



**Structure and Authority in the Nigerian Intergovernmental Relationships:  
Contextual and Theoretical Framework**

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**Abstract**

*Across modern democratic societies, structures or institutions are established to perform specific functions. Even when there are different political systems among nations, the structures perform similar functions. The objective of the paper is to examine the structure and authority of the relationships between the central and the sub-national levels of government, with a view to underscore the attitudes and behavior of the actors and their compliance to the constitutional provisions. Using coordinate-authority and overlapping-authority models, the study uses desk review to collect data. Data for the study was analysed qualitatively. The paper argues that power is concentrated at the centre with the federal government having fiscal dominance over the sub-national levels. The study further reveals that the structure of Nigerian federalism and the constitutional provisions do not guarantee the autonomy of local government. The study also discovers an unhealthy rivalry among the levels of government. The paper recommends constitutional amendment to reflect Wheare's postulation of federalism.*

**Keywords:** Authority, constitutional provisions, federalism, intergovernmental relations, structure

**1. Introduction**

Nigerian federalism is a three-tier structure consisting of the central, state and local governments, with a division of governmental powers among the levels of government. By constitutional design, powers in the Nigerian federalism consists of the exclusive legislative list, concurrent legislative list, and residual legislative list. The exclusive list contains 68 items that are reserved for the central government. Both the central and the state governments act on concurrent matters. The constitution further provides that, whenever there is conflict on concurrent issues, the central law prevails over the state laws. The implication of this is that the central government overrides the state government on concurrent list. Powers that are not contained in the constitution are under a residual legislative list (Anyia, 2021). The structural imbalance in Nigerian federalism has made powers to be concentrated at the centre. This has often made the diverse religious, ethnic and political groups to clamour for restructuring in order to ensure equitable power distribution in the federation.



The overlapping-authority structure of Nigerian federation provides for interactions among the levels of government. Therefore, intergovernmental relations (IGRs) refers to the interactions, transactions, and interplay that exist between and among the various units in a political system (Okonoboh, 2022). The relationship that exists among the levels of government can be traced to the constitution that stipulates the functions of the levels of government (Idada, 2013). Therefore, a synergy exists in the constitutional provisions and its actual practice.

The complexity in the modern government has made IGRs to be increasingly important. Aside from the constitutional provision that delineated functions to the levels of government, and provide interactions among the levels of government, the return to democratic governance in 1999 would have provided seamless IGRs. in Nigeria. Rather than having harmonious relationships among the levels of government, IGRs among the levels of government has often been conflictual, particularly on issues of finance, development amongst others. IGRs conflict has stifled development, induced secession, loss of legitimacy, and cause tension among the federating units. It is on this backdrop that the study examines the structure and authority relationships in intergovernmental relations, with a view to underscore the divergence between IGRs as prescribed by the 1999 constitution and the attitude of political gladiators.

## **2. Literature Review**

### *Intergovernmental Relations in Nigeria*

Intergovernmental relation is an activity or interaction that requires not only coordinated effort but also creativity to successfully address the needs associated with national and subnational issues of public policy and service (Kapucu, Arslan & Collins, 2010). Interactions between different levels of government exist not only in federal states but also in unitary states where decentralisation is regarded as a key ingredient to national development (Lowacharin, Crumpton & Pacharoen, 2019). Intergovernmental relations in Nigerian federation occur both vertically and horizontally. Vertical relationship exists between the central government and the subnational levels. The horizontal relationship takes place between the states and the local governments.

The federal structure in 1954 granted the regions more power than the central government. The regional government was empowered to create and abolish local governments. The overriding power of the regions led to threats of secession by the Eastern region (Elaigwu, 1985). The military integrum and the centralised stucture of the military government tilted powers to the centre and made the central government to exercise more power over the regions. The adoption of the unitary system of government after the promulgation of Decree No. 34 of 1966 limited the relationships among the levels of government.

The civil war that lasted for 30 months changed the pattern of intergovernmental relations, as the federal government took over the control of the national resources. Intergovernmental fiscal relation allows the revenue resources to be shared among the levles of government. Section 162 (1) of the 1999 constitution requires the federal



government to maintain a special account where all revenues collected by the Government of the Federation are paid.

With the return to democracy in 1999, conflict ensued among the levels of government on the revenue allocation formula to adopt in the sharing of the national revenue. Aside from this, interaction exists in the funding of primary education, poverty alleviation programme, training of career and elected officers of the local government (Gboyega, 1989). For example, primary education was jointly funded and managed through the establishment of Universal Basic Education Commission and the States Universal Basic Education. Towards eradicating poverty, there was the establishment of National Economic Empowerment Development Strategy (NEEDS), State Economic Empowerment Development Strategy (SEEDS) and Local Economic Empowerment Development Strategy (LEEDS) at the federal, state and local government levels respectively.

*Powers and Functions of the Levels of Government under 1999 Nigerian Constitution*

Nigerian federalism delineates powers and functions among the levels of government. These powers, as stipulated in the constitution were categorised into the Exclusive legislative list, Concurrent legislative list, and the Residual legislative list. Exclusive legislative list contains 68 items that are exclusively reserved for the central government. The Concurrent legislative list consists of 30 items, where the central and the state governments can legislate on. In case of any conflict on the issue of concurrent list, the central law supersedes the state law. In other words, laws passed by the National Assembly are superior to the laws passed by the state Houses of Assembly. Residual lists are powers that are not expressly listed in the constitution. The need to decentralise power and promote local autonomy necessitated the creation of local government. The 1976 reform made local government a third-tier system of administration and granted autonomy to the local level. However, the 1979 constitution and 1999 constitution (as amended) empowered the state government to create local councils (The Constitution of the Federal Republic of Nigeria, 1999). The implication of this is that the autonomy of local government has been eroded in a federal system, which is a negation to the tenet of federalism as advocated by K. C. Wheare. Corroborating this, Agagu (1997), Khali and Adelabu (2012) observe that local autonomy that is needed to provide and sustain infrastructural development is not guaranteed. The Fourth Schedule of the 1999 constitution stipulates the functions of local government, which includes collection of rates, controlling and regulation of out-door advertising, making of recommendations to a state commission on economic planning, construction and maintenance of roads among others (The Constitution of the Federal Republic of Nigeria, 1999).

On the distribution of federal revenue, the federal government is to distribute national revenue among the levels of government, as prescribed by the Revenue Mobilization and Allocation Committee (RMAC). In addition, the constitution defines the horizontal relationships between the states, particularly in area of revenue allocation. For example, each state is empowered to maintain State Joint Local Government Account. The Joint Allocation Committee (JAC) is to distribute the fund to the local governments in the state



based on the prescription of the State House of Assembly (The Constitution of Federal Republic of Nigeria, 1999).

#### *Federal Government Dominance in Nigeria*

Federalism is a political arrangement where there are at least two levels of government that are coordinate and independent (Adedire, Ake & Olowojolu, 2018). Nigerian federal arrangement provides for three levels of government, the federal, the state, and the local government. By constitutional design, each level of government is autonomous within its area of jurisdiction. Adedire (et.al, 2018) opine that the central government legislates on exclusive matters, the central and the state jointly act on concurrent issues, while the residual matters are areas that are reserved for the local government. In Nigerian federalism, powers are lopsided. In other words, power is tilted towards the centre. The central government exercises too much powers on the state government. In terms of legal relationship, the laws of the National Assembly supersedes that of the State House of Assembly (Adedire, 2018). This is an indication that the central government is domineering, as too much power is concentrated at the centre. Also, fiscal federalism is such that the bulk of the federation revenue goes to the central government. For example, in 1999, 48.5%, 24%, and 20% of the federation revenue was allocated to the federal, state and local governments respectively. This fiscal arrangement and subsequent ones have made the central government to have fiscal dominance over the subnational levels.

#### *Are Local Government Autonomous In Nigerian Federalism?*

Local government is the government at the grassroots level, and the closest government to the people. Local government autonomy is the independence granted to local government through the constitution to carry out assigned tasks. With the 1976 local government reform in Nigeria, local government becomes the third-tier system of administration and autonomous level of government. The Guideline for Local Government Reform defines local government as government at the grassroots level, exercised through representative councils established by law to perform specific tasks (Federal Government of Nigeria, 1976). The above definition connotes that local government is empowered by law to exercise specific powers through democratically elected officials. It further states that local participation and initiatives of local populace that would meet the needs of the people are of utmost importance. The need to decentralise power and ensure participatory democracy at the local level led to the establishment of local government in a polity. The autonomy of local government has been a contentious issue among scholars. Agunyai, Ebirim and Odeyemi (2013) argue that absolute local government autonomy is not possible because of the interdependent of the three levels of government. Adeyemo (2005) believes that, granting total autonomy to the local government indicates its sovereignty. March and Olsen (1984) observe that the most basic precept of institutional autonomy would appear to start with constitutional and legal arrangements that codify self-rule.

The military rule in Nigeria relegated local government autonomy to the background through various decrees and edicts that were promulgated. For instance, Decree No. 15 of 1989 empowers the President and Commander in Chief of the Armed Forces to: (a) remove



the chairman, vice-chairman of the local government council from office or (b) dissolve the local government council and appoint an Administrator to manage the affairs of the local government until an election to the offices of chairman, vice chairman and councillors for the local government council has been held “if he is satisfied that the affairs of a local government are not being managed in the best interest of the community or in a way to strengthen the unity of the people of Nigeria or for any good cause” (Adeyemo, 2005 cited in Agunyai *et. al*, 2013).

*The return to democratic governance of 1999 that would have granted autonomy to the local government was not far better, as it sets some limitations to its autonomy. For example, the constitution requires the Government of every state to create and finance the local councils (The Constitution of the Federal Republic of Nigeria, 1999).*

This constitutional provision shows clearly that local government owes its existence to the state. Thus, the subjugation of the local government to the state erodes the local councils’ autonomy. In most cases, rather than election, the state governors appoint caretaker committee as local government operators, and at times use its power to suspend and remove the local government chairmen (Agagu, 1997; Khalil & Adelabu, 2012). Aside from this, local government functions are conferred by the state in accordance with Section 7 subsection 5 of the constitution (The Constitution of the Federal Republic of Nigeria, 1999). In a similar vein, the Fourth Schedule, Section 7 (2) described local government functions as participatory in nature. Such participation includes the provision and maintenance of primary, adult and vocational education, the development of agriculture and natural resources, other than the exploitation of minerals; and the provision and maintenance of health services (The Constitution of the Federal Republic of Nigeria, 1999). Also, above constitutional provisions relating to the powers and functions of local government reveals that the State House of Assembly is empowered to determine the functionality of the local government institution.

The efficacy of Nigerian federalism is such that, at the inception, the federating units enjoyed substantial political and financial control (Nolte, 2002 cited in Babalola, 2015). The threat of secession and the discovery of crude oil, which made the country a rental state led to a strong central government and weak regions. The return to democratic governance in 1999 changed Nigerian federalism, such that power was tilted to the centre because the central government has exclusive control over 68 items in the exclusive legislative list, and has overriding power over the state on concurrent matters.

The lopsided nature of Nigerian federalism has raised concerns among scholars, religious, ethnic and political leaders. In order to unite the diverse elements in the society, the 1979 and 1999 constitutions introduced the Federal Character principle, a principle that allows for equal representation of the states in the federal institutions and agencies. Similarly, the changing pattern of the state from three regions to four regions, and subsequently to 12, 19 and 36 states was to prevent marginalization of ethnic groups and reduce the tension that is associated with agitation for state’s creation. The clamouring for resource control by oil



producing states has led to the adoption of derivative principle. Derivative principle is one of the criteria prescribed by the constitution to distribute federation revenue among the levels of government, such a way that a form of compensation is returned to the state as its contribution to federal revenue (Federal Republic of Nigeria, 1995). In view of this, 13% of the federally collected revenue has been set aside for the oil producing states and states that generate revenue for the country. This serves as compensation for the states that are contributing to the coffers of the national revenue.

It is quite obvious that Nigeria is a federation, as it takes into cognisance the interest of the diverse elements in the society through various policies that is geared towards uniting the people. Although, Nigeria has not attained the status of Federalism as Wheare postulated. Nevertheless, Wheare believes that countries need not apply the federal principle dogmatically. According to Wheare (1963) 'While I have maintained that it is necessary to define the federal principle dogmatically, I do not maintain that it is necessary to apply it religiously' In the light of this Nigerian federalism is not a failure, as it becomes the best option to unite the diverse elements in the society. Of course, neither unitary nor confederal system is the alternative. What need to be done is the restructuring of the federal system, in such a way that the federating units become independent through revenue generation. Also, the constitution that serves as the basis of autonomy for the levels of government should be addressed to reflect federal structure.

#### *Theoretical Framework*

Two models that provided explanation on the structure and authority of intergovernmental relations in the Nigerian politics are the Overlapping Authority model and Coordinate Authority model. Overlapping-Authority model and Coordinate-Authority model was postulated by Wright (1978). Overlapping authority model refers to a high level of interdependent relationships among the levels of government (Obi, 2019). A mutual interaction, cooperation and shared autonomy exist among the levels of government (Okonoboh, 2022). Attah (2021) highlighted the major assumptions of overlapping authority. These include (1) Two or three levels of government considered as equals; (2) relationship is interdependent; and (3) authority pattern is bargaining. Corroborating this, Idada (2013) observes that the central and the subnational levels of government are all independent and involved in a bargaining of sort in the discharge of their statutory responsibilities. Shiyabade, Adepoju and Ambali (2020) identified the basic features of overlapping model such as (1) substantial areas of government operations involving federal, state and local governments; (2) limited areas of autonomy; and (3) power available to any one level of government is significantly small. The Coordinate-authority model provides a clear separation between the central government and the subnational levels of government, as well as the different boundaries that separate the levels of government (Agranoff and Radin, 2015; Obi, 2019). Attah (2021) identified the major assumptions of coordinate-authority. These are: (1) tiers of government being assigned with specific responsibilities based on their functional importance; and (2) relationship is independent while authority pattern is autonomy.



Although, Coordinate-Authority model criticism is based on its inappropriateness and undesirability due to its no existence socio-political conditions (Akinsanya, 2005). Nevertheless, the model has been found useful because it provides clear boundaries between the authority of the subnational and national jurisdiction, and shows a seamless intergovernmental connection (Wright, 1985). Overlapping-authority and Coordinate-authority models fit into Wright's idea of intergovernmental relations. On one hand, each level of government has authority within its sphere of jurisdiction. On the other hand, there is mutual co-existence and interrelationships among the levels of government. In the Nigerian context, overlapping model is relevant to the study because it explains mutual interaction among the levels of government. The concurrent list encourages cooperation between the central government and the state government. The Coordinate-authority model fits Nigerian intergovernmental relations because power is constitutionally distributed among the levels of government to ensure autonomy of the levels of government. The 1979 Nigerian constitution and amended 1999 constitution gave the central and the state governments with delineated boundaries. The implication of this is that the central and the state governments are autonomous, while the local government becomes an appendage of the state government.

### **3. Methodology**

This study adopted qualitative research method to gather data. The source of data collection was secondary sources obtained from journals, internet materials, Newspapers, and government publications such as the Nigerian constitution. The data collected were analyzed qualitatively. A descriptive analysis of the major thematic issues of the study was carried out.

### **4. Results**

The main aim of the study was to examine the structure and authority of the relationships between the central and the sub-national levels of government, with a view to underscore the attitudes and behavior of the actors and their compliance to the constitutional provisions. Results of the study showed that authority relationships between the central and other levels of government is lopsided. Powers in Nigerian federalism is tilted towards the centre. The central government has overriding power on concurrent matters. Among the variables, the structure influenced the authority relationships among the levels of government, as the constitutional provisions determine the powers granted to the levels of government. Findings revealed that both vertical and horizontal relationships exist among the levels of government. Similarly, the constitutional provision allows each level of government to be autonomous on one hand, while interrelationships exist among the levels of government on the other hand. The study also showed that the nature of interactions of the political gladiators is determined by the structure of the political system.

### **5. Conclusion and Recommendations**

Across modern democratic societies, there are established structures that are constitutionally allocated some functions. The interactions of the political actors at the levels of government is dependent on the structure of the political system. In Nigerian



federalism, the structure of the political system and the constitutional provisions do not guarantee the autonomy of local government. Power in Nigerian federalism is lopsided as it is tilted towards the center while the local government owes its existence under the law of the state. The vertical and horizontal relationships among the levels of government is constitutionally defined. In terms of legal relationship, laws passed by the National Assembly supersedes the laws passed by the state legislatures (Adedire, 2018). Fiscal relations in Nigeria had its root from Section 162 Subsection 1-8 of the 1999 Constitution. In a similar vein, fiscal federalism is tilted towards the centre because the bulk of federation revenue goes to the central government. Aside from this, there exists an interaction where the levels of government jointly participate in the funding of primary education and alleviating poverty. Based on the findings, the study recommends constitutional review that would address the lop-sidedness nature of the federal system of government. Such review would assign constitutional powers to the local government rather than participatory functions that the local government currently perform. In addition, there is the need for review of fiscal relations that will take care of the fiscal dominance of the central government. Also, federation allocation should be disbursed directly to the local government in order to allow it to use the funds for the assigned responsibilities.

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