of public offices and taking measures to enforce such compliance. Given various complaints about injustices/unfairness in the distribution of public service positions among components units of the Federation, the importance of this commission cannot be over emphasized. This agency is expected to carryout the constitutional provisions in Section 14(3-4) of 1979, 15(3-4) of 1989 and 14(3-4) of 1999 constitutions which states that the composition of the government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such manner as to reflect the Federal Character and the need to promote national unity (Ojo, 1999; Okoli, 1990; Obiekeze, 2004).

- The Independent Electoral Commission (INEC) has the functions of organizing, undertaking and supervising all elections. There is a provision for State Electoral Commission in each state of the Federation. It also has the function of registering political parties, monitoring the organization and operation of political parties, examining and auditing of the funds and accounts of political parties annually. This commission registered the

three political parties. The Peoples Democratic Party (PDP), the All Peoples Party (APP); and the Alliance for Democracy (AD) which formed the crux of Nigerian's Fourth Republic from May 29, 1999. Since 1999 however, the Commission has registered more than fifty political parties that contested the 2003, 2007 and 2011 general elections in Nigeria (Olaniy, 2011:2).

- The National Economic Council (NEC) –This body has the powers to advise the President concerning economic affairs of the Federation and in particular on measures necessary for the coordination of the economic planning efforts or economic programmes of the various governments of the Federation.

- The National Judicial Council (NJC) -- It has the power to recommend appointments to the bench at Federal and State levels and FCT. It can also recommend the removal from office of the judicial officers and exercise disciplinary control over members of the judiciary.

- The National Population Commission (NPC) -- It has the functions of undertaking periodic enumeration of population through sample surveys, census etc, continuous registration of births and deaths, and advising the president on population matters and providing data/information on population for National Planning and development.

- The Revenue Mobilization Allocation and Fiscal Commission – This body is responsible for monitoring accruals to and disbursement of revenue from the Federation account. It periodically reviews the revenue allocation formula and principles in operation to ensure conformity with changing reality, advising federal and state government on fiscal efficiency and methods by which their revenue can be increased and determining the remuneration of the President and Vice President (Okoli and Onah, 2002:89).

All these executive IGR institutions are constitutional. The long period of military rule “froze” the activities of some of these agencies but they are again operational following Nigeria's return to democratic governance. Ironically, many of these agencies were created by various military administration but they are now operating fully to carryout their mandates.

STATUTORY AGENCIES: - These are inter-governmental institutions that are backed by law and most of them were established under military rule. This shows that even under the military's hierarchical structure of authority, it was still necessary to establish institutions of IGR in order to resolve conflicts and/or deliver services. Among such IGR institutions are:

- The Directorate of Foods, Roads and Rural Infrastructure (DIFRRI) – DIFRRI was set up to open up rural areas, provide essential services such as water supply through boreholes, rural electric power supply and roads. Essentially, this programme was aimed at making the rural areas more attractive and thereby reducing the rural-urban drift. Rural development is really the function of state and local governments. Since the Federal government's intervention as these areas was deemed necessary, DIFRRI was established as IGR institutions. State governments were to contribute 25% of the total fund for DIFRRI projects while the rest came from the Federal Government. While DIFRRI headquarters managed the funds, state governments and State DIFRRI offices (under State Governments) execute these projects.

From 1986–1989, DIFRRI has opened up 30,000 km of untarred roads to rural communities, supplied portable water to 250 communities and had reached advanced stages of installation of rural electrification in 227 Communities. This agency exhibited successful performances for about five years, after which it become bureaucratized and suffered from corruption on the part of the operators at state and local levels (Olisa and Obiukwu, 1992:88; Njoku, 2009:331).

- The National Council on Intergovernmental Relations (NCIR) –This agency was established in July 1992 to closely monitor the operation of the Federal System, giving continuing attention to intergovernmental relations in the Nigerian Federal System, study, conduct research and maintain data, recommend solutions to problems of inter-governmental relations and necessary forms of improvement, play mandatory roles in resolving conflicts and establish contacts with other organizations with similar objectives. A major problem of NCIR was bureaucratic suffocation, which often starved it of funds. In addition, NCIR had no independent source of funds that was necessary if it was to mediate among tiers of government and to remain neutral (Dlakwa, 2004:77).

Some other institutions of IGR under Statutory institutions include: Boundaries

Commission - The National Directorate of Employment (NDE); The National Planning Commission and the National Primary Education Commission.

Under the Adhoc or Informal bodies and Agencies; they are useful in bringing together Federal, State and Local Officials in a particular policy area. They also help to smoothen intergovernmental relations and encourage co-operation among component units of the Federation. The various National Councils in Education, Agriculture, Health, Industry, Information, Tourism and Finance are usually meetings among Ministers at Federal and State levels to bring State and Federal political executives together to harmonized policies in the interest of the Federation.

All the above institutions of IGR are important in managing conflict and responding to changing circumstances in the Nigerian Federation. While IGR institutions are useful, they also carry with them the baggage of their own problem, which need careful attention. Some of the tensions, which arise in the Nigerian

Federal, emanate from the overlap of functions among tiers of government. They are derivable from the kind of pulls, the tension arising from attempt at delicately striking a balance between centripetal and centrifugal forces. These become very evident in the relations between Federal and State governments, State and Local Governments and even in the relations among state governments. (Elaigwu, 2007:129).

There is a provision in the 1976 constitution of the Federal Republic of Nigeria at the Second Schedule of the Constitution in respect of the formal division of powers between the Federal and State government with defined functions in the 7<sup>th</sup> and 4<sup>th</sup> Schedules of constitution respectively. The independent form given to these levels therefore did not mean that there should be no relations amongst the levels of government in the Federal Republic of Nigeria. Since 1976 when the Nigerian Local Government Reform gave Local Councils a uniform posture, and the constitution that follows, subsequently (in 1979) recognized it as the third-tier system of government, the story had remained the same.

As Nwatu and Okafor (2008) observed, in the present democratic dispensation, the local governments are assigned roles and functions to partake in the intergovernmental relations which hitherto prevail only between the central and state or regional governments alone. At the end of the reform of the local government, Annual Conferences of Chairmen of Local Governments in Nigeria started off. Also, the Bi-Annual Conference of Commissioners for Local Governments and creation of an executive office of Special Assistant to the Governor on Local Government matters etc, all as avenue or for inter-governmental relations between the local government levels and other levels or among local governments started off. Hence the new local government system in the new democratic Nigeria, in all its fundamentals has redefined;

- (i) The power relations between the states and the Local Governments;
- (ii) The power relations between the state and the Federal Governments in their combined relations to the government; and
- (iii) The relationship between the local government and Federal Government

Having reviewed the evolution of the institutions and processes of IGR and inter-governmental interactions, essentially in terms of the relations among the levels of government, Nwatu and Okafor (2008:207) argued that it was necessary to emphasize that a full analysis of intergovernmental relations must also focus on the ordinary citizens reactions and on the activities of the public official who operate at the different levels of government. Also the attitudes and roles of both political leaders and appointed officials at the different levels of government have significantly influenced both the substance and style of Inter-governmental Relations in Nigeria.

### **1.3 Modes and Dynamics of the Relationships at the Local Government Level in Nigeria**

Although intergovernmental relations originated from the United States of America in the 1930s, it was the British colonial masters who brought the idea to Nigeria. In England, the pattern of intergovernmental relationship is such that both the Central and Local Governments accept as part of natural order of things, Local Government's role as a subsidiary instrument of public administration (Bamgbose, 2008:77; Bello-Imam, 1996:95). This view is strongly supported by the current thinking in Britain that the relationship between the Central and Local Government is shifting from partnership to the principal/agent model. It should be recall that England is a Unitary State. Even the United States of America, which is considered the most basic paradigm of a Federal System of government, also exhibits traces of shifts in intergovernmental relations (Benovertz, 1980:144).

In Nigeria, intergovernmental relations both during the colonial era and during the First Republic very much exhibited traits of the principal/agent model as Local Government was constitutionally within the legislative competence of the regions and later state governments. In practice, Local Governments functioned more as field administrative units of regional and later State Governments. Before the Second Republic in 1979, the state governments were empowered in Section 7 (1) of the Constitution to enact legislation that would ensure the establishment, structure, composition, finance and functions of the Local Government councils (FGN, 1979). However, since 1979, Local Government ceased to be the exclusive 'creations' of State Governments. They were transformed into a distinct third tier of government. They therefore, now derive their powers from the Constitution and not from the State Governments. Consequently, the provision in the 1976 Guidelines which states that Local Government is primarily the responsibility of State Governments has since been modified. Since then, Local Government assumed an intergovernmental character in the national scheme of things. A number of measures have been taken to give concrete expression to the new development.

In economic planning and development of a state, the Local Governments are to be intimately involved like the State and Federal Governments. The National Assembly was granted the power to make provision for statutory allocation for public revenue to Local Governments in the Federation while the State Assembly is also to make provision for statutory allocation of public revenue to Local Governments within the State (FGN, 1989). Irrespective of these constitutional changes which have positively changed the relationship between the Central and Local Governments from that of principal/agent model to that of the partnership model, there are still expressed fears and actual instances of excessive interference in the operations of Local Government. The modes and dynamics of these interactions vary and have different consequences. Some of them are examined in the discussion that follows.

**(A) Legislative Mode**

As stated earlier both the National and State Houses of Assemblies have legislative powers over the Local Government. Under the military administration, the state executive council at the state level and the federal executive council at the federal level, initiate a number of measures that affect the operations of Local Government. During the transitional period, the Local Government law, that is, the Local Government (Basic Constitutional and Transitional) Decree 15 of 1989 also empowered the President, Commander-In-Chief of the Armed Forces to remove the Chairman or Vice-Chairman of a Local Government from office or dissolve a Local Government council and appoint an Administrator in his place to manage the affairs of the Local Government unit until fresh elections are conducted (FGN, 1989; Gboyega, 1995). This is conditional on the President being satisfied that the affair of a Local Government are not being managed in the best interest of the community or in a way to strengthen the unity of the peoples of Nigeria or for any other good cause.

There is the basic fact that within the federal structure in Nigeria, the three levels of government have legislative responsibility for various services and functions. For instance, the Federal Exclusive Legislative powers are listed in Part I of the second Schedule of the 1989 Constitution, while Part II of the same Schedule contains Federal/State Concurrent Legislative list of subjects. Part I of the Fourth Schedule of the same Constitution outlines the functions and responsibilities of Local Government. Some of the functions and responsibilities are exclusive to Local Governments while the others participatory functions in which both the State and Local Governments or Local Governments and any agency can jointly participate. In law, therefore, whatever functions are specifically allocated to any level of government in the federation must be seen to be executed by that level of government. This simply means that Local Governments are supposedly autonomous with respect to their functional competence as enunciated in the Fourth Schedule of the Constitution (Bello-Imam, 1996:96; Njoku, 2009).

However, in practice, the picture is radically different. Irrespective of the much acclaimed commitment to Local Government as a distinct tier of government, this level of government has suffered from a number of debilitating blows which has painted it much more as an agent rather than a tier of government.

For instance, as Davies (1998) and Okafor (2004) observed, the State Governments on a number of occasions before 1987, and the Presidency since 1987, have removed chairmen of Local Governments and even dissolved elected Local Government Councils and appointed Administrators or Caretaker Committees in their place. As a result of such development, the local communities in which the appointed or nominated Central Government Officials operated were invariably denied the basic right of either electing or choosing their leaders in whichever way they deemed fit. Besides, the loyalty of the appointed officials was inevitably bound to be to the appointing Central Government and not the beneficiary local communities. In the same vein, when leaders become centrally imposed, the way Sole Administrators and Caretaker Committees are appointed in Nigeria, accountability is jeopardized as support for and identification with the Local Government and its activities become difficult to muster. The implication is that participatory democracy at the grassroots becomes elusive.

**(B) Judicial Mode**

Local Government in Nigeria like those in all other countries of the world, where there is effective decentralization by devolution, is a boy corporate whose name is to be designated in the law establishing it. This means that it will have a right of perpetual succession with a common seal. It may sue and be sued in the corporate name. as a boy corporate, it is capable of holding property, entering into contracts, committing torts and crimes. In the same vein, Local Government with its corporate personality, can only be bound by any act or omission committed by it and not by the individuals acting on their whims and caprices (Jennings, 1960). Its existence does not, therefore, depend on its constituent members. However, like all corporate personalities, a Local Government can be dissolved by the due process of law and by the revocation of the instruments that established it.

In Britain, prior to the introduction of the various modes of administrative control of the Local Government, only judicial modes existed. This means that disgruntled citizens sought redress by bringing legal action against the Local Authority (Richards, 1980). However, in Nigeria, the judicial mode of control of Local Government is yet to play any significant role in intergovernmental relations. Egonmwan (1984) gave credence to this assertion when he said that only one out of eight Local Government Councils interviewed had a case of breach of contract against it in court in the then Bendel State. Although this was only one State out of Nigeria's 21 states structure as at the time, the trend is nation-wide.

Scholars have rationalized this development. First, Local Governments in Nigeria grew out of Acts of Parliament (or their substitute structures under Military rule); hence they have tended to be controlled much more by the same instruments. Second, the prevailing mass illiteracy amongst most Nigerians has resulted in most citizens not knowing their rights, and so are unable to insist on their rights. Thirdly, there is a certain reluctance or apathy on the part of the citizens, including the educated elite, in taking the Local Governments to court to ask for redress when aggrieved. Fourthly, litigation in Nigeria is very expensive. Lastly, the fact that Local Governments appear to be already adequately controlled by the respective State Government rules and regulations has not endeared the judicial mode to most Nigerians (Umoren, 1994; Ezeani, 2004).

In a swift move to stem the factor of the expensive nature of litigation in Nigeria, the Government has established the Public Complaints Commission, the Nigerian version of the Ombudsman, to correct any injustice suffered by the citizens as a result of maladministration from any of the three levels of government. Although there is evidence that aggrieved citizens have often resorted to the Commission for redress, there are also certain limiting factors in relation to its grassroots utility. For instance, the Commission is usually located in the State Headquarters and not in every local government area. Even if it was possible to establish the Commission in every Local Government Headquarters, there doubts whether it would still serve the interest of the greatest number of Nigerian citizens. As a result of this fact, the Commission has remained much more of an elite court rather than one which all aggrieved Nigerians can resort to (Njoku, 1997; Okoye, 2000; Bello-Imam, 1996:97-98).

In spite of the various factors outlined above, which tend to render the judicial mode of regulating intergovernmental relations in Nigeria inoperative, the fact that any informed aggrieved Nigerian can challenge any Local Government Council that tramples on his/her freedom, suggests that judicial control is a potential control measure.

#### **(C) Ministerial and Administrative Modes**

The regulation of intergovernmental relations between the various tiers of government via these modes is the most pervasive channel of control in relation to Local Government.

Before October 1988 when the Ministries of Local Government all over Nigeria were abolished, the Ministry and the responsible Commissioner were incharge of these control measures. In relation to this, but before the extension of the presidential system to the Local Government in 1991, the Commissioner had tremendous powers and influence over that level of government. He issued bye-laws for the Local Government from which they published their respective regulations. He also issued Financial Memoranda to the Local Governments for the control of their operations and specifically for the regulation of the procedure of Finance and General Purposes Committee. In addition, the Commissioner was vested with the power to issue Standing Orders of Council which regulated Council proceedings and business. He had the power to draw up Staff Regulations for the Unified Local Government Service on behalf of the State Governor and was also empowered to appoint Local Government Inspectors to inspect all books, accounts and records of all councils (Okafor, 2007; Cameron, 1995:397; Bello-Imam, 1996:99).

In pursuing their objectives, the Inspectors had right to attend all Council meetings and those of its Committees with the sole aim of providing advice on compliance with approved budgets/estimates, rules and bye-laws of the Council. Where there was any observed non-compliance, appropriate recommendations were made to the Ministry of Local Government to invoke sanctions on the erring Local Government in accordance with the agreed rule governing such offence(s)

So far, Nigeria has used a number of ministerial and administrative control measures to evenly distribute basic amenities throughout the country to promote both unity and political stability. However, Bello-Imam (1996:100) and Ovwasa (1997) have observed that in the operation of some of the various measures of control, the Federal Government has always left the Local Governments worst off, especially in the latter's desire for local autonomy. And as Davies (1998:83) and Abonyi (2005) rightly observed, this could explained why the Federal Government embarked on a number of measures since 1988 to remove most of the debilitating control measures. Agreeing with this line of reasoning, Bello-Imam (1996:100) posits that the last straw in this connection was the extension of the presidential structure of administration to the Local Government with effect from mid-1991.

#### **(D) Financial Mode**

One of the most important mechanisms of the Central Government to establish continued governmental relations is coupled to the question of budgetary and fiscal responsibilities and to make monetary policy. The Central Government in many cases keeps control over the amount of money which is allocated to regional and local governments in order to subsidize certain key areas or regions earmarked for development. In many instances, intergovernmental relations between authorities within and between levels of government are based purely on financial relations (Gildenhuis, 1991). It is common knowledge that in most Western countries, the Central Government usually seeks to influence Local Government behaviours in the interest of macro-economic regulation and in such areas as control of inflation or attainment of favourable balance of payment.

Since 1976, both the Federal and State Governments became statutorily obliged to pass a certain percentage of their revenue to Local Governments. This development has brought with it an unconscious controlling effect on Local Government finances.

Most significant in this connection is the fact that the agreed percentage of financial transfer from both the Federal and State Governments are most often irregular, unstable and inadequate for the functions of the Local Government councils. In some extreme instances, especially during the second republic, the funds from the Federation Account through the State Governments to their respective Local Governments were misappropriated or confiscated by some State Governments. Consequently, however well-prepared their annual budgets/estimates and development plans were, only very little could be achieved (Okafor, 2010:127; Bello-Imam, 1990:261;



Ugwu, 1998).

The second main area of financial control of Local Government Council is through the annual budgets or estimates. Since it is realized that budgets are central to Local Government finance, the States Governments in Nigeria arrogated to themselves the right to scrutinize and approve the Local Government annual budgets/estimates. But since mid-1991 when presidentialism was extended to Local Governments, the role of budgetary approval has devolved on the legislative arm of the Local Governments. So instead of the erstwhile state approval of budgets, there is now an internal system of check and balance amongst the various arms of Local Government. This measure has helped to enhance the autonomy of Local Governments (Oyelakin, 1992; Okafor, 2004:28).

There is also the controlling power of the Central Government over Local Government's borrowing. Local Governments all over the world may borrow money for capital projects expected to generate profit to amortize and service the loan capital, as well as loans not expected to earn income; to fund short-term cash flow deficits arising from uneven patterns in revenue collections, and to finance deficits in annual budgets. However, the relevant provisions of the 1976 guidelines in Nigeria directed, among others, that:

- (1) loans should be restricted to a minority of Local Government development projects which can generate substantial immediate and direct revenue to cover amortization, interest and operating cost; and,
- (2) the maximum period of any loan should be ten years (FRN, 1976).

As Dlakwa (2004), Ogunna (1996), Okafor (2001) and Bello-Imam (1990:262 and 1996:103) have rightly noted, these 'guidelines' have obviously contributed to the limitations of these revenue sources at the level of governance. First, only very few Local Government capital projects can generate direct revenue to amortize and service loan capital. Secondly, the time-limit for loans repayment is too short for any serious capital formation to take place. Thirdly, unlike the practice in some countries of the world, there is no Central Government agency from which only the Local Governments can borrow money. Lastly, these conditions have greatly limited the entrepreneurial ability of Nigerian Local Governments, especially as they have left them to the private money market which is often ill-disposed to Local Governments borrowing.

Flowing from the above therefore, it can be argued that while financial modes of control of Local Governments help to set and achieve minimum national standard for specific services and guard against misuse of resources, the same measures have restricted the optimal functioning of Local Governments having succeeded in making them virtually dependent on, and by extension agents of, the Central Government.

## **Conclusion**

Intergovernmental relation is a very sensitive area in all political systems, especially as it is conditioned by transient factors. Even in federal states, the situation is virtually the same. The system of government applicable in a country has a bearing on decentralization of authority, powers and functions. In theory, countries with a unitary system of government usually centralize power and authority in the national government, whilst nations with a federal system of government usually decentralize power and authority in the lower levels of government. This, however, is not always the case in practice. The situation is dependent on whether a country is a developed or developing country. For example, Britain and Nigeria where the former has a unitary system of government, yet more powers and authority has been decentralized to local governments than Nigeria which has a federal system of government.

Admittedly, there is an obvious division of powers and functions between the three levels of government in Nigeria's federal structure. However, the statutory provision which states that the Governor or the House of Assembly may assign any function to the local government without difference to this statutory provision some how subordinates local government to the state government. Expectedly, both the federal and state governments have fallen on this provision to allocate/assign local governments with all sorts of centrally controlled functions. Essentially, this was manifested in the directives from above for local governments to take on some responsibilities for the 'Better Life for Rural Women Programmed' and subsequently the 'Family Support Programmed' (FSP) of the Federal Government and those of the erstwhile Directorate of Food, Roads and Rural Infrastructures (DFRRI), National Directorate of Employment (NDE), National Electoral Commission of Nigeria (NECON), National Population Commission (NPC) and Mass Mobilization for Social Justice, Economic Recovery and Self Reliance (MAMSER) which has been succeeded by the National Orientation Agency (NOA).

Experience has shown all over the world that where there is corruption on a large scale, manpower deficiency, poor communication system, multi-partism and multi-ethnicity, centralization is always preferred to decentralization with the implication of the lower tiers, becoming agents and not partners in the structural arrangement. Yet, the basis on which intergovernmental relations should be predicated is that, where there are purely local and beneficial services, Local Governments should have unfettered local discretion to raise and spend money on them, while for services which are macro in nature, the centre must intervene for uniformity. Thus the processes of intervention and control between centre and periphery are inevitable but should be self-critical and follow agreed paths.

Be that as it may, whatever resources and functions are given to Local Government, not much can be achieved by this tier of government if it is not free to initiate and execute its policies and programmes routinely. In the absence of a procedure that is strictly adhered to in this connection, this level of government will constitute 'local administration' rather than 'local government', that is, a mere agent of the Central Government at the periphery.

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