

# Impact of Intergovernmental Relations Dynamics between 2015 and 2022 on Nigerian Federalism

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## Abstract

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*The paper evaluates unpleasant encounters in intergovernmental relations (IGR) between 2015 and 2022 that generated tensions and by so constituted strains to Nigerian federalism. Accordingly, the paper analyzes pressures to cordial, cooperative and mutual inter-dependent IGR. Its objectives are twofold. The first is to use the sociological view of federalism as a model to explain the contradictions of IGR across different strata in Nigeria during the study period. The second one is to propose institutional policy engineering mechanisms that need to be instituted to help mitigate and avoid contradictions emanating from IGR in the Nigerian federation beyond the understudied period. Hence, the paper's theoretic model is the sociological view of federalism which posits that an intrinsic linkage does exist between the dominant attitude, ideology, sentiments, behaviour and values in politics society qua society and the realpolitik of federal governance. It adopts the methodology of textual qualitative epistemology and content analysis to evolve inferences and interpretations from data. By so, the paper generates middle-level theoretic assertions to explain the impact of IGR strains during President Muhammadu Buhari's reign in terms of governmental capacity to deliver good governance and national development and suggest necessary politico-institutional measures to curtail their effects. Findings reveal that federal-state government relations were often bitter and uncooperative, while state-local government relations mostly revolved around the principal-agent kind of interrelations. The paper advocates for increased constitutional amendment exercise to promote decentralization by devolution from the federal to the states domains, and states to local political authorities.*

**Keywords:** Nigerian federalism; intergovernmental relations, sociological view of federalism; principal-agent model; President Muhammadu Buhari administration

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## Introduction

The paper's point of departure is the understanding, unequivocally comprehensible to Marando and Florestano (1990), that the character of intergovernmental relations (IGR) *state qua state* derives from primordial political habits, practices, and behaviour and value

systems. And thereof, IGR cannot be disentangled from the federal governance system due to its inherent nature as a problem-solving mechanism wherein a multijurisdictional complex governmental environment exists. That is, federalism by nature embodies several tiers of government in a single political space.

These tiers are expected to engage one another and interrelate in "management blends and meld politics and administration" (Marando & Florestano, 1990, p. 287) to affect national development significantly. Where multijurisdictional governments exist, IGR reflects the outlook of the political values of society and how well governmental relations and administration impact national development, as well as the degree of pressure on federalism itself (Burke, 2014).

The above thinking underscores the impetus for this paper. In all honesty, it is necessary to classify the function that IGR plays in Nigerian federalism and diagnose those areas wherein it contributes to advancing the federation. Indeed, as Olaiya (2016) puts it, the Nigerian IGR spectrum has become a barometer of measurement to appreciate the contribution of the federal theory to good governance and national development, as well as provide a better understanding of its intervention in terms of curtailing state instability. According to Bello (2014), the process of IGR in Nigeria represents a potent avenue to examine constraints to the advancement of the nation's federalism and opportunities by which it can consolidate to make the federal system of governance more productive and less rancorous to governance. Since IGR is considered a crucial avenue of governing in a federal system, its essentialness as a topic for scholarship has assumed significance in recent times against the backdrop of an upsurge of ethnic-inclined militancy and secessionist demands.

In terms of the understudied period, the paper periscopes the IGR process during the reign of President Muhammadu Buhari.

The administration assumed office on May 29, 2015, and is billed to relinquish power on May 29, 2023. President Buhari is the fourth elected president since the Fourth Republic of Nigeria commenced in 1999. The administration came into office on the platform of the All Progressives Congress (APC), taking power from the Peoples' Democratic Party (PDP) that hitherto had been controlling the federal government until 2015. Interestingly, not much research works have been done to diagnose Nigerian IGR under the latest ruling party at the federal government level. But before we delve into the emphasis of the paper, it will be useful to clarify certain concepts and operationalize their usage herein.

### **Conceptual clarifications**

These key terms will be operationally defined: federalism, decentralization by devolution, intergovernmental relations and the principal-agent model of IGR

*Federalism:* Federal system of governance, federal theory and federal governance can be interchangeably used for federalism. The term referred to as federalism essentially refers to a system, structure and process of governance in a society wherein multijurisdictional governmental tiers exist and interrelate in actualizing national development based on constitutional juridical defined powers and responsibilities (Wheare, 1963) According to Isike (2021), the federal government simply refers to political systems whereby power is shared between tiers of government that are hierarchically structure. The common hierarchy in most federations is the federal-state-local tiers of government. By the nature of the power-sharing arrangement of a federal system, governmental power is shared on basis of

what Watts (1999) calls shared rule and self-rule. That is, federalism is accommodative of a governmental universal-autonomy ruling system or concurrent-exclusive responsibility matrix.

*Decentralization by devolution:* Decentralization itself refers to granting of administrative, financial, political/democratic and functional autonomy to subnational tiers of government such as the state and local governments (Wunsch, 2014; Wekwete, 2007). According to Okudolo and Ojakorotu (2020), Riedl and Dickovick (2014) and Ozman (2014), decentralization has become mostly applicable to local government autonomy in intellectual discourses more than to the transfer of powers and responsibilities to state tiers. It is to be noted that decentralization is operationalized in this paper to refer to both state and local governmental tiers.

Three mechanics of decentralization has dominated the literature on the concept. According to the seminal study of Rondinelli, Nellis and Cheema (1984) and concurred by the work of Okudolo (2022). These mechanics are decentralization by deconcentration, delegation and devolution. Our key concept of decentralization by devolution infers explicit constitutional codification of functional, financial, administrative and political/democratic autonomy to state and local government authorities. Devolution implies that subnational governments enjoy constitutionally enshrined exclusive powers and responsibilities thereby endorsing the independent-tier status of subnational government (Ghai & Steytler, 2016).

*Intergovernmental relations:* It is expedient to further underscore that federal political systems express their IGR by devolution mainly by enshrining the definitive patterns in their constitutions (Auel, 2014). In its basic definition, IGR is about the relationships between governments within a country and it often applies more to federations. IGR speaks to constitutional provisos enshrined to define interrelationships between and among the tiers of government as well as codes determining the foundation for governmental coordination and exclusive responsibilities. Thus, IGR encompasses the delineated shared rule parameters from observation (Mulu, 2015). In the literature on IGR, the processes, patterns and arrangements of the shared rule take place at two levels: vertical and horizontal (Jüptner & Klimovský, 2022). Vertical patterns of IGR shared rule refer to interrelations between top-to-bottom or higher-to-lower tiers like federal-state or state-local or federal-local governmental relations. The horizontal IGR pattern implies interactions amongst tiers at the lateral levels like state-state or local-local government relations.

*Principal-agent model of IGR:* A principal-agent interrelationship within federalism is antagonistic to the principle of devolution, especially against the backdrop that federalism by nature prompts self-rule (Burke, 2014). By the philosophy behind exclusive jurisdictional governmental powers of federal practice, the event of principal-agent relations is negative to the theory of federalism. This relationship principle indicates that one governmental level, most likely the lesser tier, operates as an agent in joint functional domains while the higher tier acts as the principal.

According to Busygina and Klimovich (2022), sometimes the principal-agent model of IGR acts as a buffer against intergovernmental disagreements and crises where the regulatory framework delineates. In a principal-agent relationship, the agent acts on behalf of the principal and is directed based on competencies to reduce conflict of interest. It is often common to find local governments act as "agencies" for the higher tiers' in the development administration of national projects (Burke, 2014). In the paper, the Nigerian experience has always been that a higher tier usually tries to apply this principle-agent style of IGR in joint project administration by unwritten and covert politico-constitutional means (Bello, 2014).

### **Theoretical anchorage of the paper**

The paper's theoretical framework is the sociological view of federalism and it gives awareness to the fact that the federal paradigm, - wherever it is been practiced globally - experiences unique strains and pressures *state qua state* as emanating from IGR. These stressors, borrowing Thomas Kuhn's logic of paradigm, indicate that federalism's IGR paradigmatic crises denote a kind of anomaly outcomes in its practice contrary to the philosophy of the paradigm (Orman, 2016). Such awareness is what compelled the paper to anchor its theoretical perspectives on the sociological view of federalism.

We assert, contrary to Isike's (2021) view that the notion of the theory of federalism or federal theory or simply federalism is not

“an essentially contested concept as it can mean different things to different people”. Instead, we contend that there persists a conceptual unison and consensus of what the federal theory is. However, what differs is the focal emphasis in its usage *research qua research*. Meaning that federalism has been conceptually regarded from various distinctive perspectives including from a political structure, process and system of governance perspective.

Federalism as a political structure refers to a power-sharing arrangement between tiers of government often expressed through IGR (Diamond, 1961). In this vein, the theory of federalism as concerned in Nigerian federalism is concerned with the way and manner power, authority and responsibilities are shared between - in universal terms - a central/federal/national government and the state/regional/provincial tier, and also (as contemporarily stressed by scholars of the federal theory) with the local/municipal/grassroots governmental authorities (Downs, 2011). The structure-definitional concept of federalism is expressed in Nigeria's 1999 Constitution for its provision for three tiers of government: federal, state and local government. Wheare's (1963) juridical notion of federalism takes a more structural purview of the theory of federalism than any other horizon.

This implies that the process of the federal government as a political mechanism defines IGR as coalescing based on two competency arenas in the real sense: exclusive and concurrent legislative competencies. The former represents commitments, power and responsibilities exclusive to each tier, while the latter

expresses common, joint, mutual and shared-rule adherences (Sharma, 2015). By implication, the process of federalism compels togetherness or diversity and at the same time, that self and shared rule towards full independence and semi-autonomy respectively. In the context of Nigerian federalism, the constitutional provision for exclusive and concurrent functions to the three tiers have been captured in the Second and Fourth Republics (see 1979 & 1999 Constitution of the Federal Republic of Nigeria).

Whereas the system of federalism supposedly undergirds the philosophical epistemic basis for entering into and becoming a federation in the first place. According to Isike (2021), the system of federalism ought to guarantee among other things effective organizational power sharing as well as promote cordial diversity and autonomy of the federation through IGR. In the view of Deudney (2007), the basic expectation of the idea behind the practice and system of the federal theory is the facilitation of unity in diversity. The aforementioned thinking in a way is what compelled Adeola and Ogunnoiki (2020) to posit that the genealogy of the theory of federalism derives from the Latin words “foedus” and “fides”, meaning “agreement and trust”. This implies that a federal system of governance is a kind of covenant or contract or treaty entered into by ethnic groups. Therefore, as is expected, the system of interactions- particularly in the IGR domain- in federalism should produce trust in the psyche of the various governmental layers to the federal covenant or contract or treaty to function as one indivisible political state. That is to say that mutual distrust amongst the tiers is

diametrically opposed to the advancement of the ethos of federalism (Mulu, 2015).

Given the above proposition, it is obvious that the paper's concern is with how the exercise of power and authority influences political order, and stability and produces development eventually via the IGR spectrums. Meaning that the IGR sphere in federalism speaks to the functionality or otherwise of the philosophy underpinning the system of the federal theory. By this, it meant the politics and policy actions via IGR that aggravate pressures to fear of domination or alienation or hegemony of a tier over others. Taking into account the nexus of pressures to our context and the general ebb and flow of the practice of federalism *state qua state*, the sociological view of federalism in the instance is poignant and serves the paper's theoretical perspective well.

The sociological view of federalism holds the belief that governance outcomes derive from the interplay of forces within the federal polity and not some form of external influence. That is, the activities related to the political structures (i.e. IGR), overwhelmingly produce an outcome in terms of the character and nature of the polity. And that the outcome results mostly from the interfaces of an intractable kind especially of the IGR in socio-economic and political relations. By implication, the political ecology whereby internal social forces such as the hegemony of a tier over a lower tier in political governance is a major determinant of the functionality of federalism in the real sense (Watts, 1999).

Federalist scholars such as William Livingston and William Riker hold that the outcomes produced in the practice of the system of federalism *state qua state* are

products of the dynamic interplay of social forces within the state such as the degree by which higher tiers dominate the subnational tiers (Osezua & Okudolo, 2021). Consequently, the likes of Jinadu (1989) submit that the sociology of Nigerian federal political practice reflects constantly shifting cravings, consensus construction, elitist accommodations and consociational aspirations of hegemonic-inclined ethnic-based elites, expressed in the IGR, who operate as gate-keepers to mainly advance ethnic interests rather than follow the ethical-moral principles of federalism.

### **A brief note on methodological issues**

Flowing from the above theoretical construct, therefore, the gathered data intake account for the distinctive pressures that Nigerian federalism's IGR within the understudied period produced. The paper's catalogued data entail the science of crafting metadata into a resource as a source of reference (Joudrey, Taylor & Miller, 2015). In this context, descriptive cataloguing holds sway. It involves identifying and describing IGR happenings and labelling it as a pressure or stressor to Nigerian federalism. Meanwhile, we adopt Garland's (2014) notion of "historical" analysis. Garland's study shows that a brand of historical event does exist that is conceived as conventional to highlight how occurrences uncover "hidden conflicts and contexts as a means of re-valuing the value of contemporary phenomena".

Hence, Garland's (2014) model assisted the paper in no small measure to make critical observations of contemporary happenings "from which a history of the present begins" to formulate lesson pointers that the future

should pay particular attention to. The main point again with applying Garland's model is that it helped the paper to evaluate present-day strains on Nigerian federalism that derives from IGR to articulate future guides on how to avoid future tensions. By implication, the historical catalogue of IGR occurrences between 2015 and 2022 in Nigeria identified and discussed addresses their distinguishing and significant features that make them constituents of pressure or stress to Nigeria's federal practice.

It is also necessary to shed some brief light on our textual qualitative epistemology and style of content analysis for constructing inferences and interpretations from data. The paper relied on Smith's (2017) approach to textual analysis by gathering data from relevant documents, newspaper reports, online resources and so forth. Our textual approach focused on deriving meaning and values from the IGR experiences under the Buhari administration related to tensions on Nigerian federalism. Meanwhile, we deployed content analysis such as to deduce abstractions, interpretations and meanings in the analytic course. Our content analysis produced distinctive meanings, and exemplify the relational values of the data as par constituting tensions and pressures during the studied period. This approach to content analysis according to Neuendorf (2017) enabled data re-contextualization and de-contextualization.

### **Data analysis, interpretation and discussions**

The major point of discord and strain in the federal-state IGR during the study period is regarding the fiscal federalism relations aspect. The Buhari administration often wants to lord, manipulate and undermine the state governments (SG). Take for instance, the Paris Club Deductions of \$418 million from the Federation Account, the Nigeria Governors' Forum (NGF) is at present still at loggerhead with the Attorney General of the Federation (AGF) and Minister of Finance (HMF) on the issue. The NGF describes as unconstitutional the federal government (FG) deductions from the account as the case is still undergoing judicial review (Premium Times online, August 4, 2022). According to Ekeuwei and Akpan (2022), the SGs have from the inception of the Fourth Republic called for a review of the items listed in the Exclusive Legislative List of the 1999 Constitution meant exclusively for the federal government. They argue that many listed items were fundamentally best suited to states, hence the challenge to the rapid development of state jurisdictions. Thus, the NGF's supposition that the IGR dynamics as a result of some items Exclusive Legislative List there negates the prosperities of SG finances to be able to deliver optimal infrastructure needs and good governance within their domains (Ekeuwei. & Akpan, 2022).

Another pointer to the toxic federal-state IGR during the period is reflected in the Rivers State Government's court victory it got contrary to the Federal Inland Revenue Service (FIRS), an FG agency, over constitutional rights to collect taxable worth from value-added tax (VAT). It is equally instructive that the NGF had sued the FG over Executive Order in 2019 which permitted the sale of 10 National

Integration Power Projects (NIPPs) without the due concurrence of the SGs. According to a Premium Times online report of Oct. 4, 2021, the sales of the NIPPs project foreshadowed a hegemonic-conscious FG in its IGR with SG.

The expressions at the FG-SG IGR sphere during the understudied period concerning the demand for state police were quarrelsome and unpleasant. As far as the FG is concerned, it expressed its displeasure over SG running its police apparatus through the office of the Attorney General and Minister for Justice. Incidentally, policing affairs are listed in the 1999 Constitution under the Exclusive Legislative List and therefore the sole responsibility of the FG. However, the increasing spate of insecurity especially in rural communities within SG boundaries makes the demand for state police imperative. For example, Kpae and Adishi (2017) underscore the necessity for state police in Nigeria, claiming the present degree of insecurity in the country demands its authorization. Similarly, socio-cultural groups like Afenifere, the pan-Yoruba group, and Ohanaze, the Igbo nation's group supported SGs to demand that Amotekun for South-West and Ebube Agu for the South-East be constitutionally designated the codename for the state police in the regions (actually they advocated for regional police). The Daily Trust online report of Sept. 29, 2021, indicates the support for state police coming from notable regional socio-cultural groups.

Another source of FG-SG tension flowing from the IGR was about the allocation of land for the FG's policy it tagged the Rural Grazing Area (RUGA) to manage the worsening farmer-herders imbroglio. SGs that opposed the RUGA programme such as the governor of Benue State openly chided the FG on the policy, conceiving it as another attempt to dominate the SGs (Vahyala & Changwak, 2022). This matter was so convoluted that many SGs sought judicial interpretation on whether the FG possessed the constitutional power to allocate lands within their domains for the RUGA programme. Unfortunately, according to a Punch online report of 4<sup>th</sup> February 2020, a High Court in Makurdi declared the attempt by the FG to allocate SG lands for the RUGA policy as unconstitutional.

With regards to IGR between SG and local government (LG) in Nigerian federalism during the sampled period, the relations were total of the principal-agent type across all the states. For example, all the SGs manipulate the Joint State-Local Government Account (JSLGA) as codified in Section 162 (6)(7)(8) of the 1999 Constitution (Okudolo, 2017). To forestall the continued domination of the JSLGA by the SG, the FG approached the court through one of its agencies, the Nigerian Financial Intelligence Unit (NFIU), an arm of the Economic and Financial Crimes Commission (EFCC), arguing that the NFIU has rights supervise expenditure from the account. The court thereby declared as constitutional the supervision of the JSLGA by the NFIU (Cable news online, May 23, 2022).

According to Ikeanyibe (2016), the propensity for the hegemony of SG in their IGR with LG derives from the language of Section 7(1) of the 1999 Constitution. That section says “...*The system of local government by democratically elected local government councils is under this Constitution guaranteed; and accordingly, the Government of every State shall, subject to Section 8 of this Constitution, ensure their existence under a Law which provides for their establishment, structure, composition, finance and functions of such councils*”. However, Ikeanyibe (2016) posits that despite Section 7(1) reflecting decentralization by devolution, its manipulation contradicts the expected ideals from the SG and LG IGR. The author conceives the claim of SGs that LG affairs are their exclusive legislative rights by the language of Section 7(1) is incorrect as it does not align with the spirit behind the intendment of the section. In light of the abovementioned section of the 1999 Constitution, SGs usually dominate and manipulate the administrative, functional, financial and political/democratic autonomy of Nigerian LGs (Boris, 2015).

### **Conclusion and recommendations**

After all said and done from the above analysis, it is evident that IGR in Nigerian federalism between 2015 and 2022 produced quite some degree of strains and tensions that impacted not so positively on good governance and national development. It is then not out of place that the paper asserts that the poor state of good governance and abysmal national development in Nigerian federalism



emanates in large part from the failings in the FG-SG and SG-LG inter-government relationships. To mitigate this condition, the paper advocates for more recourse to decentralization by devolution through periodic constitutional amendment exercises. One area to look into should be the transfer or re-allocation of certain items from the Exclusive Legislative Items in the 1999 Constitution most suitable for SG to handle to them. Items such as authorizing state police need to be effectuated. Again, the language and letter of Section 7(1) need to be revised to discourage SG from feeling that they have a total power of control over the LG affairs. It needs to be stressed that an important aspect of mitigating the contradictions of IGR in Nigerian federalism has to do with deploying decentralization by devolution in unambiguous letters and language that does not guarantee the tier status of each level but undermines the same by other provisos.

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