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INTERGOVERNMENTAL RELATIONS IN NIGERIA: AN APPRAISAL OF THE INVOLVEMENT OF LOCAL GOVERNMENT.

Jacob Olufemi Fatile & Kehinde David Adejuwon

ABSTRACT

The paper examines the issue of Intergovernmental Relations (IGR) in Nigeria with particular reference to the involvement of local government tier in the process. The focus on local government is necessitated by the fact that local government as the third tier level of government is an important mechanism for dealing with diversities in federations all over the world. It argues that the local government system in Nigeria continues to falter under undue interference by the federal and state governments despite the constitutional recognition of local government as the third-tier level of government. Local government in Nigeria has been reduced to mere appendage of other levels of government. This development has made the interaction and interrelationship between local government and other tiers of government to be conflictual rather than harmonious in Nigeria. It also argues that each level of government is not constitutionally bound to accept dictation or directive from another. Hence, no level of government arrogates to itself a superior status or power to control and regulate the official conduct of the other. The paper submits that, if state and local governments are to be partners in progress, the two levels of government must engender mutual understanding and respect for each other. While local government are supposed to enhanced development at the grassroots, the state governments are expected to coordinate the activities of the local government and ensure their conformity with the national goals and objectives. The paper concludes that for the sustenance of IGR in Nigeria, all tiers of government must constantly be emphasizing their interdependence rather than independence, because they are indispensable to themselves.

INTRODUCTION

Federalism as a system of governance is pragmatic, dynamic, utilitarian and evolving. It can only thrive on consultation, negotiation, compromise,

bargaining and agreement between the constituent governments. It grows under a system of mutuality and interdependence. Domestic public policy is implemented not merely by

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government, but by governments. The administration of a single public policy often involves a *pastiche* of funding sources and public administrators interacting through all levels of government, and the field of public administration call this pastiche “Intergovernmental relations” or the series of financial, legal, political and administrative relationships established among all units of government that possess varying degree of authority and jurisdictional autonomy.¹

This problem has bedeviled the federal system in Nigeria, that has influenced the behaviour of the political elite, which account for the weakness of intergovernmental institutions in Nigeria, “there was considerable unwillingness to accept the operational requirements of federalism”.² This is traceable to the fact that the primary concern of politicians revolves around power and the advantage it confers on them in a condition in which the state is practically everything. Thus, there is little concern for federalist principles that work towards the achievement of the stated goals.

Intergovernmental relations is an important aspect of government operations in Nigeria. They are very important that they have become institutionalized in government operations. Effective and efficient management of IGR among the different

levels and organs of governments within the political system is a pre-requisite for peace, order and good government in the federal, state and local governments. It is increasingly difficult to measure the effective and efficient functioning of governments, especially with the growth of government activities in recent years both in size and in complexity without such relations.³

IGR offers more opportunity, interlinkages and complementarity in the running of the Nigerian public affairs. Federalism as practiced under the military regime imposed centralized control over the states and local governments which distorted IGR. Federalism, theoretically forbids any level of government from usurping the power of the other, yet provides a wide arena for cooperation and opportunities for expanding joint actions.⁴ Therefore, every unit of government in a federation ought to direct and adjust its programmes to promote the overall national interest, while also coordinating its activities with other levels.

It is pertinent to note that the 1976 local government reforms constitutionalised the status and functions of Local Government Areas (LGAs) in Nigeria. Yet, this reform has not deepened the involvement of the local government according in Nigeria.⁵ At this juncture, it important to mention the principle of

autonomy—under which IGR operate—which stress that no government or level of government can confer on the other, functions or impose duties on the functionaries of the other without the consent of its Chief Executive. On the contrary, the local government system in Nigeria continues to falter from undue interference by the federal and state governments, despite its constitutional recognition as the third tier of government. Local governments have been effectively reduced to the appendage of the other two levels of government and are often deployed to partisan political uses.⁶ This is evident in the manner state government withhold financial allocation to the local governments as a form of pressure and tactics to ensure their loyalty. This development has made the interaction and interrelationship between local government and other tiers of government to be harmonious rather than conflictual.

This paper therefore examines the involvement of Local Government (level/tier) in intergovernmental relations in Nigeria. To achieve the objective, this paper is divided into six sections: the second focuses on conceptual issues; the third considers the theoretical analysis; the fourth examines the constitutional framework of IGR in Nigeria; the fifth x-rays the local government autonomy, specifically—state and local government

relationship; the sixth charts way forward and concludes the paper.

CONCEPTUAL CLARIFICATION/ FRAMEWORK

This paper explicitly clarifies some theoretical terms/concepts that underline the issue and gives us an indepth appraisal of the involvement of local government in IGR in Nigeria. Some of these concepts are: federalism, intergovernmental relations and local government.

(i) Federalism is a common feature of contemporary nation-states. It is the division of powers so that the general and regional governments are each within a sphere coordinate and independent.⁷ Federalism is usually viewed as a “form of governmental and institutional structure, deliberately designed by political “architects”, to cope with the twin but difficult task of maintaining unity while also preserving diversity”.⁸ It is essentially a form of government in which the component units of a political organization participate in sharing powers and functions in a cooperative manner in the face of the combined forces of ethnic pluralism and cultural diversity. This arrangement provides room for fluidity and the co-existence of centrifugal and centripetal forces.⁹

Federalism involves “contractual non-centralisation, the structural dispersion of powers among centres whose

authority is constitutionally guaranteed. It is designed to link the constituent units more closely within a common general government whose constitution is the supreme law of the land and that maintains direct contact with its individual citizens.¹⁰ Nwabueze shed more light on the meaning of the concept when he asserted that:

Federalism is an arrangement whereby powers of government within a country are shared between a national (nationwide) government and a number of regionalized (i.e territorially localized) governments in such a way that each exists as a government separately and independently from the others operating directly in persons and property within its territorial area, with a will of its own, and its own apparatus for the conduct of its affairs and with an authority in some matters exclusive of all others.¹¹

Federalism is characterized by the interplay of political power struggles between the various interest groups that make up the constituent.

Awa viewed federalism from the perspective of cooperation, and argued that:

‘Federalism involves cooperation, bargaining and conflict. There has always been a measure of cooperation between the two levels of government, such

cooperation increasing in scope and quality as the federalism matures’.¹²

The key factor for the existence of federalism is the maintenance of a constitutional arrangement in which both the federal and the state governments are responsible for particular spheres of constitutional activity, or the exercise of political discretion by two levels of government.

(ii) Intergovernmental relations involve the patterns of cooperation among various levels of government in a federal government system. These patterns of relationship which may be vertical or horizontal are instrumental to the development of high level of coordination among the various layers in their efforts towards the implementation of the national goals, policies and programmes.¹³ Many interpretations have been given to the concept of IGR, but scholars like Olowu, Anderson, Watts and Adamolekun have all agreed that IGR denotes the permutations and combinations of relations among the units of government in a federal system. It is a body of activities or interaction occurring between governmental units of all types and levels either in a unitary or federal system of government. IGR is the management and coordination of the relationships among governments for the purpose of achieving specific policy goals.¹⁴

Intergovernmental relations can therefore be defined as the interactions that take place among the different levels of government within a state.¹⁵ It is specifically applied to the permutations and combinations of relations among the units of government in a federal system.¹⁶ Thus, Wright¹⁷ defines IGR as comprising all the permutation and combinations of relations among the units of government in a federal system. He observes that IGR includes the activities and attributes of persons occupying positions in all the units of government in a federal system, viz.: federal, state, local, political administration and judicial, legislative or executive branches of government.

Anderson,¹⁸ sees IGR as “a term intended to designate an important body of activities or interaction occurring between governmental units of all types and levels within the federal system”. Nnadozie¹⁹ agrees with Anderson when he defines IGR as “the planned system of management of complex relationship among layers of governments in a given state” Ayoade,²⁰ stated that IGR refers to inter-jurisdiction on transactions and not transactions between a government and citizens (singly or in groups) who are objects rather than subjects of intergovernmental transaction. It must be pointed out that IGR also encompasses the mutual relations existing between certain government functions.

Government functions as used here refer to the three organs of government, legislative, executive and judiciary. The legal or constitutional framework within which these relations take place and the positions of the government functions in the hierarchy are institutionalized.

It is therefore appropriate to describe IGR as an interaction that takes place among the different levels of government within a state. It refers to the structure and process of transactions among levels of government in a political system. It is an interaction that takes place among different levels of government within a state, in particular, within the institutional arrangement where such interactions can occur at the federal, state and local government levels.

There are six types of relations that are possible in federations like Nigeria. These include:

Federal – State Relations; Federal – State – Local Relations; Federal – Local Relation; Inter-State Relations (i.e State-State Relations); State – Local Relations and; Inter-Local Relation. (i.e Local-Local Relations).

Despite the fact that the emphasis in the analysis of IGR is on federal-state relations, the full picture also includes how both levels relate to the local government units established within each state.²¹ It must be emphasized at this

junction that a full and meaningful analysis of IGR therefore within a federal administration must cover the six areas mentioned above.

(iii) Local government is the third level of government, otherwise known as grassroots government, that is, government at the local level. It is responsible for resources mobilization, political participation (political education and training) and provision of social services. Local government as a concept has been defined by various scholars in different ways. For the purpose of this paper, we shall look at the major and most widely acceptable definition of the concept.

The 1976 Local Government Reform defines local government as:

... government at local level exercised through representative council, 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 the provision of services and to determine and implement project so as to complement the activities of the state and federal governments in their areas, and to ensure, through devolution of these functions to these councils and through the active

participation of the people and their traditional institutions, that local initiative and response to local needs and conditions are maximized.²²

This definition is indicative of a high degree of autonomy, which is in line with the philosophy of local government as a tier of government in a federal system. The United Nations in its definition of local government appears to have concurred with the above view, when it asserted that local government is:

... a political subdivision of a nation or (in a federal system) state, which is constituted by law and has substantial control of local affairs including the powers to impose taxes or to exact labour for prescribed purposes. The governing body of such an entity is elected or otherwise locally selected".²³

The two definitions above are the most widely accepted and they bring out four key features of local government.

First, local government officials are elected. Regular elections at specified period of time is a feature of local government. In fact, the main distinguishing characteristics that differentiates a local government from a local administration is the fact that while officials of the formers are elected, those of the latter are appointees of the centre to implement

policies of the centre. Second, local government unit must have a legal personality distinct from the state and federal government. Thirdly, the local government must have specified powers to perform a range of functions, and lastly, it must enjoy substantial autonomy. Local government autonomy means that the local government is elected at the local level and operates independently of state and federal governments. The local government is no longer an appendage of the state government. The characteristics of local government autonomy include among other things, ability to make its own laws, rules and regulations, formulate, execute and evaluate its own plans and the right to recruit, promote, develop and discipline its own staff.²⁴ The existence of locally elected or appointed officials responsible and accountable to the local electorate has come to be the mantra of local government.

THEORETICAL UNDERPININGS OF IGR

Two major theories of IGR are relevant to explain the interrelationship between tiers of government and the role of local government as grassroots government. These are the system theory and power theory.

(i) System Theory

A system is a collection of interrelated parts that function together to achieve common goals. The concept of system

implies an identifiable set of institutions and activities in society that function to transform demands into authoritative decisions that require the support of the whole society.²⁵ System are generally relationships or better still a whole which is composed of many parts. It emphasizes relationships and not individuals. The system approach represents a way of looking at reality that emphasizes “whole”, their properties and interrelationships – as contrasted with specialized parts.²⁶ The central guiding principle of this approach is the assumption of equilibrium, that is, the whole will need the cooperation of the parts to keep it mobile.²⁷

In relation to intergovernmental relations any named political system is made up of several parts or tiers of government – Federal, state and local governments. These parts perform different functions and it is a combination of these functions that keep the entire system moving. David Easton was the scholar who popularized this approach in political studies. His system theory can be explained in intergovernmental relations as a two-way traffic between the central government and the components states.

The utility of system theory in this study is, in fact, evident in its presupposition that IGR is a system of transactions among the various levels of governments in a federal state. The system model provides a

comprehensive framework for identifying, coping with and integrating the institutional, behavioural and managerial dimensions of IGR. Additionally, it can be argued that the system model has a potential for resolving the allocation controversies, which intend to bedevil inter jurisdictional relationship. The key concept is that as each part of the system performs its role, it enhances the performance of the other parts and hence, the total performance of the system. This conception holds true for all tiers of government as the system theory rightly emphasized.

In relation to IGR, it is a system of transactions among different levels of government in the state. In a federation like Nigeria, the significant areas of interaction, in the opinion of Olugbemi²⁸ include, the federal, the state or regional administrations, local authorities, and extra-governmental bodies. Yet, the interacting units are partners in common ventures, they are not equals nonetheless.

(ii) Power Theory

Power theory is germane for the analysis of IGR. Power is that non-divisible unit of energy which is capable of causing a change in the actions of its victim in spite of the victim's opposition to the change. Oyovbaire viewed power as the outcome of interaction between federal

and state governments in terms of their freedom for, or constraints on, political action.²⁹ While Barrats argued that for power relationship to exist there must be a conflict of interests or value between two or more persons or groups.³⁰ In relation to inter-governmental relations, power can be defined as the outcome of interaction among the tiers of government. There is no doubt that both conflict and consensus among tiers of government are implied in the concept of power employed in this study. Most IGR relations do not lend themselves easily to an either – conflict or – consensus type of analysis. The domain of federal government is the whole society; its institutions and claims have country wide dimensions, the base of its resources derives from the whole of society and its performances and range of action are for, and justified on behalf of, the whole society. The power relation theory is usually based on realist school of thought. Realism sees the various levels of government as the main actors in IGR. Under this theory, 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 distribution of power and how power is allocated. Thus, disputes over power lie at the heart of federalism and IGR in Nigeria.

II. THEREOTICAL MODELS OF IGR

Apart from intergovernmental relation theories, scholars have devised a number of models to guide the study of intergovernmental relations. Wright³¹ identified three models of inter-governmental relations. These are; separated authority model, inclusive authority model and overlapping authority model.

The separated authority model describes the relationship that exist between the federal and state governments whereby they derived their authorities from the constitutions. Under this model, local governments are usually creation of the state and are subordinate to the state government. In the inclusive authority model, both state and local governments are subordinate to the federal government. Under this model, though the constitution recognises the authority of both state and local governments, they are in a weak position to challenge the federal government and finally, the overlapping authority model describes the interaction among the three levels of government i.e. federal, state and local governments, as co-equal and these levels of government derives their powers and functions from the constitution.

CONSTITUTIONAL FRAMEWORK OF INTERGOVERNMENTAL RELATIONS IN NIGERIA

Nigeria is a federation. Like any federal system, both the central and states governments are independent and co-ordinate authorities enjoying powers within their jurisdiction set by the constitutions, and their authority should be confined to their sphere.

As observed by Dicey, federalism means "the distribution of the force of state among a number of coordinate bodies each originally in and controlled by the constitution"³². Thus, the rapid expansion in the functions of government has called for the idea of decentralisation and devolution as a means of bringing government nearer to the people.

Indeed, the hallmark of federalism is the constitutionalisation of the relations among the various levels of government. Since the constitution defines the existence and responsibilities as well as the interface of the various tiers of government, it constitutes the essential structural foundation of the relations between the governments.³³ This is not to deny the fact that IGR can take several forms with varying degrees of formalisation and institutionalization, but to emphasize the importance of constitutionalism to effective IGR and thereby the need to pay attention to this