

## **LOCAL GOVERNMENT AND INTERGOVERNMENTAL RELATIONS IN NIGERIA FOURTH REPUBLIC (1999 TO DATE)**

**IJIMAKINWA Samuel Ojo,**

**ZINSU Emmanuel Sunday**

Lagos State University, Ojo  
Department of Public Administration  
Faculty of Management Sciences  
Lagos State, Nigeria.  
Email:samuelijimakinwa@yahoo.com  
Phone: 08035700655, 07043419571

**And**

**OSAKEDE Kehinde Ohiole**

Babcock University,  
Department of Political Science and Public Administration  
Ileshan Remo, Ogun State, Nigeria.  
Email:kosakede@yahoo.com  
Phone: 07034774544

### **Abstract**

This paper examines Local Government and Intergovernmental Relations in Nigeria Fourth Republic (1999 to date). The study adopts secondary source of data collection. The paper argues that Local Government is not mutually exclusive of other levels of government. Thus, there is bound to be an interaction between local government and other levels of government. The study reveals that intergovernmental relations among the levels of government in the fourth republic has been in disarray due to the conflicts arisen over issues of tax jurisdiction, revenue allocation, intergovernmental relations fund transfers, overconcentration of power at the center, illegal removal of local government officials etc. The paper recommends that for cordial relationships to take place between the local government and other levels of government, the constitutional status of local government must be clearly spelt out, the issue of joint-state-local government account should be discarded, election rather than appointment should be the means of choosing leaders at the local level, judiciary should be made to be independent and the undue interference on the local government by the state or federal should be properly addressed and there should be direct disbursement of federation allocation to all the levels of government.

**Keywords:** Inter-governmental Relation, Local Government, Federal, State, Revenue Allocation, Nigeria

### **Introduction**

The 1999 Nigeria constitution stipulates the functions and powers of the levels of government in such a way that no one level of government can single handedly perform the functions of service delivery to the people. Therefore, cooperation has become an important prerequisite for governance (Fatile and Adejuwon, 2009:10). Nigerian federalism, like other federal systems of government, is characterized with diverse ethnic groups, languages, culture, political affiliation as well as struggle for political power. The need to cater for these diverse

elements and ensure service delivery at the grassroots level necessitated the creation of local government (Fadeyi, 2009).

Local government was therefore made to be the third tier of administration with its autonomy. This autonomous nature of local government still allows for interaction with the central and state governments. The characteristics of the federal government are inter alia the separateness and independence of each level of government, mutual non-interference in the distribution of power, the existence of a supreme court and a court of law to act as an arbiter in intergovernmental dispute (Fatile and Adejuwon, 2009).

Intergovernmental relations (IGR) provide a platform for series of legal, political and administrative relationships between levels of government with varying degrees of autonomy. It is generally referred to as the transaction between levels of government of either national or regional or among federal, state and local governments (Ajulor and Okewale, 2011). Commenting on the tension and conflict among the three levels of government, Jinadu (1998:8) pointed out that:

*The dynamics of federal-state relations within the federalist constitutional framework is one of a see-saw between interdependence and cooperation on one hand and conflict on the other hand, between the centre and the units and between the units themselves.*

The fourth republic witnessed unhealthy relationships between the states and local governments. During this period, about ten local government Chairmen were either removed and suspended from office. It was this that infuriated the Local Government Chairmen which made them to sue the thirty six governors and their state assemblies (Fadeyi, 2001). Also, the stoppage of the monthly revenue allocations to the states that conducted elections into newly created local governments made the federal and state governments to be at loggerhead.

Under the distribution of powers in the 1999 constitution, Nigeria is a centralized federation with strong unitary elements. Currently, there are complaints about the overconcentration of power in the federal government (the product of long period of military rule), This school of thought has argued that, if Nigeria wants to practice “true federalism,” then it should go back to its 1963 constitution. Yet there are centrists who continue to support a very strong federal government in order to counter Nigeria’s history of political instability (Adamolekun, 1983, Olopade, 1984).

This unhealthy rivalry and cold war between local government and other levels of government arises as a result of undue interference of the state government, unconstitutional removal of the local government Chairmen by some state governments, for instant, in 2014 Ekiti State governor Fayose dissolved the elected local government council and replaced them with his own appointees (Osakede and Ijimakinwa, 2014), shortening the Local Government Chairmen’s tenure of office, joint state-local government account and what the states perceived to be an attempt by the federal government to relate directly to local governments. These need to be addressed if we are to sustain federalism that has been put in place. This paper therefore seeks to address the nature of intergovernmental relations between local government and other tiers of government and how improvement can be made to allow for true federalism in the country.

### **Statement of Problem**

Local Government is not mutually exclusive of other levels of government. For example, the functions set aside for local government in the fourth schedule have to be conferred upon by a

law of the State House of Assembly and does not derive from a direct constitutional grant Section 7(6) (Kaplan, 1964). Therefore, there is bound to be an interaction between the Local Government and other levels of government. Unfortunately, this relationship has not been cordial.

In Federal-State-Local Government relations, there has been what amounts to cold war. Local Governments complain about undue interference from state governments. For example, the Sokoto State government was taken to court by fifteen Local Government Councils, and the court prohibited the deduction of 3% of Council's statutory allocation to fund the Sokoto Emirate Council, as passed by the State House of Assembly (Ugwu, 1998).

Intergovernmental relations among the levels of government in the Fourth Republic have been in disarray due to the unhealthy rivalry that takes place. The problem is not unconnected with the dissatisfaction in the distribution of functions among the levels of government and lack of adequate tax powers allocated to the states and local governments in relation to their functions, undue removal of Local Government Chairmen by the state governors through their audit powers, joint state- local government account, shortening of the tenure of local Government Chairmen etc. There is an urgent need to address these problems so that the dividend of democracy can be enjoyed by all and sundry. This paper therefore, seeks to address the nature of intergovernmental relations between the local government and other levels of government and how these relationships can be improved for the attainment of true federalism in the country.

### **Objectives of the Study**

The main objective of this study is to examine Local Government and Intergovernmental relations in Nigeria's Fourth Republic. The other objectives are:

- a. To examine the relationships between local government and other levels of government in Nigeria's Fourth Republic. .
- b. To examine the constitutional provision in relation to the powers and functions of the levels of government
- c. To examine the consequences of the relationship between local government and other levels of government
- d. To suggest ways of improving the relationship between local government and other levels of government

### **Conceptual and Theoretical Explorations**

There are two basic concepts that are central to this research work. These are Local government and Intergovernmental relations.

A local government is a government at the grassroots level of administration meant for meeting peculiar grassroot needs of the people (Awofeso, 2004). It is the lowest unit of administration whose laws and regulations, the communities who live in a defined geographical area and which common social and political ties, are subjected (Fadeyi, 2001).

United Nations defines local government as a political sub-division of a nation (or in a federal system) or state which is constituted by law and her substantial control of local affairs including the power to impose taxes, or exact labour for prescribed purposes. The governing body of such an entity is elected or otherwise locally selected. Osakede and Ijimakinwa (2014:302) defined local government as that tier of government closest to the people, "which is vested with certain powers to exercise control over the affairs of people in its domain".

The International Encyclopedia of Social Sciences (1976:10), defines local government as "a political sub-division of national or regional government which performs functions which nearly in all cases receive its legal power from the national or regional

government but possess some degree of discretion on the making of decisions and which normally has some taxing power”.

The 1976 Local Government Reform Hand Book defined local government as:

*Government at the local level exercised through representative councils established by law to exercise specific powers within defined areas. These powers should give the council substantial control over local affairs as well as the staff and institutional and financial powers to initiate and direct provision of services and to determine and implement projects so as to compliment the activities of the state and federal government in their areas, and to ensure, and through devolution of functions to these councils and through the active participation of the people and their traditional institutions that local initiatives and responses to local needs and conditions are maximized.*

The concept of intergovernmental relations (IGR) can be understood by considering the three dimensions or schools of thought. The first school of thought believes that intergovernmental relations occur in a federal system, the second school of thought believes that it can only exist in both federal and unitary systems of government while the third stresses that it can take place at the international level. The above is an indication that intergovernmental relations exist in both the federal and unitary systems. Therefore, intergovernmental relation is not associated with any system of government. Adamolekun (1983) Olopade (1984) defined intergovernmental relations as interactions that take place among the different levels of government within a state. It is federalism in action. Okoli (2005) argues that IGR is dominated by the relationship between the central government and the major sub-national governments with the main features spelt out in the constitution.

Okoli added that IGR involves patterns of cooperative relationship between various levels of government in a federal governmental structure. IGR encourages a focus on the vertical and horizontal governmental and non-governmental policy-making structures at different levels and in different sectors of the overall intergovernmental process. It also places greater emphasis on cooperative as opposed to conflictual aspects of intergovernmental relations.

In his opinion Watts (2008) identifies formal interactions that are conducted exclusively among the governments of constituent units or states. The informal pattern occurs when the same party is dominant in both levels of government for IGR issues to be addressed within the informal structures of that party itself, rather than in more formal IGR channels. Watts (2008:11) cites Nigeria since 1999 as a notable example of a presidential regime with a “strong executive”. Nigerian federalism and IGR have gone through many changes over the past five decades. Frequent constitutional reforms or changes have taken place since independence in 1960, 1963, 1975 and 1979 (Ugwu, 1998) and most recently in 1999.

Ogbuishi (2007:6) gives reasons why IGR is necessary. They include: promoting peace and harmony among the three levels of government, to enhance the emergence of cooperation rather than competition in the federation, to ensure effective and efficient utilization of available human and material resources among the various levels of government, to accelerate the achievement of self reliant economy, to minimize intergovernmental conflict among the various levels of government, to solve problems of rural and urban poverty, to foster greater national integration via the activities of different levels of government.

### **Power theory**

The concept of power is relative. Hickson et al (1971) defined power as the determination of the behaviour of one social unit by another. Following Kaplan (1964) it is seen as having three dimensions: weight or amount, scope, or ranges over behaviour and domain, number of persons or collectivities whose behaviour is determined. The power theory assumes that the responsibility of each unit of government is to promote the interest of its people against the opposition of other units in IGR. The whole question of federalism is related to the question of how power is shared (Fatile, 2011).

Kelemen (2004) in his *Regulatory Federalism in "Fused" Power and Fragmented Power Federations* has considered power as an important tool in intergovernmental relations. Kelemen (2004) argues that in parliamentary federations, especially those of the executive-dominant Westminster type, the combination of a fusion of executive-legislative powers at both levels of the federal system and in upper legislative chamber with weak constituent unit representation at the national level tend to produce a decentralized pattern of center-state relations in most IGR policy areas. In Presidential federation like Nigeria where power is sharply divided among competing structures both horizontally and vertically, federation tends to produce a more centralized pattern of IGR policy making and regulation, which he describes as "non-discretionary regulatory federalism". Kelemen classifies Canada and Australia as an ideal-type of a "fused" or "concentrated" power federation in their IGR policy-making while countries like US and Nigeria are classified as ideal-type of a "fragmented" power federation because of the numerous veto groups in their governmental decision-making process.

Kelemen's analysis of fragmented power is relevant to Nigeria IGR because a group or level of government tends to use its constitutional power to veto some bills in order to produce desired results. This is apparent between federal government and Lagos state government when the former declared null and void the creation of additional local development councils by the latter during the Obasanjo regime. This view is also supported by Fatile and Adejuwon (2009) when they argued that the relationship between power theory and intergovernmental relations in Nigeria is apparent.

This paper adopts power theory because a particular level of government tends to exert its influence on other levels of government in order to achieve its aims.

Kelemen's theoretical argument is fraught with some weaknesses. They include the following:

It is not clear whether he intends to apply his theory of regulatory federalism only to regulatory policy-making or to include statutory legislation as well. He lays too much emphasis on the extent to which the political behaviour of leading actors is governed by a desire to maximize power. It is unclear why the federal executive in a "fused" power federation would be willing to surrender so much discretionary authority to state governments at the implementation stage of IGR policy agreements. By defining federalism and IGR in terms of only two vertical structures and the politics of competence exercised by them, Kelemen creates an oversimplified and excessively "top down" perspective in the process of policy-making in federal systems (Asare, Cairney, and Studler, 2009).

### **Nature of Relationship between Local Government and Other Levels of Government**

The nature of interaction between local government and other levels of government in Nigeria are in different folds. These include:

**Constitutional relationship** There is no local government that is totally autonomous. Each is part of the interdependent and inter-related political and administrative structures of a country (Enemu, 1999). In spite of the autonomous powers granted to the local government, section 7(1) provides that the state government shall ensure their existence under a law which provides for the establishment, structure, composition, finance and functions of such councils. Section 4(5) of the constitution also provides that if any law enacted by the House of Assembly of the state is inconsistent with any law validly made by the National Assembly, the law made by the National Assembly shall prevail, and that other law shall, to the extent of inconsistency, be void.

**Political Relationship** The central government reserves the right to establish new local government units, change the boundaries of the existing ones, amalgamate them or terminate them (Enemu, 1999). Section 8 provides that the government of every state shall ensure their existence under a law which provides for the establishment, structure, composition, finance and function of such council (FRN, 1999).

**Financial Relationship** The fiscal and monetary powers of each tier of government have been delineated by Decree No. 21 of 1998, which has become the Act of National Assembly. The constitution expects local government councils to generate their revenues (Eliagwu, 2011). Section 162(1) provides that all revenues from the federation shall go into the federation account and that Revenue Mobilization, Allocation and Fiscal Commission (RMAFC) shall present a revenue formula to the President to be placed before the National Assembly for the purpose of distribution. The distribution is both vertical (in terms of federal-state-local) and horizontal (in terms of allocation among states). Also, the maintenance of special account called Joint-State-Local Government Account by the state, through which local government funds are paid, allows for interaction between the two levels of government.

**Administrative Relationship** The ministries and agencies of the central government usually have the power to regulate, supervise and mentor local councils in their respective fields of concern. For example, both the federal and state Ministries of Health in Nigeria work closely with the local councils to ensure that they provide primary health services in accordance with the national standards and policies (Enemu, 1999). Other administrative relations occur among officials at all levels of government during meetings and conferences. Such conferences as noted by Adamoleku in Awofeso (2004) include the Biannual Conference of Commissioners of Local Government, Meetings of Secretaries of Government of the Federation, the National Conference of Minister and Commissioners for Works etc. At the local government level, Awofeso (2004:20) concludes:

*apart from the three major areas of transactional interactions among levels of government there also exist intergovernmental social service delivery which may cut across issues such as the protection of life and property to be provided by the police, community and rural development efforts and health services delivery all of which have greater implication of federal-state-local government collaboration. There is also the need for development project which in our past experience has made federal agencies such as the DFRRI, Better Life for Rural Dwellers most relevant in Federal-State-Local collaboration*

**Judicial Relationship** Through its power of judicial review, the judiciary can declare as null and void, ultra-verse, unconstitutional and with no affect any law made by the federal or state government which is contrary to constitutional provision. Also, local government as a legal entity can sue and be sued by other levels of government.

### **Local Government and Intergovernmental Relations in Nigeria Fourth Republic: Cooperation or Conflict?**

Intergovernmental relations in Nigeria have been characterized by reluctant cooperation and competition among the levels and arms of government. Areas that have generated intense competition between the federal and state governments are revenue allocation and the allocation of jurisdictional powers between federal and state governments (Eliagwu, 2011). Diamond (2001:17) once remarked that: ‘It is not an exaggeration to say that from 1914 when the colony of Lagos, the Southern Protectorate and the Northern Protectorate were amalgamated to form the country now known as Nigeria, the relationship among its diverse units have been marked by tensions of different degrees of severity’. Conflict is a universal phenomenon in a federal set up. Jinadu (1998) stressed that Nigeria’s federation cannot be an exception in areas of conflict when the oldest federation in the world, US, also experienced conflict. According to him, the dynamics of federal-state relations within the federalist constitutional framework is one of a see-saw between interdependence and cooperation on one hand and conflict on the other hand, between the centre and the units and between the units themselves.

The fourth republic has witnessed unhealthy relationships among the levels of government. Ugwu (1998) points to several problems of IGR in Nigeria.

**Revenue Sharing** Conflicts have arisen over issues of tax jurisdiction, revenue sharing and IGR fiscal transfers. The federal government has control over income from customs and excise taxes on oil. However, most of Nigeria’s states and local governments are not able to raise more than 10% of their annual budget from these internal sources and they are therefore heavily reliant on federal aid (Ugwu, 1998).

Diamond (2001:15) argues that centralization of control over revenue flows has “virtually erased a fundamental principle of federalism- that lower levels of government have some areas of autonomous authority that cannot be overridden by the center and robbed subordinate units of any significant incentive to generate revenue of their own”.

In addition, there are often delays in the disbursement of funds by the state to the local governments. This unnecessary delay has made service delivery at the local level to suffer. The stoppage of the monthly revenue allocations to the state that conducted elections into newly created local development councils made the federal and state governments to be at loggerhead (The issue between FGN and Lagos State under former President Olusegun Obasanjo V Asiwaju Ahmed Bola Tinubu).

**Overconcentration of Political Power** Under the distribution of powers in the 1999 constitution, Nigeria is a centralized federation with strong unitary elements. Currently, there are complaints about the overconcentration of power in the federal government. This school of thought has argued that, if Nigeria wants to practice a true federalism, then it should go back to its 1963 constitution.

**Illegal Removal of Local Government Officials** The illegal removal of local government chairmen by some state governors has constituted serious acrimony. Between 1999 and 2003 about 10 local government Chairmen were removed and suspended from office. It was this

that infuriated the local government Chairmen which made them to sue the thirty six governors and their State Assemblies such as Edo, Rivers, Enugu (Fadeyi, 2000).

**Constitutional Status of Local Government** Some of the provisions of the constitution are ambiguous and contradictory. Therefore, the jurisdiction of local government cannot be determined. Ajulor and Okewale (2011: 306) pointed out that there is still an unresolved issue about the constitutional status of local government, which contexts the clarity of the provision of section 7 of the constitution. The provision has made local governments to become an appendage of federal and state governments and has resulted to excessive control over the local governments.

### **Conclusion**

The paper has considered local government and intergovernmental relations in Nigeria fourth republic. The three levels of government are constitutionally allocated powers as autonomous units. The central and the state governments seem to have autonomy but the autonomy of local government is questionable because of the ambiguity of the constitution. Local government has therefore become an appendage of federal and state governments due to lack of financial autonomy. This has also strained the relationship between the local government and other levels of government. The unhealthy rivalry and competition among the levels of government have made service delivery at all levels of government to be difficult.

### **Recommendations**

There is the need to encourage cordial relationship among the levels of government. This can be done if local government is financially autonomous and the undue interference by the state on the local government or by the federal on the state is properly addressed.

The issue of joint-state-local government account should be discarded. There should be direct disbursement of federation allocation to all the levels of government. Also, the judiciary should be made to be independent.

Finally, system of election which should be done periodically should be the basis of assuming political positions at the local government level. Thus, the appointment of caretaker committees by the Governors to direct the affairs of local governments should be discouraged.

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