

The Nature of Governmental Relationship (Inter and Intra) In Nigeria's Fifteen-Year Old Democratization

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Abstract: *In Nigeria, like in most federal states, the relationship between levels and arms of government is problematic. The general tendency of federal states becoming heavily centralized and the overbearing nature of the central government most especially the executive had over the year heightened inter and intra governmental relations conflict in the country. This paper examine the nature of governmental relationship and proffers suggestions towards an improved IGR in Nigeria.*

Keyword: *Intergovernmental relation, Democratization, Federalism.*

I. Introduction

Intergovernmental relation is central to practice of federal system of government. In this regard, Reagan (1972) stated that "federalism old style is dead, yet federalism new style is alive and its name is intergovernmental relations". This is not to conclude that intergovernmental relation is limited to federal arrangement. In other forms of administrative systems like unitary system, relationship exists between different levels or arms of government within the same political system. Ojo (2014), in the world over, federalism necessitates the combination of self rule and share rule. It accommodates multi-level governance. Federalism is all about sharing, that is, the sharing of powers, functions or responsibilities and resources among levels of Government.

In Nigeria, like in most federal systems, the relationship between levels and arms of government is problematic. The general tendency of federal states becoming heavily centralized and the overbearing nature of the central government most especially the executive had over the year heightened inter and intra governmental relations conflict in the country.

The IGR practice in the democratic dispensation since 1999 has been characterized by continued federal dominance and state dependency. There have been ramblings among the various components of government over power limitations and policy implementation. There have been resistances by oppositional states to the wide constitutional mandate of the central government. And this has made intergovernmental relations essentially problematic.

Over the fifteen years of democratic experimentation, Nigeria has experienced conflictual inter and intra governmental relations subsequently amounted to litigation in the court of law. Some states have taken federal government to court of law to challenge its constitution jurisdiction. There are loggerheads among the various levels and arms of government in relation to issue of resource control, maintenance of government roads by state government, power generation, local government creation, selection of National Assembly leaders, inter-agency supremacy etc. However, the purpose of government cannot be achieved in isolation without political and economic interaction among the levels of government and arms of government, it requires mutual relationship to foster and promote government policies and programme for the sustenance of good governance. Thus this study. The study seeks to identify, through detailed content analysis, the nature and challenges rapt in intergovernmental relations in Nigeria since the inception of democracy in 1999. Significantly also, the study proffers insights into the on-going discourse on the issues around governmental relations in the purview of responsibilities and autonomy of different levels and arms of government. Besides, it is expected that the study would make practicable recommendations on how to reposition IGR in Nigeria.

Understanding the Nature and Structure of Governmental Relation

In his own view, Obi (2004) sees intergovernmental relations to mean the complex patterns of interactions, co-operations and inter-dependence between two or more levels of government. It is further described as a plethora of formal and informal relationships and transactions that develop among levels of government within a nation-state.

Flowing from the above, intergovernmental relations can be described as the interactions that take place among the different levels of government within a state. On the other hand, intra-governmental relation simply means the relationship between different levels or arms of the same government.

Wright (1988) identify the three models of IGR; namely, coordinate authority, inclusive authority and overlapping authority. The inclusive and coordinate authority models of IGR are more or less a constitutional definition in determining how states and local government fit into existing federal system. In coordinated model, there is a clear distinction between the authority relationship between the central and state governments. The state authority is clearly separated, independent and autonomous of the authority of the centre but the state is the host and creator of the local government. The pattern of authority in USA most approximates this model. The inclusive model sees the state and local governments as mere appendages of federal government. Here the national government maintains dominance over the state and local government. In this manner, there is no area of state or local autonomy. A classic example of this model is commonly found under unitary system such as Japan, U.K and in Nigeria especially under the military rule where the state and local government are reduced to mere agent of the national government. The authority relationship under the overlapping model is that of interdependence. In comparative terms, the area of governmental relation and cooperation are more substantial than area of single tier jurisdiction. In this model, there is emphasis in bargaining and cooperation in formulation and implementation of policy (Ailojie,2002; Igbinsa 2000). The overlapping model unlike the inclusive and coordinate models reflects a typical governmental relationship in practice.

Constitutional Provisions and IGR in Nigeria.

The provisions of the 1999 Constitution have in all, emphasized vertical interaction among the three levels of government rather than horizontal relationships. This according to Roberts (1999) could impose limitations to the extent of cooperation among the levels of government and instead promote a dependency structure that would promote the inclusive authority model of IGR. Resistance to the evolution of such structure by sub-national levels of government would result in oppositional politics and negative IGR.

In relation to revenue sharing arrangement, the 1999 Constitution stipulates an arrangement that allows for statutory allocation of public revenue from the federation account held at the centre to states and local governments (Section 7(6)); 162(1) - (8). This fiscal dominance of the federal government is a very great challenge to fiscal federalism.

Regarding allocation of power, where there is a conflict between federal and state laws that of the former takes preference (Section 4(5), and also where the state executive action clashes with that of the federal, that of the latter supersedes (Section 5(3). This implies that the federal government can intervene in any matter of public importance if it chooses to do so. It is clear that the constitutional provisions relating to power relations are not likely to enhance IGR as powers are so concentrated at the centre in such a manner capable of turning the states and by extension, the local governments to political beggars always prostrating for political favours from the centre.

Governmental Relations In Nigeria: Issues and Challenges (1999-2014)

Flowing from the above examination of different models of governmental relation and constitutional stand on the relation of different levels of government the following issues are examined to examine the nature of governmental relation in Nigeria.

Federal-State Relationship

Resource Control and Revenue Sharing Formula

One of the earlier area of confrontation between the federal and state government pertained to the revenue sharing formula and resource control. Revenue allocation problems constituted, perhaps, the most teething problems in this new democratic dispensation. Although controversial, the constitution allows the derivation figure at 13% of the total revenue accruing to the federation account directly from any natural resources, specifically, oil revenue. The 13% derivation allocation is just to the oil producing states. When Obasanjo's administration came on board, it failed to implement the 13% derivation principle in respect of revenue accruing to states where natural resources are located in conformity with section 162 (2) of the 1999 constitution. After much pressure from the oil-producing states, this administration, manufacturing, without any supporting law, the obnoxious on-shore/offshore dichotomy, arbitrarily decided to pay 60% of the 13% while withholding 40% which the administration estimated to be the off-shore component. Again payment of the 60% was from January 2000 instead of 29th May, 1999 when the constitution became operative.

The Resource Control controversy ensued between the Federal Government of Nigeria and the eight littoral States (Oil Producing States) which are: Akwa Ibom, Bayelsa, Cross River, Delta, Lagos, Ogun, Ondo and Rivers which have boundaries with the sea. The remaining 28 states later joined the eight littoral states in the struggle. But what was the struggle about? The eight littoral states were asking from the federal government the application of the derivation principle to revenues generated from natural resources located offshore from their coast (Ojameruaye, 2002).

The Sovereign Wealth Fund/Act

President Olusegun Obasanjo observed while in Office that a reserved fund could serve as a buffer to the sustenance of Nigerian economy and the excess crude account was floated as aptly posited thus the Excess Crude Account (ECA) was the main financial nest-egg set up by Obasanjo's administration about few years ago to provide a buffer for the country's perennially precarious financial condition that was prone to the vagaries of incessant crude oil price fluctuation. At its peak the ECA accumulated over \$20 billion in 2007. However, the contributions expected from states triggered another controversy because states contested that they do not have enough resources to finance their projects and as such was not ready to save while in debt. This was assumed to be done without proper consultation and bargaining with the state governors (Amobi et al 2014)

Internal Security

One of the most contentious issues of intergovernmental relations today is internal security. State governors are made ceremonial chief security officers where commissioners of police who are agents of the national leadership and government wield the real powers and functions in the states. The crises in states across the nation prevails in the light of the notion that the governors who are supposedly chief security officers of their various states are in no small measures incapacitated in the delivery of security through the orchestrated structures of imported police force. Not only that the police are imported for crisis management, sometimes they are drafted for the ulterior motives of the central government as against the opposition states. In recent time, one of these is the massive deployment of soldiers to monitor election in a manner that is becoming routine as against the function of the military. This is done by the president under the pretence of maintaining internal security. A week to the June 21, 2014 governorship elections in Ekiti State, armed personnel were drafted to the state to carry out surveillance before the election was held. The armed personnel were equipped with helicopters, armoured personnel carriers, patrol vans, sniffer dogs and other gadgets (The Nation, 2014). Some members of the All Progressives Congress, APC, in Osun State approached a Federal High Court, Lagos, for an injunction restraining President Goodluck Jonathan from deploying military personnel during election in the state. Among the reliefs sought by the plaintiff include a declaration that, by the Provisions of the 1999 Nigerian Constitution, it is ultra vires for the President to deploy members of the armed forces to Osun State for the purpose of the election (Premium Times, 2014). In Osun state, some forty eight hours before the election day, over 10,000 battle-ready soldiers were drafted to mount surveillance thereby putting the state in a virtual lockdown (Punch, 2014).

Payment of Foreign Loans at Source

Also there are confrontation between the federal government and the states over the payment of foreign and domestic debts by the states at source. The federal government insists that any debt or loan by the states must be pay back through deduction at source. The implication of this is that the affected states are robbed of their statutory functions. This compelled some states to call on the FG to endeavour to pay on behalf of the states loans that are taken during military rule.

Local Government Area Creation

The control of the local government and the creation of the local government is another area that has caused hiccup in the relationship between the state and federal government since the advent of democracy in 1999. Benjamin (2004), with the creation of additional local government and conduction of election therein by some state government in 2004, the federal government under President Obasanjo directed the Federal Ministry of Finance not disburse funds to Lagos, Jigawa, Niger, Katsina and Ebonyi. In reaction, the Lagos state government filed a suit at the Supreme Court to challenge the federal government's action. The government accused the federal government of illegally withholding its funds totaling ₦7.1 million, which resulted in the inability of the local government to pay primary school teachers and perform its functions and carry out its responsibility as a tier of government.

State-Federal Relations with Reference to Maintenance of Federal Roads by State Government

In accordance to the provision of the constitution, road construction and maintenance is under the ambit of all tiers of government. As it is, there are categories of roads in Nigeria; namely trunk A, B and C roads which belong to the central, state and local government respectively. However the lukewarm attitudes of federal government in the payback of expenses incur in the rehabilitation of trunk A roads by the state government have discouraged the state government in rehabilitation of such roads. Toward the campaign period of 2003 general election, a number of bad roads in Lagos and Oyo state had bold signpost proclaiming that the roads belong to FG and the citizen should bear with the state government (Benjamin, 2004).

State-State Relations

In Nigeria, relations among states are competitive and conflictual rather than cooperative. As rightly observed by Benjamin (2004), the emergence of the central government as the master-government has reduced the inter-state relations to how states compete to maximize their share of the federation resources. However, since the new democratic dispensation the relations have been cordial among states from the same geo-political zones with the intent of championing common interest. The states have been divided along geo-political zones, and meeting such as meeting of northern governors, southern governors, the south-south governors, the south-west governors, the south-east governors are held to discuss the interest of the zones on issues surrounding the question of how to balance of political power, how to attract the establishment of some of the nation's industries and other federal institutions and how to promote regional economic integration.

In spite of the governor forum meeting constantly held to champion common course among all the states of the federation, there exist acrimonious relationship between states as regards the issue of boundary. Kogi State and Abia state were wrapped in such counter attack that led to violence and loss of lives in the two states.

State-local Relationship

Removal and Suspension of Chairman from Office

The state's government action towards the local government since the advent of democracy in 1999 had resulted into unpleasant relations between the states and local government. Under this period, local government chairmen have been suspended and removed from office. For instance, the governors of Zamfara and some other states are not left out in this act. It was this that infuriated the local government chairmen to sue the thirty-six governors and their states assemblies (Amobi et al., 2014).

Joint Account between the State and Local Government

Another area of relation that has caused hiccup in intergovernmental relation between state and local government in the current democratic dispensation is the management of joint account by state and local government. The local government chairmen see it as an infringement on their authority as state governments sometimes starve local governments of their fund. This knotty issue led to confrontation between Governor Gbenga Daniel of Ogun State and the Chariman of Odogbolu Local Government, between Governor Tatai Ahmed of Kwara State and Chaiman of Offa Local Government.

Intragovernmental Relations

The quest for harmonious governmental relation in Nigeria has been threatened more by the unending conflicts between the legislature and executive who are often entangled in a constant battle for supremacy and control of the policy making and implementation process, thereby jettisoning the tenets democracy. What is however shocking is the growing culture of impunity and flagrant disregard to principle of bargaining and cooperation entrenched in governmental relation noticeable among members of the executives and parliaments both at the national and state levels in Nigeria since the commencement of the Fourth Republic, May 29, 1999 to date. Laying credence to this argument are the cases of President involvement in the National Assembly politics on who becomes leaders in the two legislative houses. During Obasanjo Regime as the president of Nigeria, his involvement in National Assembly politics led to impeachment Senator Okadigbo, Senator and Senator Evan Enwerem as Senate Presidents.

In the current administration under Goodluck Jonathan, the election of Hon. Tambuwal as the speaker of House of Representatives as against the President candidate, Hon, Mulikat gives rise to cold war between the house leadership and the President.

Also the problem of governmental relations has been heightened by confrontations between institutions, to such an extent that the quest for good governance in the country has been affected negatively. In this respect are cases Federal Road Maintenance Agency (FERMA) versus Lagos State Road Maintenance Agency (LASRMA), Nigerian Police versus Nigerian Army, Federal Road Safety Corps (FRSC) versus Nigerian Police, Central Bank of Nigeria versus National Assembly, Central Bank of Nigeria versus Ministry of Finance etc. These confrontations arise from discharge of duties and responsibilities.

Findings On Governmental Relations

In the light of the foregoing analysis, the following findings are made;

- The nature, pattern and character of governmental relation in Nigeria is hierarchical in nature. It is characterized with inclusive and arbitrary overlapping models. The regimes since inception of democracy in 1999 impacted Nigeria's federalism by imposing its command, order and compliance on the existing federal arrangement and practice. The heads of state become the pinnacle to which all other levels of government and all state officials were accountable and responsible rather than being the head of one of several

governments in a federation. This arrangement denies the state its autonomy and voluntary participation in the tremendous growth and activities of IGR.

- The birth of Nigeria's Fourth Republic has witnessed conflicting political opposition as the various tiers of government engaged in competitive rather than co-operative relations thereby endangering the cordial relations expected among these governments. Afterwards the importance of intergovernmental relations in a federal polity is to enable unity and cooperation to prevail. This absolutely eluded Nigeria's democracy under the period under consideration. Unhealthy rivalry it should be pointed out has disrupted the proper functioning IGR in Nigeria.
- Most of the controversies that arose in the area of governmental relation in Nigeria can partly be attributed to constitutional imperfection and flaw. The constitutional provisions concerning governmental relations capture partial aspects of practical realities.

Suggestions

- Political actions need to be taken by means of consensus rather than coercion among the various levels and arms of government. There is need to constantly review intergovernmental relation to ensure fuller cooperation and coordination in the interest of integration and development.
- The spirit of equal partnership between the tiers of government and among the states should be imbibed in the interplay of governmental relation in Nigeria.
- The constitution should be revisited and governmental relations provisions such as power redistribution, resource allocation formula and local autonomy should be reviewed to enhance cooperation and harmonious relationship among different levels and arms of government.

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