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SUMMARY
The interplay of many levels of governmental unit relating with one another through sharing of responsibilities to advance the course of governance offers illuminating literature in the study intergovernmental relations (IGR). The concept of IGR originated in the United States of America sometime in the 1950s, as a replacement for federalism. IGR implies a stream of activities intended to ameliorate conflicts inherent in a federal arrangement or interactions among levels of government. This paper probes into recurring problems that generate IGR conflicts and confrontations between state and local government in Nigeria. The paper adopts pluralism theoretical framework which perceives power as dispersed among various tiers of government aimed at fostering, bargaining, consultations and compromises as vital ingredients in our governmental system and democracy. The paper adopts a historical / descriptive and analytical method of enquiry and generates data solely from books, journal articles, magazines, newspapers and the internet. The paper contends that continuous encroachment of state government on the affairs of local government is detrimental to grassroots development and progress of the third tier of governance in Nigeria. The introduction of bargaining and cooperative IGR model is recommended which recognizes the local government as a third tier of government sharing partnership with other tiers to advance the course of national development in Nigeria.

Introduction
The practice and management of Intergovernmental relations (IGR) in its truest sense is tortuous and varies considerably under different administrations and systems. This is so because, more often than not, the relationship between the state and local government is often strained. Before the advent of the 1976 Local Government Reforms, the federal or national government was not involved in the affairs of the local government. The relationship that existed between regions and local governments were, therefore, restricted between regions and local governments. Furthermore, between 1951 and 1956, local government system was constitutionally a subject on the residual legislative list of the region. Thus, the regions were responsible for the establishment, composition, structure, functions, and finance of the local government. To be specific, the 1951, 1954, and 1963 Nigeria's constitutions did not give local government a right of place, and did not permit the involvement of federal government in the affairs of the local government,
including its direct funding. Since they were under the control of regional government, local governments were used as “guinea pigs” for reforms and reorganizations experiment by the Regions. The author describes the scenario as “a paradox of trial and error- the blending of tradition with modernity”. Ekpe (2006:52) Local governments lack uniformity, and the codification of local government administration exposes them to arbitrary erosion of their powers and responsibilities by the regional government. This paper, commences with the theoretical framework, conceptualization of IGR and the antecedents of the State-Local Government relations and their implications on the 1976 Local Government reforms in Nigeria.

THEORETICAL FRAMEWORK
This study draws its analysis from pluralism theoretical framework or model. This framework posits that many centers or agencies of influence vie for power and control. The interplay of groups or levels of government compete with one another for control over public policy with no one group or level of government or set of groups dominating or having upper hand over the other. Pluralists perceive power as dispersed among the various or layers of government. According to the pluralists, bargaining, consultations and compromises are essential ingredients in our democracy or governmental system. The choice of this pluralist framework is very relevant to the entire concept of intergovernmental relations (IGR) which identifies bargaining IGR model previously highlighted in this study as an ideal form of IGR. It is a culmination of a situation where powers and responsibilities are shared among tiers of government in the manner to ameliorate conflicts, confrontations and competitions among levels of governments in our governmental system and democracy.

CONCEPTUALIZATION OF INTERGOVERNMENTAL RELATION (IGR)

The concept of IGR is American in origin. This is why (Reagan 1974) noted: “Federalism old style is dead, yet federalism new style is alive, and well and is living in the United States, its name is Intergovernmental Relations (IGR)”. The concept of IGR is practised both in the Federal and Unitary systems of government. Certainly, its practice is more pronounced in the federal system than in the Unitary system. This is so because in most cases, the stream of interactions among levels of government may not be based on cooperation, bargaining and negotiations as enunciated by the ideal pattern of IGR, rather it is always based on conflicts and confrontations.

State-local government relations is one level of the holistic concept of IGR. Other levels include
1. Federal – State relations
2. Federal – State- Local relations
3. State- Local relations
4. State-State relations and
5. Local-local relations.

Anderson (1979) defines “IGR” as a “term intended to designate an important body of activities or interactions occurring among governmental units of all types of levels within the federal system”. He equally notes that, it is a concept coined by Americans, who not only innovated IGR as a system of government, but are experts in the management of complexity. Awotokun (2002) admits that IGR denotes “an institutional arrangement – formal or informal, designed to constituent units to govern their interactions and relationships”. A broader view or definition of IGR is offered by (Elezar 1981) who advocates a cooperative theory of IGR. This theory holds the premise that cooperation among levels of government has been a dominant theme throughout American history. It contends that IGR only exists where there is a considerable tolerance of diversity, and willingness to take political action through coalition. There are essentially three types of IGR models practiced nationwide. The models are separated, inclusive, and bargaining. They are graphically illustrated hereunder

**Separated IGR model 1**

Under this model, the regions between 1954 to 1966 were independent (within the constitutional ambit of the federal government, whereas the local governments are subordinate to the regions, latter the states). This model approximates a period when the regions controlled substantial portions of their natural resources, wealth as well as experienced civil servants. (Ekpe 2006:41)

**Inclusive IGR model 2**
This is graphically designated as hereunder:
Here the Federal or Central Government has supremacy over other tiers of government, state and local, which are regarded as appendages to the federal government. This model characterizes the 13 years of military rule in Nigeria (1975-1988) when the legislative, executive and financial powers were vested on the Federal Government. Most scholars, (Akinsanya 1992, Davies 1992, and Ojo 1982) attribute this scenario to a number of factors, including among others:

1. The nature of military establishment per se.
2. The creation of many states
3. The outbreak of the civil war and the need for the Federal Military Government to muster or harness all the resources in order to prosecute the war.
4. Increased Federal Revenue which was made possible at the instance of oil boom.
5. The emergence of new breed of Nigerians as strong advocates in favour of strong national government, and
6. The existence of Intergovernmental Institutions and IGR mechanisms in the country.
Bargaining IGR model 3
This model is graphically designated as

(1979-Present)
In this model, power is dispersed among the three tiers of government, Federal, State and Local. It is a clear demonstration of element of autonomy being enjoyed by each tier of government. It is the most ideal form of IGR this paper canvases. It is practised in most developed countries of the world, including USA, Canada, Australia, Brazil and Germany. It is characterized by limited areas of autonomy, dispersed powers, bargaining, cooperation, exchange and consultations. The framers of 1976 local government reforms borrowed a leaf of this model from Brazil, when the Federal Military Government sponsored a team of experts to study the workings of local government administration in that country with emphasis on the management of IGR during military administration.

ANTECEDENTS OF STATE-LOCAL GOVERNMENT RELATIONS IN NIGERIA
Section 13 of the Report of the Constitution Drafting Committee containing the 1979 draft Constitution highlighted:

The great surge of interest in the local government and the desire to make it as much as possible an autonomous institution, playing its distinctive part within the federation is seen in the place given to it in the new Draft Constitution, local government is enshrined in the constitution.

This document further amplifies “The system of government is guaranteed and accordingly, the government of every state shall ensure their existence under the law which provides for establishment, structure, composition, finance and functions of such councils”.

To further concretize the above provision with respect to the status of the Local Government system in Nigeria, Schedule 4 of the 1999 Constitution as amended equally highlights the functions and responsibilities of the local government. This aside, it should be emphasized that this was a significant inroad or breakthrough in the Nigeria Local Government System. According to (Ola 1979:60) it is a “revolutionary trend which removes local government from the exclusive ambit of
the state government and attempts to give it its own place, a place where it can stand on its own feet”.

The 1976 Local Government reforms was the third in the series of the local government reforms ever contemplated in the history of Nigeria Local Government. It started from the pre-colonial era (1945) of administration where the kings, chiefs and elders held sway over the governance of their respective domains. Then came the advent of the British era through the indirect rule which continued till 1951, to the emergence of the modern Local Government System from 1952 to 1965. It was closely followed between 1960-1970 when the regional governments also made attempts to democratize local governance. The fundamental philosophy of the reforms was to make local government more efficient, autonomous, stable, and encourage the exercise of democratic self-government close to the local levels of our grassroots, encourage leadership potentials and to provide two-way channel of communication among local communities, federal and state governments. The 1979 Constitution also guarantees a system of democratically elected local government, specifies lists of responsibilities for the local government and makes it mandatory for both the federal and state governments to make direct financial allocations to local governments. In this case, according to 1981/1982 Revenue Allocation Act, States are expected to pay 10% of their internally generated revenues to the coffers of their local governments. Between 1979-1989, the Shehu Shagari’s administration provided a benchmark and litmus test for the implementation of the provisions of the 1976 local government reforms. During the period where there were no elections, the local government made up of either handpicked or nominated members was directly under the sole administration of state government, assisted by their state officials. By this development, the provisions of the 1976 local government reforms were either blatantly perverted or abused. The State Ministry of local government meddled extensively with the affairs of local government. Most State Governments even created parallel agencies usurping revenue collection responsibilities of local government in the areas of tenement ratings, business premises and environmental levies. Most states also took delight in creating mushroom local governments, without regard to constitutional requirements. Local government functionaries who dared to resist or protest State government’s encroachments are usually threatened with spate of frivolous probes of corrupt practices. This was possible because the state commissioners for local governments, as overseers and superintendents were vested with powers to institute enquiries into the activities of councils.

This unhealthy development persuaded the former chief of General Staff, Brigadia Shehu Yar Adua at the eve of 1976 Local Government reform launch to remark as follows:
The State government has continued to encroach upon what would normally have been the exclusive preserves of the Local government. Lack of funds and appropriate institution have continued to make local government ineffective and ineffectual. The staffing arrangement has been inadequate and excessive politicking has made even most rudimentary progress impossible. Consequently, there has been a divorce between the people and government institutions at the most basic level.

Objectives and Prospects of the 1976 Local Government reforms
As earlier mentioned in the introductory part of this paper, before the advent of the 1976 local government reform, Nigeria local government system was engulfed in multiple problems, which included among others, structural and operational. It is the multifaceted dimensions of these problems that (Oluwu 1990:51) and (Adeleyi 1978:2,3) describe as “vicious circle of local government poverty”. According to them, elements of “vicious circle” of poverty include
(a) Defective and cumbersome structure
(b) Inadequate functions and powers
(c) Inadequate finance
(d) Low caliber and poorly paid staff
(e) Low administrative efficiency and corruption.
(f) Poor performance or even total neglect of functions.
(g) Transfer of functions to State / Federal Governments.

The advent of the 1976 Local Government Reform was a welcome development as scholars refer to it as “watershed” in the history of Nigeria Local government in the country. Apart from being a bold attempt to break the “vicious circle of local government poverty”, it is a monumental inroad to correct the multidimensional problems of the local government system and make it a veritable instrument of grassroots development.

The main features/objectives of the 1976 Local Government reforms include:

(1) The recognition of the local government as the third tier of government. Hence the local government as a third tier of government in its own right was entitled to adequate, veritable and reliable sources of external and internal funding. This also meant that the local government as a tier of government enjoys some measure of autonomy within the sphere of its competence. The autonomy of the local government was later entrenched in the 1979 and 1989 constitutions.
(2) Uniformity of structure. The reformed local government has basically uniform structure throughout the country. Provisions are made for chairmen, elected and nominated councilors, fixed number of committees with Finance and General Purposes Committee serving as the cabinet of the local government.
(3) Fixed size. In terms of size, the reformed local government provided that no local government should have a population of not less than 150,000 except with special permission granted by the Federal Government. Besides, an upper limit of 800,000 persons was stipulated, but this, however, could vary in exceptional geographical circumstances, and provided further that there should be no upper limits to the size of local governments covering major towns within single units.

(4) Fixed Tenure. The reformed local government has fixed tenure of years.

(5) Common institutions such as Local Government Service Boards or Commissions established.

(6) Establishment of one percent (1%) training fund for the training and retraining of local government staff to be administered by the local government service Commission (Nwosu 1989:91)

Apart from ensuring that the above provisions and objectives are enshrined in the 1979 and 1989 constitutions, other significant steps adopted between 1976 to 1979 included:

- The promulgation of the land use decree, 1978 which vested the land in rural areas in the local government in 1977.
- The decision to allocate 10% as at 1977, now it is 20% of Federation Statutory Allocations to local governments.
- The inauguration of management training for local government secretaries and treasurers in the designated Universities of Nsukka, Amadu Bello, Zaria and Obafemi Awolowo, Ile Ife.
- Establishment of a pension fund into which all three levels of government made a contribution in 1979.

King (1988:89) summarizes the administrative, economic, and political assumptions or imperatives which are the basic kernel of the 1976 local government reforms in this manner. The administrative assumption, is that local government should be responsive to the local needs, yearnings, and aspirations by virtue of their proximity, generate knowledge of local conditions and, therefore, greater capacity to react quickly to these needs. The economic assumption, is that local government should become more efficient in resource allocation by virtue of their superior ability to identify and rank priorities in terms of different services the community needs. The political assumption is to develop potential leadership capable of mobilizing the community, articulating and aggregating its interest.

**IMPLEMENTATION PROBLEMS OF 1976 LOCAL GOVERNMENT REFORMS**

Alhaji Dasuki has in his Nationwide Committee Report of 1985 identified operational problems (Council’s functionaries) as the main factors responsible for the problems of the local government system in Nigeria and their failure to implement the 1976 Local government reforms. The implication, here, is that the operators referred to here are the functionaries of the local government, including among others, the chairmen, elected and nominated councilors and the State government's officials who have supervisory roles over the local government.
Other problems which hinder effective implementation of the 1976 local government reforms include

(1) **LEGAL / CONSTITUTIONAL AMBIGUITY OR DISTORTION OF THE 1976 LOCAL GOVERNMENT REFORMS**

Paragraph 68 of the guidelines of 1976 local government reforms for example, is ambiguous and misleading as to which tier of government – Federal or State should have the responsibility of reforming local governments in Nigeria. On one hand, it assigns the responsibility of standardizing and harmonizing the implementation of the reform provisions to both the federal and state officials. This apparent ambiguity is seen in both section 7 (1) and section 7 (2) of the Constitution respectively. The responsibility of establishing a local government by the State Government is captured thus

The system of local government by democratically elected local government council is under this Constitution guaranteed and accordingly 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.

Section 7 (2) states inter alia “the person authorized by law to prescribe the areas over which a local government may exercise authority shall

- Define such areas as clearly as practicable
- Ensure to the extent to which it may be reasonably justifiable – that in defining such areas regard is paid to
  - (1) The common interest of the community in the area.
  - (2) Traditional association of the community
  - (3) Administrative convenience”

The operative “phrase” or “word” under consideration here is “the person” authorized by law. This ambiguity gives room for maneuvering or manipulation which may alternate between either civilian or military administrations or regimes. The person authorized by law in the military administration could be interpreted to mean the State Executive, represented by the Governor, since under military administration, both executive and legislative functions or powers are fused or usurped by the military Governor. Arising from the above scenario, therefore, all the original local governments that were established had their instruments of operation from the State Edict promulgated by the state military Governor. An extract of relevant Cross River State Edict herein cited as a case study speaks volumes about this.

**Part 1. Establishment of Local Government.**

**Sub 2.** The power of the executive council to establish local government council under this Edict shall be exercised by means of an instrument signed by the Military Governor.

**Sub 3.** Every local government established under or pursuant to this edict shall be a body corporate by the name designated in the instrument establishing such council and shall have perpetual succession and a common seal and power to acquire and hold land and to sue and be sued.
A corollary to this is the local government Edict No. 3 of 1988 by the Military Governor of Akwa Ibom State.

**Part 1. Composition of council**

**Sub 3.** The Military governor may by regulation divide the local government areas into wards and each ward shall return a member to the council. Again, (Ayoade 1992:41) identifies another constitutional distortion in this manner. The inclusion of the exclusive legislative list for local government in the constitution is interesting and constitutes potential areas of policy conflicts and distortion. He notes that the list includes the formation of economic planning and development channel for the local government area that this function is also replicated in section 7 (5) of the Constitution as a Joint or Concurrent Policy area.”

The towering influence of military administration generally in the governance has not only impeded the implementation of the 1976 local government reforms but has threatened the fabrics of the country’s democratic existence. For instance, the prolonged or incessant incursion of the military in governance has affected the local government governance and by extension the implementation of the 1976 local government reforms.

Between 1976 – 2007, only four local government elections were held out of sixteen when local governments were constituted
Table 1 hereunder shown depicts the scenario.

**Local government and local administration in Nigeria 1976-2007**

<table>
<thead>
<tr>
<th>S/N</th>
<th>Dates / Duration</th>
<th>Method / Nature of Constitution</th>
<th>Character of Local Government</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>1976-1979</td>
<td>Local Government election</td>
<td>Local Government</td>
</tr>
<tr>
<td>2.</td>
<td>1979-1983</td>
<td>Selection (handpicked)</td>
<td>Local Administration</td>
</tr>
<tr>
<td>3.</td>
<td>1984-1985</td>
<td>Sole Administrator</td>
<td>Local Administration</td>
</tr>
<tr>
<td>4.</td>
<td>1984-1987</td>
<td>Management Committee</td>
<td>Local Administration</td>
</tr>
<tr>
<td>5.</td>
<td>1988-1989</td>
<td>Elected Chairmen and selected Councilors</td>
<td>Local Administration</td>
</tr>
<tr>
<td>6.</td>
<td>1989-1990</td>
<td>Management Committee</td>
<td>Local Administration</td>
</tr>
<tr>
<td>8.</td>
<td>1993-1994</td>
<td>Directors of Personnel Management (DPM)</td>
<td>Local Administration</td>
</tr>
<tr>
<td>9.</td>
<td>1994-1997</td>
<td>Selection</td>
<td>Local Administration</td>
</tr>
<tr>
<td>10.</td>
<td>1997-1998</td>
<td>Selection</td>
<td>Local Administration</td>
</tr>
<tr>
<td>11.</td>
<td>1998-1999</td>
<td>Sole Administrators</td>
<td>Local Administration</td>
</tr>
<tr>
<td>12.</td>
<td>1999-2002</td>
<td>Election</td>
<td>Local Government</td>
</tr>
<tr>
<td>13.</td>
<td>2002-2003</td>
<td>Transition Committees</td>
<td>Local Administration</td>
</tr>
<tr>
<td>14.</td>
<td>2003-2004</td>
<td>Directors of Personnel Management (DPM)</td>
<td>Local Administration</td>
</tr>
<tr>
<td>15.</td>
<td>2004-2007</td>
<td>Election</td>
<td>Local Government</td>
</tr>
</tbody>
</table>
The table reflects awareness on the need to differentiate between the concepts of “local administration” and “local government” as they impinge on local governance generally in Nigeria. Consequently, “local administration” which features prominently in above table typifies or entails a chain of command emanating from the central authority. This command in the form of policy mandates, are translated into administrative actions by agents appointed by the central authority and who are responsible not to the people over whom they exercise the administrative authority, but to the central government (Okoli 2005, 4:5). It is indeed a form of deconcentration arrangement in which local government is regarded as an extension of either the federal or the state government agency. On the other hand, “Local government” involves a general grant of power of governance to a level or tier of government. Such grant of stable and lasting government structure must not only derive participation of the people for the effective and efficient discharge of governmental functions. It is a form of devolution arrangement in which local governments have “guided” autonomy to discharge their statutory functions without external influence from either the federal or state government. According to (Okoli 2005, 9:10) Local government is a tier of government possessing the three criteria of entity existence, government character, and autonomy. It operates under a free and independent circumstances. In the final analysis, it can be admitted that in 1976 through 1979 and 2004 through 2007 respectively, the Nigeria’s local government system in which elections were held represents "local government" as against "local administration", which characterised the period between 1979 / 1983, through 2003 - 2004 and 1st April – 3rd July 2007, respectively as shown on the table.
ARBITRARY USURPATION OF POWERS AND REVENUE GENERATING SOURCES OF LOCAL GOVERNMENT BY STATE GOVERNMENT

The nature of state-local government relations as it is presently practiced has a resemblance of what obtains in the United States of America, where local governments are the creations of the state legislature and also do not have any provisions in the country’s constitution. This position is vividly amplified in the classic judgment in 1868 by a famous chief judge of Iowa State, John F. Dillon, who declared:

Municipal corporations (variant of local governments), owe their origin to and derive their powers and rights wholly from the state legislature. It breaths into them the bread of life, without which they cannot exist. As it creates, so it may destroy. If it may destroy, it may abridge and control, being servants they should as a matter of course expect to be supervised and controlled.

Consequently, (Nwosu 1982:12) also noted:

The relationship that existed between the state and local government resembles that of the partnership of the horse and the rider, in which the state government propels the local government to any direction they desire. The local governments are not encouraged to use their initiative to harness local human and material resources for the provision of high quality services for millions of Nigerians who live in rural communities.

For instance, most states over the years have indulged in blatant usurpation of traditional sources of revenue for local government, without consulting them or reimbursing them for the losses. In 1988, Calabar municipality challenged the jurisdiction of the State Government for taking over environmental sanitation fees from the council. The judgment by Late Chief Edem Kufre favoured Calabar municipality. The right of the council in that respect was later restored. In the same year, Late Etubom Ekpo Bassey, former chairman of Calabar Municipality also challenged the State House of Assembly in the purported attempt to pass a bill reverting Market tolls collection in Watts market to the coffers of the State Government. Again in 1988, Akwa Ibom State government usurped business premises/stallege from Uyo local government through arbitrary collection from the occupants of Uyo multi complex shopping center along Ikot Ekpene Road. Again, there are cases where state governments use instrumentality of the State-local Government Joint Accounts Committee to temper with statutory allocations of council. For instance, the Chairmen of the seventeen local government councils in Sokoto State jointly challenged the state Executive Governor in court restraining him and his agents from deducting 3% of their monthly statutory allocations to fund Sokoto emirate councils, claiming that the State Government’s action, apart from
being unconstitutional, was undue encroachment on the affairs of the local
governments. (Ekpe 2006).

Recommendations

1. The adoption of appropriate cooperative bargaining IGR where the three
levels of government, Federal, State, and Local share powers and
responsibilities appropriately allowing each tier to enjoy comparative
autonomy and command independent action without interfering with each
other’s sphere. This paper hopes that this will allay the fears of millions of
Nigerians doubting the possibility of the 1976 reforms justifying its objectives
and goals.

2. The operators of Nigerian Local Government system including State
Government officials should recognize the IGR status accorded local
government as a third tier of government that should be recognized as a
supplementary partner in progress that have distinctive powers and
responsibilities vested on them by the constitution.

3. Effective management of IGR in the federal system is sacrosanct for
fostering a healthy and harmonious relationship among levels of
government in Nigeria. It is therefore advisable that we should borrow a leaf
from the Federal Republic Brazil in terms of financial autonomy and
regularity in the conduct of election in the country’s municipio (Variant of
local government). Apart from this country granting full autonomy to all
component unit of government in that countries including the municipios, all
the units of government enjoy cooperative and a hitch-free existence with
assured stability and financial autonomy entrenched in the constitution.

4. The identifiable lapses and areas of ambiguity in both 1976 local
government reforms and Nigeria Constitution should be properly
streamlined to assuage possible maneuvering and manipulation of one level
of government against the other. We are optimistic that the just concluded
conference on constitutional review must have taken care of all grey areas
on sharing of powers and responsibilities among levels of government in
Nigeria.

5. There appears to be some elements of apathy and misconception about the
1976 local government reforms among the functionaries of councils, especially
among political office holders and carrier officials, who may be working at cross
purposes. They should be prevailed upon to embrace the tenets of teamwork,
respect, discipline and cooperation irrespective of political party affiliation they
may belong to.
Conclusion
The paper shows that States and Local government relations within the period under review (1976 - 2007) is tortuous and fraught with conflicts and confrontations occasioned by the interplay of the operators of local government system in Nigeria. This has, however, affected the implementation of 1976 local government reforms. It is, therefore, apt to admit that no matter the system of government a country adopts, what is sacrosanct and important is the ability of the operators (here we mean government functionaries, local elites or stakeholders and State government officials) to ensure on a regular basis effective and efficient delivery of goods and services to the people at the grassroots through practice of cooperative and bargaining IGR model. This will be possible through conscious strengthening of both operational and structural dynamics of the local government system. Essentially, the federating units, of federal, state and local should stop from working at cross purposes. A true spirit of federalism and IGR should be exhibited by all levels so that each tier should share commonality of oneness working jointly as partners in progress towards national development of Nigeria.

REFERENCES


