



Research Paper

Inter-Governmental Relations and the Development of Local Government in Nigeria

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Abstract

This study assessed the impact of intergovernmental relations on the development of Akuku Toru Local Government Area, Rivers State. Methodologically, the study adopted secondary data and content analysis as methods of data collection and analysis/ The findings of the study revealed that there are challenges in the management of intergovernmental relationship in Nigeria. The 1999 constitution has significant impact on the management of intergovernmental relations and State and Local Government relations have negative impact on the development of Akuku Toru Local Government Council in Rivers State. From the findings, the study recommends that strategies such as constitutional reforms, revenue sharing formula and re-structuring of the federal system of government should be carried out to management the challenges in intergovernmental relations in Nigeria.

Key Words: Development, Government, Inter, Local, Relations, Study

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I. INTRODUCTION

The public sector plays a crucial role in socio-economic development and is generally synonymous with the government sector (Adeyemo, 2011). In Nigeria, public sector operations include federal government, the state and the Local Government Authority as well as government agencies' activities (Angahar, 2013). The public sector is responsible for the development of infrastructure and the provision of basic services to the people, with people of a country having the same right to access all of the amenities provided by it, whether they are rich or poor.

The fourth schedule of the 1999 constitution of the Federal Republic of Nigeria clearly outlines the function of Local Government Councils to include: economic planning, collecting taxes, rates and the provision of social amenities like market, feeder roads, health services, portable water among others (Constitution of Federal Republic of Niger, 1999 As Amended). These functions simply defined the rationale behind the existence of local government system in Nigeria (Osakede and Ijimakinwa, 2018; Angahar, 2013). Local governments have a role to play in the economic development of any nation. Constitutionally, they should provide for the democratic representation of local communities. This role covers a wide range of responsibilities and services which impact heavily on the livelihoods of individuals. They are, for example, key to determining where infrastructure should be located, to protect our environment and to provide services which are crucial to quality of life-primary schools, primary healthcare facilities, drinking water, recreational facilities, roads and other services (Eboh and Diejomaoh, 2010).

Intergovernmental relations refer to interactions between federal, state and local governments' federal and state governments, federal and local governments, state and state interactions, state and local governments or local government and local government interactions (Obasi, 2006). Just like in any field of study there are many lenses or approaches to the study of intergovernmental relations. Some of the approaches to Inter Governmental Relations are the constitutional/legal approach, the democratic approach, the financial approach and the normative approach. Intergovernmental relations are intended to promote and facilitate cooperative government and decision-making by ensuring that policies and activities across all spheres encourage service delivery to meet the needs of citizens in an effective way (Osakede and Ijimakinwa 2018). They are concerned

with political, financial and institutional arrangements for interactions among the three spheres of government and organs of state within each sphere (Edwards, 2018).

The observable functional intergovernmental relations in the country are majorly vertical pattern of relationships between the federal and state governments and amongst the federal, state and local governments. Given the nature of Nigeria's federalism that ascribed so much functions and powers to the federal government in the Exclusive Legislative List, the vertical pattern of intergovernmental relationship holds sway in practice (Ikelegbe, 2015). The horizontal pattern of intergovernmental relations between or amongst states and between or amongst local government councils merely exist only in theory as no two states or more have pulled resources together to provide common services to its citizens, or have any two or more local government councils collaborated to address certain challenges facing its people as development partners.

Conceptually, inter-governmental relations refer to the structure, process of transactions, interconnections and cooperation among the tiers or arms of government and their organs or agencies as they exercise their powers and carry out their functions in a political system. There have been issues at stake between local government and other levels of governments whether it should be given free hand to carry-out its duties and responsibilities without interference or should it be controlled by the other levels of government. Local government is the government which is created at the grass root level. It is a form of community government so its primary responsibility is community development (Fatile and Adejuwon, 2019). Local Government can be described as government at the local level. The 1976 local government reform defines it 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 projects so as to complement the activities of the State and Federal governments.

There are different types of intergovernmental relations in a federal system. In Nigeria, Ikelegbe (201), Adeyemo (2015), Ponnle (2011), Akume (2014) Adamolekun, Olopade, Nwatu and Okafor (2014) in Bello (2014) identified the following: (i) National/Federal-State-Local (ii) Federal-State (iii) Federal-Local (iv) State-State (v) State-Local (vi) Local-Local (vii) National/Federal-Civic groups (viii) State-Civic groups (ix) Local-Civic groups (x) Inter-Civic groups. These typologies captured in theory the diverse forms of vertical and horizontal cooperation and relationships between or/and amongst the three tiers of government.

The outcome of interactions, co-operations and inter-dependence in terms of claims, resources and the scope of political action between levels of government is conceptualized in the theory of public administration as intergovernmental relations (Fatile and Adejuwon, 2019). This presupposes that every tier of government retains functional, fiscal, legal and administrative relations or interactions with other tiers. Intergovernmental relations in Nigeria are defined, to a large extent, in the 1999 Constitution.

The Constitution prescribes and recognizes three levels of government: a federal, states and local governments. Each of these levels has its sphere of influence and functional competence. The federal government has exclusive constitutional responsibility for some functional subjects under the exclusive legislative list as spelt out in Part I of the Second Schedule of the Constitution. Part II of the Second Schedule contains the Concurrent List over which both the federal and state governments have concurrent powers (Okoli, 2013). The Fourth Schedule of the same Constitution outlined the functions of local governments.

Local government, indeed, evolved from the concept that participatory political and socio-economic development from the grassroots up, and loosening of bureaucratic hierarchies in the service of this end, were not only possible, but essential (Asare, Cairney and Studlar, 2019). Akinola (2014) posited that local governments are the most relevant tier of government to the local people since it is the closest to the grassroots. He also maintained that local governments are 'designed to be centrifugal points of socio-economic emancipation and welfare propagation for the citizens (Asare, Cairney and Studlar, 2019).

Of all the levels of intergovernmental relations that are in operation in Nigeria's federal practice, state-local relation is the most contentious (Adedire, 2018). This is probably so considering the fact that every part of the country, whether urban or rural, falls into a local government area. The contention is made more complex by the letters of the constitution which make the institution of local governments in Nigeria, particularly its creation and control; a residual matter for state governments. This is not surprising given the notion of Bello (2017) that intergovernmental relation is central to the success of all federal systems.

The achievement of social change and development requires spreading of effort so that local communities and individuals can participate to bring their ideas, energy, and enthusiasm and most important of all, local initiative to the working out of local development activities. The Nigerian inter-governmental relations started with the Central and Regional governments in the sharing of revenue allocation. From the above, this study intends to examine the effect of inter-governmental relationship and local development in Akuku Toru Local Government Area of Rivers State.

II. THEORETICAL FRAMEWORK

The Agency Approach posited that persons or organizations involved in relationships are either 'principal' or 'agents'. The party whose interest is to be protected in the partnership represents the principal, while the agent is the party that acts on behalf of the principal. This could be referred to as principal agent relationship. This approach supposes that: a. Humans do not like risk, self centred and have bounded rationality b. Individuals will make effort to mislead, obfuscate and confuse others. Clash of goal, lopsided information and ambiguity may arise in principal-agent- relationship when the preferences of the agent contradict those of the principal. In relation to the state-local government fiscal relations in Nigeria, local governments are required to play the role of the agent to the state while the state remains the principal. This approach assumes that agents will not be able to perform their roles if they are left unmonitored.

In other words local government will not be able to perform their role of rural development if left without the control of the state. Such control according to this approach will reduce the level of corruption and inefficiency in local governance. The assumption therefore is that local governments will most likely perform better under the control of the state. It was this model that supports the claim by the state governments that local governments do not have the capacity to develop rural communities, coupled with the high level of corruption observed in local government administration perpetrated when local governments received direct allocation from the centre during the military regime. These altogether make local governments inefficient to transform rural areas. States therefore argued that since local governments could not justify the huge amount allocated them directly from the federation account, local governments' allocation has to be strictly controlled by the state to ensure prudence in the management of funds.

Besides that, the state argued that the Nigerian constitution recognizes only federal and state levels, while local governments are subsumed under states. This position is anchored on the section of the constitution that empowers state government to create local government under laws established by the House of Assembly of each state. Therefore, local governments do not have constitutional backing to stand as separate independent entity from the state. It is based on these two lines of argument that states subject local governments to perpetual 'agents' while the states remain the 'principal' in their relationship. However, states never argued that the federal government should leave the funding of local governments to states since local governments are under their control, rather, revenue is constitutionally allocated to local governments as a third tier of government and not as a branch of state government.

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.

III. INTERGOVERNMENTAL RELATIONS

The concept of intergovernmental relations has been in use by public officials and scholars for a very long time but its definition continues to be highly contested (Madue and Kalema, 2011). The term appeared for the first time in print in the 1930s in an article by Snider (1995) cited in (Kahn, Madue & Kalema, 2011) on country and township government. Both Snider and Anderson used the term intergovernmental relations but neither of them claimed credit for its creation or its origins. The concept of intergovernmental relations became part of public administration terminology in the United States of America in the 1930s. At the time, intergovernmental relations were a policy instrument, that is, its orientation was towards the choice of different paths of action.

The concept of intergovernmental relations is understood to refer to the way in which the different spheres of government relate to one another (Kahn, et al., 2011). The vitality of the concept of intergovernmental relations was brought to the fore by Botha (Kahn, et al., 2011) when he observed that the concept assumes importance where there is a division of powers at both administrative and legislative levels among different spheres of government. In other words, intergovernmental relations are creative mechanisms which are used to maintain cooperative relationships and coordination among and between vertical and horizontal parties. From the above discussion, two things can be deduced.

Firstly, intergovernmental relations imply forms of interaction between various levels of government (vertical interactions), and between equal governmental jurisdictions (horizontal interactions) within a given state. Secondly, coordination and cooperation are the main objectives of intergovernmental relations (Bailey and Dolan, 2019). One must, however, note that coordination and cooperation are not the only aims of

intergovernmental relations. Maud and Wood (Kahn, et al., 2011) stated that the concept of intergovernmental relations has a broader perspective which includes interventions, directions and control by higher levels of government, and consultation among all levels of government both horizontally and vertically. These elements do not always improve or advance cooperation and coordination; instead, they are often exploited to either reinforce subjugation of one level of government to another or promote dependence of lower levels of government on a higher one (Kahn, et al., 2011).

According to Kahn, et al., (2011) intergovernmental relations may be categorized into constitutional, political and financial relations. This reference to the constitutional dimension of intergovernmental relations is crucial because the constitution in most instances is a product of the national government legislature and by this fact; all levels of government are subject to central government (Kahn, et al., 2011). This means that provincial and local governments are subordinates of the central government and their relations reflect this subordination. Consequently, the power of the central government vis-à-vis other levels is a source of mistrust and suspicion in the intergovernmental relations of many states. It is worth noting that there is a tendency in literature to restrict the definition/description of intergovernmental relations to formal structures, especially constitutional and legal provisions. While these constitutional and legal provisions are important, they are almost always supplemented and supported by semi-formal or informal interactions which often play a decisive role in shaping intergovernmental relations (Kahn, et al., 2011).

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 (Ogo, 2017). 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. 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. Ogo (2017) defined 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 Nigeria for instance, inter governmental relations 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 energize governmental interactions, through synergy, effectiveness and efficiency service delivering, in order to sustain democracy and strengthen good governance.

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.

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 (Ogo, 2017). Other administrative relations occur among officials at all levels of government during meetings and conferences. Such conferences as noted by Adamoleku in Awofeso (2014) 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 (2014) 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.

IV. STATE AND LOCAL GOVERNMENT RELATIONS

There are many ways through which the state and local governments can relate. They include:

(i) **Financial relations:** The 1979 constitution provided for state-local financial relationship under section 149 sub-sections 7 and this is now section 162 sub-sections 8 in the 1999 constitution. This section states that the amount standing to the credit of the local government councils of a state shall be distributed among the Local councils of that state on such terms and in such manner as may be prescribed by the House of Assembly of a state.

(ii) **Administrative relations:** State-Local Government Training Funds, institutional machinery established in Nigeria for the training of Local Government Staff are challenging. A board set up to see to the welfare of Local Government Pensioners and Primary School Teachers Retirees which is constituted by Chairman, Local Govt. Service Commission, the Head of Service, the Permanent Secretary Establishment, the Commissioner for Finance, the Permanent Secretary Min. of Finance, the Commissioner Ministry of Local Govt. & Chieftaincy Affairs, the State NULGE President, the Chairman of the three political Zones in the State and the Secretary Local Govt. Pensions Board as Secretary as in Imo State.

(iii) **Social Service Delivery:** Akinsanya (2014) outlined another important area where the three levels of government in Nigeria come into close contact or relationships as the area of social service delivery. Public order and security maintenance is a social service that calls for the various civic organizations. In the recent times, the Nigeria police have been reorganized in such a way that there is a unit covering each Local Government area. In short, every local government is a division with a Divisional Police Officer (DPO) in charge and supporting Officer such as Divisional Crime Officer (DCO), Divisional Traffic Officer (DTO) heading the various sections. Education, Health and Rural Infrastructural Services are among the areas of inter-governmental social service delivery in Nigeria.

(iv) **Legislative Jurisdictional Relations:** The bye-laws made by Local Governments are an area of inter-governmental relations between state and local governments. Local Governments use state courts to prosecute defaulters of their bye-laws. Piefer (2014) observed that when a Local Government fails to perform its duty, a citizen can drag it to court where it could be compelled to perform its duty through the writ of mandamus. The state or federal court is also vested with the power to stop an intended or ongoing of a local government through the writ of prohibition ((Olugbemi, 2018). The Code of Conduct Bureau and Tribunal; which are federal government agencies, are established to serve as watchdog of the public officers in the federation which include states and local government officers even the EFCC (Economic Finance Crime Commission) which punish offenders who mismanage government fund at all levels.

(v) **Financial Relations**

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.

(vi) **Constitutional Relations**

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 (Onwughalu, 2016). 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.

The constitutional/legal approach emphasizes the centrality of constitutional and legislative provisions in the study of intergovernmental relationship. According to Ibrahim and Onyeji (2017) in the 18th and 19th centuries, the federalist movement in the United States advocated the constitutional approach and accepted the existing hierarchy of governments as a constitutional fact. The Constitution was considered to be a vehicle for achieving harmony and was the basis for determining intergovernmental relations. The constitutional/legal approach entails a structural and hierarchic analysis of the Constitution and legislation pertaining to central, provincial and local governments which have a bearing on relations between government bodies (Olugbemi, 2018). The result of such analysis would be a long list of governmental bodies and structures with a comprehensive description of the duties and powers of every political office-bearer within each institution (Kahn, Madue and Kalema, 2011).

(vii) Political Relations

The central government reserves the right to establish new local government units, change the boundaries of the existing ones, amalgamate them or terminate them (Jacob and Kehinde, 2020). 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 (Constitution of the Federal Republic of Nigeria, 1999, As Amended). The democratic approach to intergovernmental relations emphasizes the right of the provincial and local government to autonomy. It contends that the local and provincial governments have the right to self-determination. The approach advocates a move from centralized authority through the decentralization of power to regional and local institutions (Kahn, et al., 2011). If the objective of this approach were taken to its logical conclusion, it would mean that provincial and local authorities would be independent of any higher authority, and therefore autonomous. In the real world, the notion of autonomy should be understood as the measure of autonomy given to provincial and local institutions by the central government (Kahn, et al., 2011).

The separatist nature of the democratic approach would lead to chaos in many states. In polities with many different competing ethnic groups, it can undermine efforts aimed at achieving national unity. The views of the democratic approach should not, however, be cast away as useless. This is because the opposition to the centralization of power continues to be reflected in the struggle between local government and central government over the extent of authority to be assigned to local and provincial governments. One must also note that “the emphasis placed by the democratic approach on autonomy is too restrictive to create an adequately holistic view of intergovernmental relations (Kahn et al., 2011).

(viii) Judicial Relations

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.

V. FEDERAL LOCAL GOVERNMENT RELATIONS

The local government is constitutionally recognized as the third tier of government in Nigeria and enjoys some level of freedom and autonomy in the conduct of its activities. However, the autonomy is not absolute as it maintains some fiscal, functional and administrative relations with the Federal and State governments and other relationships do affect their autonomy.

(i) **Fiscal Relationship:** By virtue of section 162(3) of the 1999 constitution, it is the National Assembly (an arm of the federal government) that determines the amount of money from the federation account that goes to the Local Government in the country. Also, by virtue of S.162(5) of the constitution, it is the same National Assembly that prescribes the amount that goes to the States for the benefit of their local governments from the amount standing to the credit of the local governments in Nigeria from the Federation Account. Thus, the fiscal relationship between the federal and the local governments is that it is the federal government that determines the amount that goes to the local governments from the federation account.

(ii) **Functional Relationship:** The functional relationship between the federal, states and local governments is captured by section 2 of the fourth schedule to the 1999 constitution which provides for the functions which the Local Government can perform concurrently with other-tiers of government. They include provision and maintenance of primary education, adult and vocational education, provision and maintenance of health care services and such other functions as may be conferred on the Local Governments by the State House of Assembly.

(iii) **Administrative Relationship:** There are a host of relationships between the federal and local governments which are administrative in nature. They include the following: - Law enforcement, peace and security; for an effective administrative platform to exist in a Local Government there must be law and order, peace and security. It is the police, at times, the armed forces that assist the local governments in this wise. Even in the enforcement of bye-laws, protection of their treasuries and other properties, collection of their legitimate revenue, the local governments need the services of the federal security agencies. - Access to Donor Agencies; the donor agencies that operate in the country can hardly go to the rural areas and begin to relate with the local governments without clearance from the federal governments. It is the federal government that gives access to these donor agencies to the local governments. - Poverty Alleviation Programmes; Majority of the poor in Nigeria are resident in the rural areas where the local governments operate. The poverty alleviation programmes therefore provide veritable platforms for the federal and local governments to relate administratively. 24 - Capacity building and training; Capacity building programmes which facilitated by the federal government through the office of the secretary to the government of the federation provide opportunities for interactions between the federal and local governments.

VI. CONCLUSIONS

This study examined the effect of intergovernmental relations and development of Local Government in Nigeria. The aim is to find out if the relations between the Local State and Federal government have any impact on the development of the Local Government Areas in Nigeria. The study therefore concludes that there are significant factors that challenge the effective implementation inter-governmental relations in Nigeria. Very critical is the Constitution of the Federal Republic of Nigeria 1999 (As Amended); and the review of the relevant sections of the Constitution would greatly enhance inter-governmental relations.

VII. RECOMMENDATIONS

1. From the findings, the study recommends that strategies such as constitutional reforms, revenue sharing formula and re-structuring of the federal system of government should be carried out to management the challenges in intergovernmental relationship in Nigeria. Enhancement of intergovernmental relationship should be encouraged at the local government level to make the system truly emanates from the people. In so doing, it will enhance transparency, accountability and rule of law. By extension, it will also promotes democracy at the local government level, enhances participation and the delivery of services.

2. The study found from the second objective that 1999 constitution and other legislations impact on the management and implementation of intergovernmental relationship. the study recommend that relevant sections of the 1999 constitution such as the state-local joint account should be amended to strengthen the intergovernmental relationship and enhance financial resources to the local government areas.

3. From the third objective, the study found that the federal, state local government relationship have no significant impact on the development of Akuku Toru local government Area of Rivers State. the negative impact can be traced to the poor allocation from the federal and state to the local government, therefore this study recommend that policies for a new revenue sharing formula should be put in place as this would enhance local government revenues. A law criminalizing non-remittance of 10 percent of State Internally Generated Revenue to local government councils should be enacted by the National Assembly. This will stem the non-remittance of local government share of state internally generated revenue.

4. From the findings of the fourth objective, the findings of the study revealed that, the federal, state and local government financial relationship have no impact on the development of Akuku Toru Local Government Area of Rivers State. From the findings the researcher recommends that direct allocation of finances to local government is important for their development. The issue of state/local government joint account is a strangulation of the system, as often state governments makes substantial deduction from the local government funds and uses other financial instruments to control local government chief executives for their selfish interest.

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