

INTER-GOVERNMENTAL RELATIONS

A Book of Readings



EDITORS

Groupson Paul (Ph.D)

Esiagu Lilian N.

Edeh Joseph N. (Ph.D)



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Esiagu Lilian N.

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Introduction

According to Tamuno (1998) quoted in Abidoye (2015), federalism is that form of government where the component units of political organization participate in sharing powers and functions in a cooperative manner influenced by the combined forces of ethnic pluralism and cultural diversity, among others, which tend to pull their people apart. He views federalism as a system characterized by delicate arrangements, that when carefully worked out, provide sufficient room for the co-existence of centre

fleeing forces. Although Intergovernmental relation is not limited to only a federal system, it is central to the practice of federalism.

Federalism involves multi-level governance. It is all about sharing of political power, functions, and resources among the federating units. Federalism is a result of a contract or agreement among the federating units. The pattern of intergovernmental relations differ significantly among countries that practice federal system of government. Lawson (2011) adds that federalism reflects the characteristics of a system that is a dynamic whole and made up of various parts.

Beloff, (1953), quoted in Nnanta (1995) in his diversity hypotheses maintain that “the more diverse the elements within a political system, the better it is suited for federalism, and the more the homogeneous the political society, the better for unitary forms.” Nigeria is a country where size, cultural and linguistic diversity, historical particularism and considerable decentralization prevail. In line with Madison’s assertion above, these must have accounted for Nigeria’s choice for federalism. For efficiency and viability, the diverse ethnic groups in Nigeria work co-ordinately to achieve true federalism. This work focuses on the pattern and issues inherent in Nigeria’s intergovernmental relation.

The Concept of Intergovernmental Relation

According to Opeskin, (1998), the term “intergovernmental relations” is mostly used to imply to relations between central, regional and local governments, as well as governments between any one sphere (level), that facilitate the attainment of common goals through co-operation. For Van der Walldt and Du Toit (1997) intergovernmental relations refer to the mutual relations and interactions between government institutions at horizontal and vertical levels. This definition conforms with Thornhill’s (2002) definition that “intergovernmental relations consist of

f all the actions and transactions of politicians and officials in national, sub-national units of government and organs of the state”. The above definitions are not different from Adamolekun’s (1986) position that intergovernmental relation deals with the relationships between government and subnational units. Thus, Adamolekun’s view is that intergovernmental relation entails the interactions that take place among the levels of government within a state. Crucial to this relation amongst spheres of government are statutory bodies (legislative backing) and non statutory bodies (constituted by government for a specific task) as this can promote intergovernmental relations in the form of committees, boards or a range of other bodies (Kuye, Thornhill and Fourie, 2002:45). Wright (1988) defines intergovernmental relations as an interacting network of institutions at national, provincial and local levels, created and refined to enable the various parts of government to cooperate in a manner which is appropriate to its institutional arrangements. In his own view, Obi (2004) sees intergovernmental relations to mean the complex patterns of inter actions, 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 nationstate. In Nigeria for instance, it refers to the interactions that exist among the Federal (Central or National) states and local governments, state and state interactions, state and local interactions or local and local interactions. All these put together refer to the pattern of intergovernmental relations in Nigeria.

An intergovernmental relations system therefore, consists of facilitative systems and relationships that enable the units of government to participate effectively and carry out mandate so that governmental goals are achieved. This includes executive mechanisms, coordinating mechanisms, cooperative agreements, judicial and legislative mechanisms that all facilitate delivery by government machinery. Hence Bello (2014), describes Intergovernmental relations as “the ‘glue’ that holds them together”. In other words, it is the interactions, relationships and the conduct of officials between governmental activities. It strives to achieve common goals by way of mutual relationships between and across vertical and horizontal governmental alignment, arrangements, and cohesion across all spheres of government. The aim of intergovernmental relations therefore, is to enable governmental activities (primarily service delivery), through synergy, effectiveness and efficiency in delivering services, to sustain democracy and strengthen delivery capacity across all spheres.

res of government for the common good (Isioma, 2010:53). In line with the above, intergovernmental relations can be described as the interactions that take place among the different levels of government within a state.

1 FEDERAL-STATE-LOCAL GOVERNMENT RELATION IN NIGERIA

The federation of Nigeria is constitutionally structured into three tiers. A lot of relations exist between and among these tiers. Much of their interactions are coordinated by various institutions set up by the government. These institutions according to Bello (2014) help to Promote Co-operation among Governmental Units, recognize and manage conflicts, deliver services more efficiently, and respond to changing circumstances. Bello goes further to classify these institutions as constitutional institutions, statutory institutions and informal/ad hoc institutions. The constitutional institutions are the constitutionally provided institutions of Inter Governmental Relation and they include;

***The National Assembly** : Section 4(1) of the 1999 constitution states clearly that ‘there shall be a National Assembly for the Federation which shall consist of a Senate and a House of Representatives. Representing the whole Federation on the basis of population in the (House of Representatives –

HOR) and on the basis of equality of states (in the Senate), the National Assembly is an open law making institution of IGR. It has powers of legislation over appropriation bills, Consolidated Revenue Fund, control over public funds, contingency fund, and investigation. Through these institutions, the National Assembly stands as an important inter-governmental institution in the constitutions. (FGN, 1999).

***The Supreme Court** : The Supreme Court has the final power of arbitration in civil, criminal, and constitutional matters. During Nigeria’s Second Republic, State Governments took the Federal Government to court over revenue sharing formula and the Agricultural Development Basin Authorities. Also, in the fourth Republic, Governors from the Niger Delta region of Nigeria sued the federal government to the supreme court over the issue of resource control. Individuals and Corporate groups can also go to the court to seek redress.

***The Council of States:** This is essentially one of the advisory executive bodies contained in the constitutions of 1979, 1989 and 1999. Its functions include advising the President with regard to the conduct of national census, exercise of prerogative of mercy, award of national honours, the Independent Electoral Commission, the National Judicial Commission and the National Population Commission. The membership of these bodies is drawn in reflection of federal character principle which reflects their intergovernmental nature.

***Police Service Commission:** The Police Service Commission (Establishment) Act 2001 No 1 Laws of the Federation of Nigeria, which established the Police Service Commission mandates the commission to appoint, dismiss, and exercise disciplinary control over any person holding office in the Nigeria Police Force (other than the Inspector-General of Police) and for related purposes. The Nigerian Police Force is responsible for the maintenance of law and order, detection, and prevention of crime in all the three levels of government in Nigeria.

***The Federal Character Commission:** This body is a constitutionally guaranteed executive Intergovernmental Relation's agency in Nigeria. This agency is charged with the responsibility of mapping out equitable formula for the distribution of all cadres of posts in the Federal and State public services, promoting, monitoring and enforcing compliance of proportional sharing of public offices and where deviation by any agency or government is observed, take measures to enforce compliance. Given various complaints about injustices/unfairness in the distribution of public service positions among components units of the Federation, the importance of this commission cannot be over emphasized. The commission is expected to exercise the constitutional provisions enshrined in Section 14(3-4) of 1979, 15(3-4) of 1989 and 14(3-4) of 1999 constitutions which has it that the composition of the government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such manner as to reflect the Federal Character and the need to promote national unity and also to command national loyalty, (Ojo, 1999; Okoli, 1990; Obiekeze, 2004).

***The Independent Electoral Commission (INEC):** This is a national body that has the functions of organizing, undertaking and supervising all elections including the registration of political parties.

rties. There is a provision for State Electoral Commission in each state of the Federation. It also has the function of monitoring the organization and operation of political parties, examining and auditing of the funds and accounts of political parties annually. Since 1999, the Commission has registered more than fifty political parties that contested the 2003, 2007, 2011, and 2015 general elections in Nigeria among which are the All Progressive Congress (APC, the ruling party), Peoples Democratic Party (PDP), All Progressive Grand Alliance (APGA), etc.

***The National Economic Council (NEC):** This body has the powers to advise the President concerning economic affairs of the Federation and in particular on measures necessary for the coordination of the economic planning efforts or economic programmes of the various governments of the Federation. Bello (2014)

***The National Judicial Council (NJC):** The council has the power to recommend appointments to the bench at Federal and State levels and Federal Capital Territory (FCT). It can also recommend the removal from office of the judicial officers and exercise disciplinary control over members of the judiciary in the three tiers of the federation.

***The National Population Commission (NPC):** This commission has the responsibility of undertaking periodic enumeration of population through sample surveys, census, continuous registration of births and deaths, and advising the president on population matters and providing data/information on population with which the government uses for National Planning and development.

***The Revenue Mobilization Allocation and Fiscal Commission :** This agency is responsible for monitoring accruals to and disbursement of revenue from the Federation account. It periodically reviews the revenue allocation formula and principles in operation to ensure conformity with changing reality, advising federal and state government on fiscal efficiency and methods by which their revenue can be increased and determining the remuneration of the President and Vice President (Okoli and Onah, 2002:89).

Some other institutions of Intergovernmental Relation under Statutory institutions include; The National Boundaries Commission, the National Directorate of Employment (NDE); Federal Road Safety Commission, the Nigerian Immigration Services, The National Planning Commission, and the National Primary Education Commission. These are useful in bringing about togetherness

in Federal, State and Local Officials in a particular policy area. They also help to smoothen inter governmental relations and enhance co-operation among component units of the Federation. The various National Councils in Education, Agriculture, Health, Industry, Information, Tourism and Finance are usually avenues for meetings among Ministers and commissioners at Federal and State levels respectively to bring State and Federal political executives together to harmonize policies in the interest of the Federation. All the above institutions of IGR are important in managing conflict and responding to changing circumstances in the Nigerian.

ISSUES IN FEDERAL- STATE-LOCAL RELATION

Political Relation: The constitution of the federal republic of Nigeria and the Acts of Parliament apply to the federal, state, and local governments. While byelaws must not in any way go contrary to state or federal laws, Acts of state Assembly must not equally go contrary to federal law. Section 8(1) (a,b,c,d) makes the creation of new state a joint responsibility of the federal, state, and local government. Section 8 (2) of the same constitution equally makes the issue of boundary adjustment the responsibility of the three tiers of government. In the same vein, the National Assembly has power of assent over creation of new local government by the state government.

Fiscal Relation; The major aspect of fiscal relation among the three tiers is the issue of Statutory allocation. Section 162 (1), (3), and (5) of the 1999 constitution explicitly defines the pattern of distributing public revenue. For instance, section 162 (3) of the constitution states “any amount standing to the credit of the federation account shall be distributed among the federal and state governments and the local government councils in each state on such terms and in such manner as may be prescribed by the National Assembly”. Thus, every month, each tier of the federation receives statutory sum of money from the federation account. The Sovereign Wealth Fund which is the fund into which the surplus produce from Nigeria’s excess crude oil reserve is deposited, is another vital aspect of federal-state local government relation. The fund is managed by the Nigerian Sovereign Investment Authority. It was established as an independent agency by an Act of National Assembly to receive, manage, and invest in a diversified portfolio of medium and long term, revenue of the federal, state, Fed

eral Capital Territory, local government, and Area councils to prepare for eventual depletion of Nigeria's hydrocarbon resources for development of critical infrastructure that will attract and support foreign investment, economic diversification, growth, and job creation. However, analysts pointed out that most states complained the decision to be making contribution into the fund was done without proper consultation and bargaining with the state governors (Amobi et al, 2014). Another aspect of fiscal relation is the issue of obtaining loan. For the state government to obtain foreign loan, such a state has to secure the approval and surety of the federal government. Likewise, for the local government to get loan from financial institution, it has to get approval and be suretied by the state government.

2 FEDERAL - STATE RELATION:By federal-

state relation is meant the strings of governmental relationship which exist between the federal tier of government and the component states and federal capital territory of the federation. The relationship that exist between the federal government of Nigeria and the states are defined by the constitution of the federal republic of as amended Nigeria. Research shows that there is a vertical relationship between federal and state government as here is a lopsided dominance of federal government over the state governments. Issues of federal- state relation in Nigeria is discussed thus;

Politically, In the area of election for example, it is the Independent National Electoral Commission that conducts election for the office of the president and Vice president of Nigeria, members of national Assembly, State Governors and their deputies, and members of state Houses of Assembly. Also, since the inception of the Fourth Republic of Nigeria, the formation of the Governors Forum has been a veritable influence on checking federal Government excesses and exercise of power and ensuring balance in the distribution of power among the tiers of government. In event of emergency rule declared in any state of the federation or serious political crisis in any state, the Federal House Representatives legislates for the state concerned.

Judicially, every state has a Magistrate and High Court respectively. Cases may move from the High Court or state Tribunal to Court of Appeal and to the Supreme Court for judicial interpretation. Federal Court of Appeal or Supreme Court may declare certain actions or ruling of the state ultra-

vires or give orders or injunction of mandamus, prohibition, or certiorari to bear on the state governments. In the area of legislation, where there is a conflict between federal and state laws, the fed-

eral law takes super cedes, section 4 (5). Similarly, where executive actions of a state government run contrary to that of federal executive, the actions of the former is declared null and void , section 5 (3) .

Through the concurrent and exclusive lists, both the federal and state governments jointly provide infrastructure such as roads, bridges. For example, both the federal and state governments are respectively responsible for the construction and maintenance of trunk A and B roads which are situated within the confines of the state. Also, in pursuance of concurrent legislative list, there are federal secretariats situated in the thirty six states and FCT which serve as field agents for the administration of centrally determined services. There is the existence of State Liaison Offices at the Federal Capital Territory which liaises between the state and federal government, communicates and coordinates the activities. State Liaison Offices emerged in the 1970s as parts of the federal system to facilitate intergovernmental relation in Nigeria. Their mandate is to open windows of opportunities for the state citizens through the promotion of cooperation between the concerned state government and other governments, Non Governmental Organizations, Multilateral corporations, and other developmental partners. This they do by assisting the state and federal governments in delivering out their overarching programmes and making diligent engagement with the federal government agencies for contribution to national development and securing the dues of their home state. Some staff of federal government can be seconded (through the Federal Civil Service Commission) to the state or local government and vice versa.

Fiscally, the pattern of allocation of tax raising and expenditure responsibilities among the levels of government is clearly spelt out in the 1999 constitution. The 1999 constitution section 7(6); 162 (1)-

(8) stipulates an arrangement which gives room for statutory allocation of public revenue from the federation account held at the centre to states of the federation. The 1999 constitution recognized the distribution of tax powers between the states and the federal government conducive to the achievement of efficient mobilization of financial resources. The constitution allows the states to tax themselves and collect money to pay for services designed by them. Also, section 164(1) states “ the federation may make grants to a state to supplement the revenue of that state in such sum and subject to such terms and conditions as may be prescribed by the National Assembly. There is

s also the issue of minimum wage. The National Minimum Wage Act passed by the National assembly and signed into law in 2011 by former president Goodluck Jonathan, mandates both the federal and the state governments to pay eighteen thousand Naira as minimum wage to her public servants. However, on November 15 2015, the Nigerian Governors Forum unanimously said that they can no longer pay such amount owing to poor state of the economy. Under the current civilian regime of President Muhammadu Buhari, some state governments received a comprehensive relief package called bailout designed to salvage lingering crisis of unpaid workers salaries in their states.

3 STATE- LOCAL RELATION:

Politically, issues of political relation between state and local governments abound. In the aspect of election, every state established State Independent Electoral Commission. It is this state government agency that conducts election for the office of chairmen of Local Governments, their Vice, and ward councilors. State Election Tribunals handle election disputes arising from various local governments within the state. Again, to streamline the process of bye-law making, every local government in a state is required to submit draft copies of its bye law to the government for vetting before the formal promulgation (Okoli, 1990). Also, it is the state government that creates development centres from the local governments including the appointment and dissolution of the development centre coordinators. In some cases, state governments do dissolve local government political executives and appoint caretaker chairmen or sole administrator. In some states, elected chairmen and or their councilors are dissolved or suspended by the State House of Assembly. Akinsanya (2005) rightly observed that state governors not only exercised their powers under section 7(1) of the 1999 constitution to dissolve ‘‘elected’’ local government council chairmen and replaced them with sole administrators. Mention worthy is the fact that members of the State House of Assembly are elected from the various local governments that make up the state. Also, members of the state executive council (commissioners and special advisers) are appointed from the local governments. Equally, most states have Bureau for local Government and Chieftaincy Matters. It is this bureau that coordinates the issue of recognition of traditional rulers in the state. In the area of recruitment, every state has a single local government personnel agency called Local Government Service Commission. According to Okoli (2005), this state government agency is charged with the responsibility to;

- (i) appoint, promote, and discipline local government employees on grade levels 07 and above
- (ii) set up general and uniform guideline for appointment, promotion, and discipline.
- (iii) monitor the activities of each local government on appointment, discipline, and promotion of local government employees on grade level 01-06 in order to ensure that guidelines are strictly adhered to
- (iv) serve as an appellate body for all petitions from local governments in respect of appointments, promotion, discipline of local government employees. The commission's decision shall be binding on all local governments on appeals lodged with it provided that whoever is aggrieved shall have the right to appeal to the governor.
- (v) maintain comprehensive and up to date seniority list and nominal roles for all local governments as a whole.
- (vi) ensure that the local government staff Pension Board office remains with the chairman of the local government service commission as chairman of the pension's board.
- (vii) restructure and strengthen the department of personnel management and constantly review and propose modifications in operational methods and organizational structure of the local government.

Fiscally, the 1999 constitution section 162 (6) provides for the establishment of State Joint Local Government Account into which is paid all allocations to the local governments council of the state from the federation account and from the government of the state. Section 162 (7) also states that each state shall pay to local government councils in its area of jurisdiction such proportion of its total revenue on such terms and in such manner as may be prescribed by the National Assembly. In view of this, each state is expected to pay 10% of its internally generated revenue to the local governments within the state or the portion of 10% internal revenue of the state not remitted to the local governments will be deducted at source on quarterly basis, Oyelakin, (1994). Meanwhile, in every state, there is the State Joint Local Government Allocation Committee whose membership comprises of representative of bureau for local government and chieftaincy matters, chairman of each local government, two appointees of state government, representative of the Accountant General of the Federation and of the state respectively. This committee is responsible for proper sharing of monthly statutory allocation to the various local governments within the state. Al

so, State governments may give Grants in Aid to local governments to help supplement their financial burden.

Auditing and inspection of local government accounts is done by the state government. Thus, every state establishes Office of Auditor General for Local Governments whose duty it is to carry out external audit of local governments account within the state and report to the Governor of the state, House of Assembly, and the respective local government chairmen.

4 FEDERAL- LOCAL RELATION

In most federal states like America, local government matter is a state affair. In the case of Nigeria, the 1999 constitution assigned the state government the responsibility of ensuring the proper existence of local governments within the state. Hence, in Nigeria federalism it is only in few instances where there is direct interaction between the federal and local governments. The local governments mostly relate directly with the state government. Meanwhile, it is the federal government that determined the functions it allocated to the local governments and can decide to modify the functional allocation of the local governments (subject to constitutional amendment). The federal government may relate directly with the local governments through a meeting, conference, or workshop with the National Union of Local Government Employees (NULGE), Association of Local Governments of Nigeria (ALGON). Staff of local government may be seconded to work at the federal level and vice versa.

5 STATE- STATE RELATION

By state-

state or inter state relation is meant the interaction between or among different states of the federation. Every state in Nigeria is to a great extent independent. Each state has its clear cut boundary demarcating it from others. The relationship between one state and another is mostly voluntary and at the discretion of the states concerned. However, there is the existence of conference of Speakers of state Houses of Assembly. States can organize meeting, conference, or workshop for commissioners of Finance, Information, Education, etc. Two or more states can jointly carry out a project e.g bridge construction, that is of mutual benefit to them. States equally relate through

their liaison offices. Some state governments employ into their state civil service, citizens from other states.

6 LOCAL-LOCAL RELATION (INTER- LOCAL RELATION)

This has to do with the relationship that exist between or among various local governments that make up the federation. The 774 local governments of Nigeria relate through such avenues like the National Association of Local Government Employees (NALGEP) which is an umbrella body that champions the course of local government staff. There is also the Association of local Governments of Nigeria (ALGON) which is an umbrella body of local government chairmen in Nigeria. Also, local governments can interact through such fora as conference of Local Government Chairmen, Leaders of Local Government Councils, Secretaries of Local Governments, etc. Through the Local Government Service Commission, staff of one local government can be seconded or transferred to another local government within the state thereby giving room for cross fertilization of ideas.

Concluding Remarks

From the study, it could be deduced that Federalism is mostly considered a tangible element for co-existence in the face of emerging challenges of conflict, co-operation, and competition amongst participating units and citizens of different multi-ethnic group like Nigeria. One can therefore rightly agree that the objectives of intergovernmental relation are to; promote peace and harmony among the levels of government, enhance the emergence of co-operative rather than competitive federalism, accelerate the achievement of self-reliant economy, ensure effective utilization of available human and material resources among the various levels of government, foster greater national integration through the activities of the three levels of government, minimize inter-jurisdictional conflict among the various levels of government, and to solve the problem of rural and urban poverty, ignorance, and suffering of the people. Intergovernmental relation is characterized by regular and practical interactions among political office holders, public servants, and institutions of government at the various federating units within the state. It involves cooperative relationship among the various tiers of government that make up the federation. Intergovernmental

relation is a very vital and sensitive issue a federal systems of government like Nigeria. The pattern of intergovernmental relation in most federal states is virtually the same. The pattern of intergovernmental relation in Nigeria is often horizontal and vertical for the purpose enhancing harmonious co-

existence among the tiers. Thus, authority and responsibility are distributed mainly between the federal and state governments. The state serves as the main channel through which resources and centrally determined services within the country are disposed. The resources mobilized by the federal government are allocated to among the states and local governments which serve as the structures for the distribution of national wealth. In theory, countries with a federal system of government usually decentralize power and authority in the lower levels of government. Constitutionally, there is an obvious division of powers and functions among the three levels of government in Nigeria's federal structure. However, the statutory provision which states that the Governor or the House of Assembly may assign any function to the local government without reference to this statutory provision appears to make local government a subordinate to the state government. Consequently upon this, both the federal and state governments have relied on this provision to meddle with local governments affairs. Yet, studies show that the basis on which intergovernmental relations should be predicated is that, where there are purely local and beneficial services, Local Governments should have unfettered local discretion to raise and spend money on them, while for services which are macro in nature, the centre may wade in for uniformity and in the interest of the grassroots dwellers. Thus, the processes of intervention and or control over the lower tiers of government are inevitable but should be self-critical and follow constitutional provisional

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