

## **Local Government and Intergovernmental Relations in Nigeria: A Content Analysis**

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### **Abstract**

*This article attempts to justify Local Government and intergovernmental relation with special reference to Nigeria. The study pointed out that the relationship between local government and other tiers of government in Nigeria has been problematic over the years. Local government being the third tier of government is the worst hit of poor administrative performance and this rendered the service delivery of the local government cripple and lack effectiveness. This article also put forward that Local Government suffer a setback owing to the influence of the State and Federal government in their affairs and thereby making the local government mere administrative structure. Despite the weak federalism system in Nigeria, there is bound to be an interaction between the local and other levels of government and this is inevitable. Local Government in Nigeria is not mutually exclusive of other levels of government. The study adopted content analysis. The study found that factors such as revenue allocation, domination and overconcentration of power at the centre, illegitimate removal of government officials, among other factors are the not the beauty of true federalism. Therefore, to ensure smooth and cordial relationship between the local government and other levels of government, the constitutional power of local government must be clearly spelt out, undue interference and involvement on the local government affairs by the state or federal government should be addressed. Finally, disbursement of fund to all tiers of government should be done directly from federation allocation to all the levels of government. Also recommended among other things that effort should be made to ensure that all tiers of government should adhere to fiscal transparency, accountability and constitutional provisions on fiscal relations.*

**Keywords:** *Autonomy, Constitution, Federalism, Intergovernmental, Local Government*

### **Introduction**

Local Government as a government at the grass root and nearest to the people was created for the purpose of decentralization of powers and responsibilities. Local government as a unique subunit of political system exist in a federal system where the constitution allows for more than one levels of government. The essence of the idea of federalism system of governance is to avoid overconcentration and over-domination of power at the centre government. Usually, in a federal

system, a constitutional division of power is allowed between the different levels of government to act and exercise their functions within its conferment or law or territorial bounds. For the purpose of harmony and indivisibility in Nigeria, the 1999 constitution of the Federal Republic provides certain areas of mutual relationship and freedom among the levels of government as spelt out in the exclusive legislative list, concurrent legislative list and residual legislative list. Local Government as a by-product and identifiable features of federalism is not left out in the business of governance and hence the needs for cooperation and symbiotic relationship between the local government and other levels of government becomes inevitable which necessitated the idea of intergovernmental relationship.

Intergovernmental relations (IGR) are an essential and pervasive part of federal political systems due to the complexities and increase of the modern governance particularly in Nigeria with heterogeneous nature. Based on this, IGR has traditionally focused on the formal structures and institutions of IGR, in particular those connected with the financial arrangements between the levels of government (Painter 2012 as cited in Ikejana–Clark and Okoli (2019).

However, in Nigeria, the relationship between Local Government and other levels of government have been problematic one and as a result making development difficult to achieve. Local Government is nearest enough to the people and know the needs and aspiration of the people living in the community where they exist and also capable to articulate and tackle the problems of the confronting the citizenry. It ought to be self-governed and be able to act within its territorial bound without coerced. Nevertheless, the grass root government has become just a mere feature of Federalism with much coercion and excess control by the state and Federal government. Furthermore, there is no gainsaying the fact that federalism idea is an effective intergovernmental relations and cooperation between local, state and federal governments and these are critical for ensuring efficient and effective governance and addressing the needs and concerns of the people they represented. In order hand, these efforts has been in futility because the local government are yet to be granted its full autonomy thereby making the development and service rendered by the local governments to be cripple, dwindle, weak and epileptic in nature despite the financial allocations.

The unhealthy rivalry and competition between the local government and other levels of government were pinpointed on some of these interrelated factors such as lack of autonomy which have greatly engendered undue interference by the state government, imposing undue policies, appointment of thugs or party loyalist in the administration of local government affairs without due process. Effective partnership requires a recognition of the unique needs and challenges faced by the local government. Local officials are often the most familiar with the specific needs and aspiration of the rural residents and are best positioned to develop solution that work for their domain. The excess power of State government to appoint and remove local government chairmen, reducing the tenure of local government chairmen's, and compelling joint state-local government account as a means of siphoning and embezzlement of local government funds and other various act are unconstitutional. By respect and supporting local government autonomy, higher levels of government can promote effective governance and ensure that the needs of the local dwellers are being provided adequately and promptly.

The federal structure of government posits a more comprehensive channels for the effective operations of inter-governmental relations between Local Government and other tiers of government. Elekwa (2020) in Ikejana–Clark and Okoli (eds.) pointed out the following levels of inter-governmental relations between local government and others tiers of government, these are:

Local and Central government relations  
Local and Regional relations

## Local to Local Relations

### Local /Central Government and Regional relation

Intergovernmental relation (IGR) is the only mechanism or idea through which the establishment of the mutual relationship between Local government and other levels of government can be effectively achieved. Federalism is a device for decentralization of power and authority, decisions and responsibilities of the government. It is opposed to a unitary structure of governance where the central government is predominant and vested with full power and responsibility for all government functions but may delegate some of its powers and authority to the local authority.

## Concept of Local Government

The concept of local government has for long be defined by various scholars and institution. According to the United Nations (UN), local government can be seen as a political sub- division of a nation in a federal system that exist within a state, which is constituted by law to have a substantial control of local affairs, including the power to impose taxes, or exact labour for prescribed purposes. The officials of this entity are elected or otherwise locally selected. In a similar view postulated by (Agagu, 1997 as cited in Dolk 2021) defined Local government as the third-tier unit of administration with laws and regulations the communities to which a group of people who live in a defined geographical area and with common social and political ties, are subject (Dolk, 2021).

Interestingly and more comprehensive definition of Local government according to the 1976 Local Government Reforms Hand Book quoted that local government as: Government at the local level exercised through representative councils established by law to exercise specific powers within defined areas. Interestingly, these powers to exercise should give the council substantial control over their 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 decentralization of functions and responsibilities to these councils through the popular support and participation of the people and their traditional institutions that local initiatives and responses to local needs and conditions are duly achieved.

Furthermore, apart from being a viable political and administrative organ for the development and transformation of rural communities, local government also act as the training ground for the breeding of the grassroots democracy fundamental in national development (Adeyemo, 1995; Lawal and Oladunjoye, 2019). As instrument of rural development, local governments are to depend solely on the funds made available to them by both central and state governments and their internally generated revenue develop on the lives of the people within their areas of jurisdiction through initiating and attracting developmental projects to the local government such as provision of access roads, water and rural electricity. The governing body of such an entity is elected or otherwise locally selected.

Thus, from the above submission, it can be depicting that Local government in Nigeria has it existence from the constitution of the Federal Republic of Nigeria. Hence, it creation was prompted for the needs of decentralization of power and responsibilities to all levels of government in order to avoid overconcentration or domination of power at the central government or regional government. Furthermore, true federalism is practice on the notion of principles of power sharing as it opposed to unitary system of government. Local government being the nearest government to the people in the rural area are seen as an effective agent of political and socio-economic development and also a means for addressing the peculiar needs of the people at the local level. Local Government is granted some level of autonomy, this is in line with the view of Lawal (2000) as cited by Olapekun 2020, as that tier of government that is closer to the people, "which is vested with certain powers to exercise control over the affairs of people

in its domain". Local Government in a related vein can also be seen "as a political sub-division of national or regional government, which performs functions and derives its power from the national or regional government, but which possesses some degree of discretion in the making of decisions, with a measure of taxing power" (International Encyclopedia of Social Sciences (1976). This means that local governments in Nigeria are to render cutting edge services that will foster socio-economic development of the rural people. If properly managed, local governments are viable instrument for rural transformation, development and the delivery of social services to rural communities in their jurisdiction.

### **Intergovernmental Relations**

The term Intergovernmental relations can be best described as the interactions and cooperation that take place among the different levels of government within a federation. Usually, the concept is associated with states having a federal administration system where the relationships between the Federal, State and Local Government are constitutionally spelt out any re-arrangement must be through a constitutional amendment involving all the levels of government. This means that Intergovernmental is a cooperation or interaction among different levels of government in the federal system.

Onah & Okoli (2002) however, aptly observed, when they asserted that inter-governmental administrative relations are constitutional machineries established in Nigeria for the maintenance of inter-governmental relations. Some of these institutions include the National Economic Council, the National Council of States, the Liaison Offices, the State Local Government staff etc. series of conferences has been organized for leaders and officials of the various tiers of government. Almost, every aspect of government activities has been manipulated by either, Federal-State or inter-State conferences or combination of the two (Ralph 2004). The diversity of the Nigerian Federation and the Nigerian Constitution accord IGR a political jussive. Essentially, Intergovernmental relations are a necessary mechanism to promote cooperation, manage conflicts, respond to changing circumstance and deliver services more efficiently.

Adamolekun (1983) and Olopade (2018) opined that intergovernmental relations as interactions that take place among the different levels of government within a state. It is federalism in action. Okoli (2019) aptly observed that IGR is dominated by the relationship between the central government and the major sub-national governments with the main features spelled out in the constitution. Okoli (2019) further stated that IGR involves patterns of cooperative relationship between various levels of government in a federal governmental structure. It also places greater emphasis on unity as opposed to disharmony and clashes of intergovernmental relations.

Ogbuishi (2007) succinctly suggested reasons why IGR is inevitably necessary. These include: To promote peace and harmony among the three levels of government, To foster emergence of cooperation rather than competition in 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-reliance economy, To minimize intergovernmental conflict among the various levels of government, To solve problems of rural and urban poverty, ignorant and suffering of the people, To foster greater national integration via the activities of the levels of government.

### **Local Government and Intergovernmental Relation in Nigeria**

There are different levels of bond that is common between Local Government and other levels of government. Section 7(6) of the 1999 constitution of the Federal Republic of Nigeria guarantee that, subject to the provision of this constitution, (a) The National Assembly shall make provision for statutory allocation of the public revenue to local government councils in the federation; and

(b) The House of Assembly of a State shall make provisions for statutory allocation of public revenue to local government councils within the state.

In Nigeria, for the purpose of harmony between local government and other levels of government, the provision of the 1999 constitution spelt out the following points of responsibilities and relationship between the levels of government in Nigeria in different styles and folds. These include.

**Constitutional bond:** as rightly observed by Enemu, (1999), Local Government is a component of the system: they are interdependent and inter-related political and administrative structures of a country. Constitutional points of interaction between Local Government and other levels of government were enshrined in Section 7(1) which provides that the government of every state shall ensure their existence under a law which provides for the establishment, structure, composition, finance and functions of such councils. Subsection (5a) of the same section spelt that the National Assembly shall make provisions for statutory allocation of public revenue to local government councils in the federation and (5b) state that the House of Assembly of a state shall make provisions for statutory allocation of public revenue to local government councils within the State. Furthermore, Section 4(5) of the constitution also emphasized that if any law enacted by the House of Assembly of the state is inconsistent with 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 null and void. Depicting from the above, this simply demonstrated the inter-related and interdependent of the levels of government as pegged or rooted in the constitution.

**Fiscal bond:** Finance is the bedrock and livewire of every successful organization. The 1999 constitution of the federal republic of Nigeria which make the institution of the local government particularly it, structure, finance, composition, existence and function a residual legislative matter for state government has make the idea complicated. The fiscal and monetary powers of each tier of government have been sketched out by Decree No. 21 of 1998, which has become the Act of National Assembly. The decree allows 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. Also, the joint-state-local government by the state through which local government funds are paid allows for interaction between the levels of government. However, the local government which constitute a hub of economic development are being coerced to the will and desire of the state government. Cordiality will reign among the levels of government when the constitution gives the boundaries, by which all levels are bound.

**Political tie:** Section 8 of the constitution of the Federal Republic of Nigeria granted the government of every state the power to ensure the existence of local government under a law which provides for the establishment, existence, structure, composition, finance and function of such council (FRN, 1999) in the federal system. Enemu, (1999), went further to conclude that central government reserves the power and authority to establish new local government units, change the boundaries of the existing ones, combine them or terminate them.

**Judicial bond:** According to 1999 constitution of the federal republic of Nigeria, Local government as a recognized legal entity can sue and be sued by other levels of government. On daily basis, there are complaints about over-domination of power in the federal government (the product of long periods of military rule). The features 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 (Abia, 2019).

**Administrative relationship:** The agencies and ministries of the central government usually have the power and right to regulate, monitor and guide local councils in their respective fields of concern. i.e, both the federal and state ministries of health in Nigeria work jointly with the local councils to ensure that they provide primary health services in line with the national standards and policies (Enemuo, 2019). Diverse administrative mutuality exists among officials at all levels of government during conferences and meetings. At the local government level, Awofeso appropriately observed that: apart from the three core areas of transactional relationship among levels of government there also exist intergovernmental in social service delivery which may cut across issues such as the security 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 unity 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 (Awofeso, 2004: 34).

**Functionality Bond:** The constitution of the Federal Republic of Nigeria 1979 aptly placed emphasis on two sets of local government function which are executive and concurrent. In the concurrent functions of local government, the local governments make the provision in conjunction with state and Federal Governments. A lot of time, the State/ Federal Governments brings the financial resources, in part or whole, while the local governments compliment the effort by providing the managerial resources, local political coordination, monitoring and community support. The State Government can prosecute any of the functions jointly with the local governments. It possesses the power to delegate any of its functions to local governments to perform under its supervision and control. Moreover, the constitution provides that the state Assembly can, through law confer upon the local Government ‘such other governments, as their universal primary Education and the National Health Schemes.

**Staff Matters** – Relationship also exist between Local Government and other tiers of government (State and Federal Governments) on staff matters. The local Government Service Commission is responsible for the appointment, transfer, promotion, discipline and training of local Government staff. The Federal Government also ensure to provides staff training funds and programs for training of local government staff. The Federal Government also in-charge to provide an Approved Scheme of Service for the Local Government which currently governs the local Government Services. It also prided the pension scheme and fund, which are enjoyed by the staff qualified for them. The Governor of a State is duty bound to holds together regular talks and consultations with chairmen of Local Governments on vital issues of security and general development of the state. He also visits local government areas where he and his officers interact with local Government Officers on their needs and problems. (Ralph 2008).

On the other hand, local Government Chairmen hold regular consultations with the Heads of Federal and State Government Ministers and Departments in the area with a view of recurring their co-operation, coordinating their activities and giving the necessary advice and assistance to their needs and challenges. (Ralph 2008). Be as it may be, local Government are units or components that make up the states which exists in the federation, each level of government is concerned with the task of public security and public welfare, hence sound and coordinial inter-governmental relations are is a quality and indispensable factor for good Government and rapid development. (Okoli & Onah 2002).

Beyond this and however, it should be noted here that the 1999 constitution of the federal republic of Nigeria does not allow for true decentralization of power as rightly as the constitution placed local government at the whims and caprices of both state and federal governments (Avosetinyen, 2021). Federal and state government are vested with excess power and control over the affairs of Local Government. This is morally wrong and for smooth and true federalism, Nigeria should go back to 1963 constitution of the federal republic.

## **Theoretical Framework**

Federalism is viewed as either an alliance or as decentralization (Gibson, 2004: 4-6). The federalist school, argues that federalism create rooms for the submission of power to the centre and gives allowance for self-government. In a similar way, inherent in the federal arms is generalized rule and particularistic or specific rule. The Federalist school of thoughts is concerned with the striking the balance of "self-rule and shared rule". The idea is that a process of "defederation" starts when the centre gets excess power to the extent that it wears away the powers of the other component units of the federation to run their own affairs within the constitutionally quarantined area without reference to the central authority. This type of federation is seen as an affinity.

Federalism system of government necessitates the combination of self and shared rule. Federal system allowed multi-level governance that authorizes autonomous political units to perform its peculiar functions within a political structure. Despite the initiation of formal decentralization policies, unsuitable intergovernmental relations can engender these relationships between central and local governments (Karingi, 2018). In a true federalism, every unit is granted autonomy, to decide whether to stay in the union or to back out. It is no longer a news that Nigeria's federation have shown the over-dominance of the federal government vis-à-vis intergovernmental relations, which is structurally wrong and improper. The existing mechanisms and institutions for intergovernmental policy coordination are very weak and need to be improved and strengthened (Lawson, 2011).

The 1999 Nigerian 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. Cooperation has thus become an important prerequisite for governance (Shah, 2019). Nigerian federalism like most other federal systems of government is characterized by diverse ethnic groups, languages, cultures, political affiliations 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 (Boadway and Shah, 2019). Local government was therefore made to be the third tier of administration with some autonomy, which however still allows for interaction with the central and state governments. However, by the setup or arrangement of the constitution of 1999 on the decentralization of powers, Nigeria still claim a centralized federation with strong unitary features. On daily basis, there are complaints about over-domination of power in the federal government (the product of long periods of military rule). This school of thought has insisted that, for Nigeria to practice "true federalism," 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, 2019). 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 (Abia, 2019). Intergovernmental relations (IGR) provide a channel for series of legal, political and administrative collaboration between levels of government with varying degree of autonomy. It is generally referred to as the transaction between levels of government- either national or regional or among federal, state and local governments (Ajulor and Okewale, 2011). Such collaboration among the tiers of government are not without strain and disagreement.

In observing the incompatibility among the three levels of government, Jinadu (1998: 27) points 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. Nigeria has experienced incompatibility and unhealthy between the states and local governments. During this

period, about ten local government chairmen have, by state executive fired, been removed or suspended from office unconstitutionally. This act enraged the local government chairmen and made them to sue the thirty-six governors and their state assemblies (Fadeyi, 2001). Also, the blockage of the monthly allocations to some states for the conduct of elections into newly created local governments made the federal and state governments to be at the whaling boat.

### **Conclusion and Recommendations**

For a Nigeria to achieve effective and cordial inter-governmental relations particularly as it relate to administrative and fiscal issue is difficult. Efforts should be made is just to correct the existing fiscal imbalance. Thus, more decentralized governance specifically in terms of increase in local government and increased transfer of revenues to lower tiers of government would stimulate economic activities and growth. In a federal system, every unit is granted autonomy, to choose whether to stay in the union or to back out. Scenarios in Nigeria over the years in Nigeria's federation have showcased the over-dominance of the federal and state government through intergovernmental relations, which is structurally wrong. The existing idea and institutions for intergovernmental policy coordination are very poor and need to be improved and strengthened (Lawson, 2011). The 1999 Nigerian constitution spelt out the powers and functions of the tiers of government in such a way that no tier of government can independently or single-handedly exercise or perform the functions of service delivery to the people. Cooperation and unity have thus become an important prerequisite for governance (Shah, 2006). Federalism in Nigeria is shaping or scoped by diverse political affiliations, cultures, tribes, ethnic groups, languages, as well as strive 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 (Boadway and Shah, 2009). Local government as constitutionally recognized as the third tier of administration with some autonomy, which however still allows for interaction with the central and state governments.

### **Recommendations**

The following recommendations were made: (a) all Effort should be geared toward to ensure that all tiers of government adhere to fiscal transparency, accountability and probity. (b) Efforts should be made to ensure a radical review of the functions and responsibilities of the local government in the constitution. Such review should take into consideration the responsibilities and functions of the local government and ensure that the funds meant for the local government are released to them on time. (c) Local government should be given some degree of financial autonomy through the restructuring of the taxation powers.

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