

Review

Nigeria's Inter-governmental Relations and the Current Restructuring Debate

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Post-Independence federal arrangement of the Nigerian state has suffered undue torture of tinkering, especially during the prolonged military rule. It's coming into power had resulted in the emergence of unitary federalism with the attendant fall-out of over-concentration of powers and resources at the centre, thereby rendering other component units of the federation, a mere appendage in inter-governmental relations. The current agitation for restructuring that is the re-ordering of relationships, distribution of power and resources within the components of the federation, by a wide-spectrum of ethnic nationalities across the geopolitical zones, is a reaction to the current arrangement of the Nigerian federation. This paper using Deils Wrights' models as a framework of analysis with data generated through secondary sources, examines federal-Local and State-Local relates which is receiving scant

attention compared to federal-state relations in the current agitation. Findings revealed that Local Governments has been at the mercy of the other two levels of government in fiscal, political and administrative relations. This has rendered the institution mostly ineffective in their functional responsibilities. It is therefore concluded that any reform agenda that will improve the standard of governance in Nigeria, should pay particular attention to this inclusive authority model of inter-governmental relations. Therefore the need arises for constitutional reforms for devolution of power and financial resources to local government for an effective local governance system that ultimately translates to national development.

Keywords: Federalism, inter-governmental relations, local government, restructuring

INTRODUCTION

The current agitation for the re-ordering of the Nigerian state is not a new phenomenon. It has its origin from 1914, when the colonial overlords out of the expansionist motive of European imperialism considered it economically advantageous and expedient to forcefully but clandestinely hold together hitherto existing nations with various and varied socio-economic backgrounds as a nation. Thus from the beginning, Nigeria as a nation was seen as "a mistake of 1914" or a mere geographically expression, by the Nationalists who were against the process of its emergence as a nation (Suberu, 2004). This was to follow subsequent agitation for the re-organization or refederalisation of the Nation in

such a way that will address the demands of the ethnic nationalities that make up the country. The rising ethnic and regional antagonism resulted in the progressive decentralization of the polity (Suberu, 2004). Essentially, this agitation resulted in various constitutional amendments that brought about some forms of restructuring with the 1946s and 1954 constitutions seen to give legal teeth to the proclamation of Nigeria as a federal state. Post-independence constitution especially the 1963 constitution further consolidated the practice of federalism with the recognition of both national and regional governments as coordinating and sharing entities instead of region playing subordinate roles (Oni,

2007). However, the incursion of the military apparatus in the governance process of Nigeria's federal system changed the nature and character of Nigeria's Inter-governmental relations. The initial set back commenced with the military take-over of January 15, 1966, that led to the adoption of a unitary system by the government of Auigiyu Ironsi. By the unification Decree 34, the whole gamut of federal arrangement was halted and the journey to over bloated centralized system of governance commenced in earnest. This skewed arrangement believed to favour a section of the country led to a counter-coup orchestrated by the northern elements within the military apparatus and the subsequent 30 month civil war the country was plunged into. Efforts were made by Gowon's military regime to restructure by effecting change from regional structure to federal-state relations in order to reduce secessionists' agitations and reduce the hegemony the four ethnic groups have over the minorities. In spite of this restructuring, the over bearing influence of the super-ordinate structure over the state persisted (Oni and Faluyi, 2018). What was then common during the military era was a kind of inter-governmental relations that was essentially super-ordinate with so much powers residing at the center because of the centralized operational character of the regime. The 1976 local government reform is often regarded an important achievement of the military to change the structure of Nigeria's Inter-governmental relations. Prior to this period, local government matters fell within the responsibilities of the region. However, the reform brought about the recognition of the sub-national unit as a tier of government with supposed functional responsibilities and facilitated the harmony and cooperation needed for the entire country. However, a close examination of the present inter-governmental as spelt out in Nigeria's 1999 constitution that essentially contains the 1976 Local Government Reform, shows that local government is not designed for effective partner in the governance process of the country. The objective of this paper therefore, is to examine local-government institution in the present Inter-governmental affairs of the federation with a view to bringing out those gaps that should be part of reform agenda in the era of restructuring debate.

The paper is divided into four parts. Introduction provides the first part. In the second part are the conceptual/analytical notes on restructuring and Inter-governmental relations (IGR). The third part is an assessment of Nigeria's inter-governmental relations using 1999 constitution as unit of analysis. Part four is the conclusion and recommendations envisaged to address the lopsided nature of Nigeria's Inter-governmental relations

Conceptual/Analytical Discourse on Restructuring and Inter-Governmental Relations

We need to interrogate the concept of restructuring within the context of the present agitation. This is important, given the fact of divergent views on the subject as demonstrated by various interest groups in Nigeria's present federal arrangement. The concept of restructuring is premised on the existing structure of the Nigerian federation which is perceived and seen to be skewed and in favour of the central authority that runs contrary to basic tenets of federalism that emphasize coordinating and cooperating relations instead of dominating or master-servant relations. The word restructuring in its present usage in Nigeria is contentious. Some see it as a means of devolution of power from the center; others conceive it as a total overhauling of the entire system and abandonment of the present constitution, while others believe it as a way of dismemberment of the nation. Yet, others believe changing from the irreducible minimum of presidential to parliamentary system of government. We shall attempt to examine these extant views, even if only briefly. In its generic form, restructuring has been used to mean re-design, reform, re-arrangement of structural relationships between parts and whole of a thing. In contextual terms the word has been used to mean operationally returning to federal model of governance to the country's constitution and by implication political and fiscal life. In this sense, restructuring will connote a re-ordering of the present federal arrangement to give way to a new form of relations existing among levels of government in Nigeria. It may mean replacing the present constitution seen to be unitary in intention and spirit with new rules that bring balanced sharing of powers and functions between national and sub-national governments (Sekoni, 2017). Oha-neze Ndigbo of South-East axis and a socio-cultural organization expressed its view on restructuring as hinging on rotational presidency among the six geopolitical zones of Nigeria and a single term of six years for elected political office holders while there should be five Vice Presidents, each representing the remaining geopolitical zones. Such a political arrangement will enhance equity, fairness and justice in the distribution of key political offices thereby correcting the present structural imbalance skewed in favour of some zones while others are at the receiving end in having a taste of the presidency for a very long time (cited in Oni, 2018).

On the other hand, Yoruba sociopolitical group favour a restructuring that touches both the present political and economic structures. The ethnic group favours a decentralized political system that goes in line with the federal-regional arrangement of the 1950's and 1960s. Restructuring, as Afenifere group one of the sociocultural organizations of Yoruba ethnic groups explains, is a call to "what we used to have, which was approved by all leaders and practiced six years before the military truncated it" (Falae 2017:31). On the political front, Afenifere further advocates for parliamentary system with

six regional governments and a federal government with limited rules such as foreign affairs and security (Fasoranti, 2017). The Yoruba ethnic group thus believes that going back to 1960 and 1963 constitutions with the regional posture will empower the regions to become politically and economically viable, such that they would have the constitutional power to control their resources (Oni and Faluyi, 2018). The South-South geopolitical zone also shares the ideology of the Yoruba group on the issue of restructuring. Clark (2017), one of the Ijaw leaders contends.

“Those saying they do not know restructuring are mischievous. Before they went to London in 1953, the North wanted confederation, the Western Nigeria, wanted a unitary form of government. They harmonized these in England and agreed on having federal system of government. As far as I am concerned, what we are asking is that the present constitution is lopsided, it's not a federal constitution, we are saying let's go back to 1963” (Clark, 2017:18). While the Northern part of the country does not present a common front on the issue of restructuring, various independent views of leading voices from the zone also speaks in favour of restructuring and what it means. The former Vice President, Atiku Abubakar, declared his support for restructuring when he emphasizes that the solution to the country's deformed federation is a review of political structure, by which more power is devolved to the federating units, thus limiting inter-ethnic struggle to occupy the central government. The same view was expressed by the former military Head of State, Ibrahim Babangida who submits that the only way forward is to bow to the growing pressure to redistribute powers in the country (The Nation 2017). From the foregoing perceptions on the issue of restructuring, there is no consensus on the particular way and manner restructuring should be effected, though, it is agreed that Nigeria's present arrangement needs tinkering. Moreover, most expressions especially on devolution of power is more concerned about power sharing between two major levels of government as was witnessed in the pre-independence Inter-governmental relations of regional governments. Babawale, (2017) has provided a broader perspective on the issue of restructuring which is connected to federalism and pay attention to local government as the third tier in Nigeria's Inter-governmental relations. Restructuring thus means, re-adjustment, realignment, re-positioning or redesigning. Linking this contextually to Nigerian experience, Babawale, (2017) argues that Nigeria has been disequibrated over a period of time by inequity and imbalance embedded in the distribution of powers and resources exemplified in the lopsidedness in the powers exercised by the central government to the detriment of the component units, the state and the local government (Babawale, 2017). This anomalous situation has been legitimized by the 1999 constitution which was imposed

on the country by the military. Indeed, “federalism, where the central government is super-ordinate has taken a bashing over the years and has progressively tortured and pruned to become an administrative semi-fit” (Babawale 2017:19). Restructuring therefore, means a re-ordering of relationships, a redistribution of power and resources among the three federating units of Nigeria. It is in this sense we shall use the concept of restructuring to examine such fiscal, political and administrative relations existing between local government and other two; federal and state levels of government as entrenched in the 1999 constitution.

Conceptualizing Inter-Governmental Relations

In most federal systems, there is a usually juridical relation between levels or units of government. In such arrangement it is the constitution that majorly defines the relations. In other words, while it is true that there are a lot of activities that go on among levels of government both in unitary and federal systems, such relations are most visible in federal system. Nigeria is a federal system with a constitution recognizing other levels of government and spells out the nature and character of interactions among these levels of government. Federalism was initially seen or perceived in the sense of tiers of government with distinguishable jurisdiction of powers and responsibilities with little or no interaction. However, the modern day use of federalism is the one that involves day to day interaction among tiers of government, which Reagan sees as a new style of federalism alive and well living in US. This form of federalism is what is tagged inter-governmental relations (Aiyede, 2004). Cameroon, (2007) describes inter-governmental relations as the work horse of any federal system. I.G.R. therefore is the privileged instrument by which the job whatever the job gets done. The fact for the increasing need to interface among federating units makes Inter-governmental relations as indispensable unit of federalism. In a federal system, constitution is the major document that dictates the nature of Inter-governmental relations in day today operation of governmental affairs. Anderson (cited in Aiyede 2004) refers to IGR as an important body of activities or interactions occurring between or among governmental units of all types and levels within the United States' federal system. To him therefore, IGR exists only within federal systems alone. However, Wrights, sees IGR beyond federal system, because the scope of its activities are either explicit or implicit in federalism. Despite the fact that the activities cannot be limited to federal practice, yet such activities are most noticeable, and empirical in federalism (cited in Aiyede, 2004).

Federalism is therefore perceived as a system of Inter-governmental relations. This is because it involves two kinds of relations, the relations between constituent

governments and those among the citizenry. Roberts, (1999:59) also believes that an inter-governmental relation is enshrined in federalism. This is given the fact that it is an arrangement entered into by hitherto separate communities or those that had such aspirations for working out solutions, adopting joint problems and making decisions. While the nature and scope of activities may not be limited to the formal or jurisdictional relations between levels of government, Inter-governmental relations still remains the best means of resolving conflicts and promoting harmony among levels of government.

Deils Wrights' Theoretical Model of Inter-governmental Relation

Nigeria's Inter-governmental relations analysis in this paper is premised on Deils theoretical formulation. This affords the opportunity to situate the nature dynamics and character of Nigeria's Inter-governmental relations over time and especially in the Fourth Republic. Wrights (cited in Akinsanya, 2014) has formulated a threefold typology of inter-governmental relations that deal with authority structure of each tier of government and its capacities. The first coordinate Authority model of IGR's which is a form of relation that puts a sharp distinction between the federal and state in terms of juridical powers and responsibilities. Such model puts local government under the influence of state or regional governments. In such an arrangement federal and state governments are independent and autonomous. This typology is regarded as ideal, as it portrays a water-tight jurisdiction of responsibilities among the Federal and the State. It also promotes contestation of space, challenges unhealthy rivalry and competition (Ikelegbe, 2004). Moreover, the complexity of modern administration necessitates interdependence of units of government. The Coordinate authority model is thus inappropriate and undesirable because it can only operate in a non-existent socio-political condition (Akinsanya, 2014). The second model, Overlapping Authority of IGRs, is often regarded as a cooperative and comprised model of Inter-governmental relations. It involves distribution of substantial area of governmental operations among the various tiers of government involving the federal state and local units. Moreover, power and influence welded by any level of government is significantly small resulting in authority of bargaining and compromise. The central authority often relies on other levels of government for implementation of national programme, while the state and local units often enjoy assistance from the central authority, this model is found in modern day governance and typifies system of IGRs in U.S.A and Brazil, Canada, where cooperation and negotiation has resulted in implementation of National development programmes, such as Bolsa familia in Brazil. The third model is the Inclusive Authority model

of IGRs which conveys essentially a hierarchical structure. In this arrangement, State and Local Government are mere minions or agents of federal government, assuming the posture of superior authority. This model promotes a centralized administrative structure where other levels of government are to all intents and purposes mere appendages.

Overview of Nigeria's Governmental Relations

The three typology as formulated by Deil Wrights to a large extent have found their expressions in Nigeria's governmental administrative, fiscal and political relations at overtime. The 1954 Littleton constitution that adopted a federal structure promoted a coordinate authority/overlapping model. Under this arrangement the Regional Government to a large extent was autonomous of the Federal Government, having its own constitution while local governments were subordinates of Regional governments. In other words, the constitution promoted two levels of relations, national and state relations. Post-Independence constitution also promoted more of coordinate and overlapping models of Inter-governmental relations. Regions retained their autonomous status having their own constitution. However, this promoted a regionalist agenda and heightened the tension between the federal and regional governments. As could be noted, the dominant parties that controlled their respective regions could not come to terms on the mechanism of harmonizing their interest in order to forge national cohesion (Awotokun, 1995). This partly led to stressed Inter-governmental relations and the breakdown of law and order and eventual takeover of government by the military. As expected, IGR under military was corporatist, centralized and unitarist in the practical sense. The Unification Decree Number 34 of 1966 nullified the federal constitution which had been in vogue since 1954 and established a unitary government (Adefulu, 1991). Though Gowon after taking over reverted to a federal system of government with led to the creation of twelve states from the Pre-1966 four regional structures, there was continuation of status quo (Suberu, 2009). It was a form of Inclusive IGR, where the regions not only lost their powers to the center which incidentally was occupied by the military officers, but every instruction taken from the center. Creation of more states from twelve in 1967 to nineteen in 1976 and thirty in 1991 and thirty six in 1996 further complicated IGR (Awotokun, 1995). It further increased the dependency on the center in the fiscal relations, whereby the states depending on the center for their economic survival. The place of local government during this period was totally relegated. Indeed most part of the military era witnessed increased dependence or subordinate relations.

However, it is to be pointed out that it was the incursion of the military that gave rise to another level of IGR in

Nigeria's political arrangement where there existed National-local relations. It can be recalled that local government had hitherto been under the control of the regional government. In specific term, the 1976 Local Government Reforms brought a change in IGR where local government was recognized as a tier of government. The Babangida military presidency witnessed an interventionist approach to the IGR between federal and local government. It was during this period that revenue to Local Government got increased from 10 to 20%. This continued up till the second Republic 1979-83 when there was weak institutional relations between the center, and the local government got strained for political reasons and subsequent military rules until the Fourth Republic (Awotokun, 1995)

Federal- Local and State Local Relations and the Agitation for Restructuring

The best way and means to appreciate the model and nature of Nigeria's Inter-governmental relations whether fiscal administration or administrative, is to examine certain sections of the 1999 constitution on Local Government. It provides a rich terrain in understanding how the other two levels of government have reduced local government to a subordinate status.

Federal-state- local relations: The Contradictions

In the first instance, the 1999 constitution like the 1979 recognizes the three tier structure of the Nigerian federal arrangement. Section 1(2) of the 1999 constitution states that Nigeria shall be a federation consisting of states and a federal capital territory. Section 7(1) provides that the system of local government by democratically elected government council is under the constitution guaranteed, and accordingly, the government of every state shall ensure its existence under a law which provides for establishment, structure composition, finance and functions of such councils. However, the creation of local government is further complicated by section 8(5) which provides that "An act of the National Assembly passed in accordance with this section, 8(37) shall make consequential provisions with respects to the names and headquarters of state or local government. It is further stated in section 8(6) that "For the purpose of enabling the National Assembly to exercise the power conferred upon it, each House of Assembly shall after the creation of more local government make adequate returns to each of the National Assembly (Akinsanya, 2014). Obviously, there is a contradiction and confusion on who has final say among the two levels of government. While the constitution grants the authority to state to create local government, the state is expected to resort to each House of National Assembly for final approval.

This section has created a lot of confusion and subjected local government institution to unnecessary torture by the two higher levels of government. State governments hiding under the relevant section had gone ahead to create local governments without ensuring the fulfillment of the last process of passing the bill by the National Assembly. At the other end, the federal government had used its own discretionary power to hold the federal allocation accruable to such state. Lagos State in the past is a popular reference point during Ahmed Bola Tinubu Administration and the Obasanjo led Federal Government.

State-Local Relations: Structure and Functions of Local Government

It needs bear repeating here that the functions of local government are largely determined by the state government. Apart from the fact that the state is to ensure the creation of local government, Section 8 of the constitution provides that state should ensure their functions. While the Fourth Schedule of the constitution enumerate the functions and responsibilities of local government to include;

- (a) The establishment, maintenance and regulation of slaughter.
- (b) Provides of houses, slabs construction and maintenance of roads and other public highways, sewage and refuse disposal.
- (c) Participation in the government of a state as respect to the followings matters.
- (d) The provision and maintenance of primary education.
- (e) Provision and maintenance of health services (FRN 1999).

The effective performance of these responsibilities is tied to the State House of Assembly. In essence the 1999 constitution does not vest in local government any supervisory powers or roles over certain social issues such as education, health that are critical to the development needs of the people at the local level.

Federal-Local and State-Local Fiscal Relations

Section 162 (3) of 1999 constitution of federal republic of Nigeria clearly states the nature of fiscal relations of local government with other levels of government. It brings into the fore how local government generates its revenue and the extent to which it is allowed to manage its financial resources.

This section states that "any amount standing to the credit of the federation account shall be distributed

among the federal, state and local government councils on such terms and in such manner as maybe prescribed by the National Assembly. Section 162 (5) further provide that:

The amount standing to the credit of local government council in the federation account shall be allocated to the states for the benefit of their local government councils on such manner as may be prescribed by the National Assembly. More significantly, Section 162 (7) of the constitution states thus: Each state shall pay local government council in its area of jurisdiction such proportion of its total as may be prescribed by the National Assembly. Section 162 (8) of the constitution unambiguously declares that:

The amount standing to the credit of local government councils of a state shall be distributed among local governments councils of the state on such terms as and in such manner as may be prescribed by the House of Assembly. Furthermore the constitution states that each state shall maintain a special account to be called 'State Joint Local Government Account' into which it shall be paid all allocations to the local government councils of the state. The foregoing sections of the constitution clearly put the strength and source of local government finance under the control of both federal and state, but more profoundly under the state government. Akinsanya, (2014) points out. It is in the area of finance that the subordination of local government to the federating states and the centre is more visible and total. This is more daunting especially in the area of State Joint Local Government Account where state not only fail to distribute 10% of their internally generated revenue to local government as provided but use the medium of State Joint Local Government Account and other Inter-governmental relations mechanism to intercept and interfere with federal allocation to the local governments.

Conclusion

This paper examined the current agitation for the restructuring of Nigerian state within the present Inter-governmental relations of the federation. Responsibilities are in the area Nigeria's Inter-governmental relations skewed in favour of the central and state Governments. The most visible area which this paper paid attention to is Local relations with the other levels of government, the State and federal level. It is found out that Local government by the design of the 1999 constitution is not positioned to play any role in the nation's development agenda. The type of Inter-governmental relation that places local government at the mercy of other levels of government for its existence in terms of functional responsibilities cannot promote good governance where it matters.

Recommendations

Given the foregoing gaps identified in Nigeria's present Inter-governmental relations as defined largely by the 1999 constitution, where Local Government is at best an appendage of other levels of government especially the state level, the study recommends the urgent need for reform agenda of the constitution in the relations to reflect in the following areas.

(i) There is the need for decentralization of powers and resources in favour of Local Government to promote good governance at the grassroots.

(ii) The present fiscal relations among federal-states and local levels of government, where allocation formulae allots more than 50% to Federal Government alone and leaves about 20% to the entire 774 recognized Local Governments cannot ensure effective performance that translates to national development . There is the need for appropriate allocating authority to review this arrangement and ensure devolution of more financial resources to local government to carry out assigned transformative responsibilities.

(iii) The present State Joint Local Government Account is also overdue for reform as the intention of framers of the 1999 constitution to ensure proper monitoring of finances of Local Government account is gradually being defeated by the over bearing activities of State Governors in the diversion of funds for promotion of personal ambition. They have been found to divert such funds to project that do not meet priority needs of the people at local levels. Recent efforts by the Federal Government at ensuring that Local Government receives their allocations directly from source are highly commendable. However, this should follow constitutional and democratic procedure where relevant democratic Institutions especially the National and State Assemblies are allowed to exercise their responsibilities. Moreover, a more realistic institutional mechanism must be designed to ensure that local councils are accountable for the funds allocated.

(iv) For the promotion of democratic governance at local levels, election into various offices must be through free, fair, transparent electoral processes. Towards achieving this goal, certain sections of the constitution that empower State Independent Electoral Commission to conduct Local Government Election should be tinkered with to reflect a direct funding from Nigeria's consolidated fund. This will whittle down the undue influence wielded by the State Government. Moreover such Electoral Management body should be all inclusive by involving civil society organizations and political parties as members.

Authors` declaration

We declare that this is a review paper that was carried out by our research team and we agree to publish it in the journal.

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