

State and Local Government Relations and the Implementation of the 1976 Local Government Reforms in Nigeria

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Abstract

This paper examined the concept of state and local government relations as a subtheme of the holistic concept of Intergovernmental Relations (IGR) and the problem which characterized them in the implementation of the 1976 local government reforms in Nigeria. Essentially, the relationship between the state and local governments in Nigeria is fraught with conflicts, problems and confrontations which have also affected the local governments in the discharge of their statutory functions and the responsibilities. The kernel of this paper was to probe into the inherent conflicts and problems which by extension, have affected the implementation the 1976 local government reform in Nigeria. This paper adopted historical, descriptive and analytical research methodology of enquiry and generates data solely from textbooks, journal, articles, magazines, newspapers and the internet. The findings of the paper revealed that the continuous encroachment and erosion of powers of the local government by the state government renders the local levels ineffective and ineffectual and further impedes growth and development of the grassroots, as well as hamper the effective implementation of the 1976 local government reforms and national development. It was recommended that state and local government relations should be motivated by cooperative and bargaining forms of IGR, rather than conflictual and confrontational actions.

KEYWORDS: State, local government relations the implementation of 1976 local government reforms, national development.

Introduction

The state and local government relations fall within the administrative sphere of the concept of Intergovernmental Relations, as it is one of the vertical patterns of Intergovernmental Relations. Therefore, in the course of the analysis of this topic, the entire gamut of the related models of Intergovernmental Relations (IGR) will be examined, to see how the interplay of the state and local government relationship impinges on the implementation of the 1976 Local Government Reforms in Nigeria.

The Problem Statement

The practice and management of Intergovernmental Relations (IGR) globally, in its truest sense, is tortuous and varies considerably under different administrations and systems. More often than not, the relationship between the state and local government is fraught with conflicts and confrontations, rather than cooperation. This, by extension has affected effective performances on the part of the local government and also impeded national development.

Before the advent of the 1976 local government reforms, the Federal or national government was not involved in the affairs of the local government. The relationship that existed then was between regions and the local governments. Between 1951 and 1956, the local government system was constitutionally a creation of regional governments and a subject on the residual legislative list of the region. Also, the exclusive and concurrent legislative lists embedded in the 1951, 1954 and 1963 constitutions, apart from thrusting the powers of establishment, composition, structure, functions and finance on the regions, did not give local government a right of place and also did not permit the involvement of the federal government in the affairs of the local governments, including its direct funding. This period also witnessed extreme instability and stagnation in the local government system in the country. As subjects under the region, they were used as 'guinea pigs' and elements for experiment through reforms and reorganizations. This study had somewhere described the scenario as "a paradox of trial and error, the blending of tradition with modernity". Local governments lack uniformity, autonomy and these characters exposed them to arbitrary erosion of their powers and responsibilities by the regional governments. The subsequent segment of this paper will examine the theoretical framework, analysis of models of Intergovernmental Relations (IGR), the antecedents of the state and local government relations, objectives and prospects of the 1976 local government reforms in Nigeria and the implication problems of the 1976 local government reforms in Nigeria.

Theoretical explication

Theoretically, this paper is premised on two Theoretical Frameworks: Cooperative Theory as advocated by Elezar (1981) and David Easton's System Theory. Cooperative theory which is akin to the Bargaining model of IGR emphasizes equitable sharing of powers and responsibilities among the three tiers of government: federal, state and local. It shows some degree of autonomy to be enjoyed by each tier of government. The theory further opines that there should be considerable tolerance, a mix of diversity, and willingness, to take political actions through coalition and cooperation. On the other hand, the System Theory as propounded by David Easton (1957), is equally relevant to this discourse. David Easton's System Theory which reorganizes the existence of a system in any political structure, helps to unravel complexity and conflicts, which the concept of IGR denotes. The System Theory is conceived as an organized and purposeful whole composed structurally and functionally identifiable, though inter-related. It also relates to the Organizational Theory, otherwise referred to as 'socio technical system' that considers a system network as input absorbers, processors and output generators.

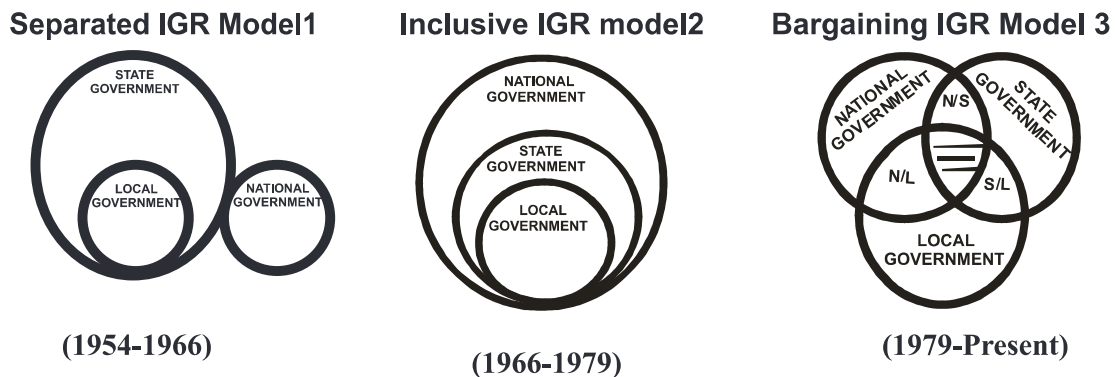
The concept of IGR is American in origin. This is why Reagan (1974) noted that "Federalism old style is dead, yet federalism new style is alive, and well and is living in the United States of America, its name is Intergovernmental Relations (IGR)". The concept of IGR is practiced both in the Federal and Unitary systems of government. Certainly, its practice is more pronounced in the federal system of government than in the Unitary system. This is so because in most cases, the streams of interactions among levels of government may not be based on cooperation, bargaining and negotiations as enunciated by the framers and the founding fathers of the concept of IGR, rather, it is always based on conflicts and confrontations. State and local government relations is one pattern of the holistic concept of IGR. Other patterns include: 1. Federal – State relations, 2. Federal – State – Local relations, 3. State – Local relations, 4. State – State relations, and 5. Local – Local relations.

Anderson (1990) defines “IGR” as a “term intended to designate an important body of activities or interactions occurring among governmental units of all types and levels within the federal system”. He equally notes that, it is a nascent concept coined by the Americans, who not only innovated the IGR as a system of government, but also, are experts in the conduct and management of its complexity. Awotokun (2002) admits that IGR denotes “an institutional arrangement – formal or informal, designed to constituent units to govern their interactions and relationships”.

Conceptual Framework

Analysis of the Typology or Model of Intergovernmental Relations (IGR)

There are essentially three types of IGR models practiced globally. The models are separated, inclusive, and bargaining IGR models. They are graphically illustrated hereunder.



Source: Deil Wright (1979) understanding intergovernmental relations models, Carolina, Chapel Hill

Under the separated model, the regions between 1954 to 1966 were independent (within the constitutional ambit of the federal government, whereas the local governments were subordinate to the regions, latter the states). This model approximates a period when the regions control substantial portions of their natural resources, wealth as well as experienced civil servants (Ekpe, 2006:41).

In the inclusive model (1966-1979), the Federal or Central Government had supremacy over other tiers of government, states and local which were regarded as appendages to the federal government. This model characterized the 13 years of military rule in Nigeria (1975-1988) when the legislative, executive and financial powers were vested on the Federal Government. Most scholars, Akinsanya (1992), Davies (1992) and Ojo (1982) attribute this scenario to a number of factors, including among others:

1. The nature of military establishment per se.
2. The creation of many states.
3. The outbreak of the civil war and the need for the Federal Military Government to muster or harness all the resources in order to prosecute the war.
4. Increase Federal Revenue which was made possible at the instance of oil boom.
5. The emergence of new breeds of Nigerians as strong advocates of strong national government and

6. The existence of Intergovernmental Institutions and IGR mechanisms meant for the proper management of intergovernmental relations and issues in Nigeria.

In the Bargaining model (1979 till date), power is dispersed among the three tiers of government, Federal, State and Local. It is a clear demonstration of autonomy in practice being enjoyed by each tier of government. It is the most ideal form of IGR this paper canvases or advocates. It is practised in most developed countries of the world, including USA, Canada, Australia, Brazil and Germany. It is characterized by limited areas of autonomy, dispersed powers, bargaining, cooperation, exchange and consultations. The framers of 1976 local government Reforms borrowed a leaf of this model from Brazil, when the Federal Military Government in 1980 sponsored a team of experts to study the workings of local government administration in those countries with emphasis on the management of IGR during military administration (1985 Dasuki report on the review of local government in Nigeria).

Antecedents of state-local government Relations in Nigeria

Section 13 of the Report of the Constitution Drafting Committee containing the 1979 draft Constitution highlighted:

The great surge of interest in the local government and the desire to make it as much as possible an autonomous institution, playing its distinctive part within the federation is seen in the place given to it in the new Draft Constitution. This document further amplifies "The system of government is guaranteed and accordingly, the government of every state shall ensure their existence under the law which provides for establishment, structure, composition, finance and functions of such councils (1979 Federal Republic of Nigeria Constitution).

To further amplify the above provision with respect to the status of Nigerian Local Government system, Schedule 4 of the 1999 Constitution as amended, equally highlights the functions and responsibilities of the local government. This aside, it should be emphasized that this was a significant inroad or breakthrough in the Nigerian Local Government System. According to Ola (1979:60), it is a "revolutionary trend which removes local government from the exclusive ambit of the state government and attempts to give it its own place, a place where it can stand on its own feet".

Analysis of the 1976 Local Government Reforms in Nigeria

Essentially, the 1976 Local Government Reforms was the third in the series of the local government reforms ever contemplated in the history of the Nigerian Local Government system. It dates back to the colonial period of the 1950s, when the first attempt was made to democratize the native administration imposed by colonialism. It was closely followed the by 1960 and 1970 Reforms respectively, also with focus on attempt to democratize local governance. The following strategic provisions of the 1976 reforms were entrenched in the 1979 Constitution: "to make local government more efficient, autonomous, stable, and encourage the exercise of democratic self-government close to the local levels of our grassroots, encourage leadership potentials and to provide a two-way channel of communication among local communities, federal and state

governments.” The 1979 Constitution also guarantees a system of democratically elected local government, specifies lists of responsibilities for the local government and makes it mandatory for both the Federal and State governments to make direct financial allocations to local governments. In this case, according to the 1981/1982 Revenue Allocation Act, States are expected to pay 10% of their internally generated revenues to the coffers of their local governments. Between 1979 and 1989, the Shehu Shaghari's administration provided a benchmark and litmus test for the implementation of the provisions of the 1976 local government Reforms. During the period, there were no elections, the local government system comprised either handpicked or nominated membership that were directly under the sole administratorship of state governments, assisted by their state officials. By this development, the provisions of the 1976 local government reforms were either blatantly perverted or abused (Oshisami, Koleade & Dean, 1984).

The State Ministries of local government meddled extensively with the affairs of local governments. Most State Governments even created parallel agencies usurping revenue collection responsibilities of local governments in the areas of tenement ratings, business premises and environment levies. Most states also took delight in creating mushroom local governments, without regard to constitutional requirements. Local government functionaries who dared to resist or protest State governments' commands and encroachments were usually threatened with spate of frivolous probes of corrupt practices. This was possible because the state commissioners for local governments, as overseers and superintendents, were vested with powers to institute enquiries into the activities of councils. These unhealthy developments persuaded the former Chief of Staff, General Brigadia Shehu Yar Adua at the eve of 1976 Local Government Reforms launch to remark:

The State government has continued to encroach upon what would normally have been the exclusive preserves of local government. Lack of funds and appropriate institutions have continued to make local government ineffective and ineffectual. The staffing arrangement has been inadequate and excessive politicking has made even most progress impossible. Consequently, there has been a divorce between the people and government institutions at the most basic level (General Brigadia Shehu Yar Adua – Key Note at the launching of the 1976 local Government Reforms in Nigeria).

Objectives and Prospects of the 1976 Local Government Reforms in Nigeria

As earlier mentioned, before the advent of the 1976 local government reform, Nigerian local government system was engulfed with multiple problems, which included among others, structural and operational. It is the multifaceted dimension of these problems that Olowu (1982:51) and Adeleyi (1978:2, 3) describe as “vicious circle of local government poverty”.

According to them, elements of vicious circle of local government poverty include:

- (a) Defective and cumbersome structure
- (b) Inadequate functions and powers
- (c) Inadequate finance

- (d) Low caliber and poorly paid staff
- (e) Low administrative efficiency and corruption.
- (f) Poor performance or even total neglect of functions
- (g) Transfer of functions to State and Federal governments (Oluwu, 1990:51 and Adeleji, 1978 pp. 2-3).

The advent of the 1976 Local Government Reforms was a welcome development, as scholars refer to it as “watershed” in the history of Nigerian Local government in the country. Apart from being a bold attempt to break the “vicious circle of local government poverty”, it was a monumental inroad to correct the multidimensional problems of the local government system and make it a veritable instrument of grassroots development.

The Main Features and Objectives of the 1976 Local Government Reforms include:

1. The recognition of the local government as the third tier of government. Hence, as a third tier of government in its own right, was entitled to adequate, veritable and reliable sources of external and internal funding. This also meant that the local government as a tier of government was to enjoy some measure of autonomy within the sphere of its competence. The autonomy of the local government was later entrenched in the 1979 and 1989 constitutions respectively.
2. Uniformity of structure. The reformed local government had basically uniform structure throughout the country. Provisions were made for chairmen, elected and nominated councilors, fixed number of committees with Finance and General Purposes Committee serving as the cabinet of the local government.
3. Fixed size – in terms of size, the reformed local government provided that no local government should be under 150,000 in population, except with special permission granted by the Federal Government. Besides, an upper limit of 800,000 population was stipulated, but this, however, could vary in exceptional geographical circumstances, and provided further that there should be no upper limits to the size of local governments covering major towns within single units.
4. Fixed tenure – The reformed local government had fixed tenure of years
5. Common institutions such as Local Government Service Boards or Commission were to be established.
6. Establishment of one percent (1%) training fund for the training and retraining of local government staff to be administered by the Local Government Service Commission Nwosu (1989:91).

Apart from ensuring that above provisions and objectives were enshrined in the 1979 and 1989 constitutions, other significant steps adopted between 1976 and 1979 included:

- The promulgation of the land use Decree which vested the land in rural areas in the local government in 1977.
- The decision to allocate 10% as at 1977, (now 20%) of Federation Statutory Allocations to local governments.
- The inauguration of management training for local government Secretaries and Treasurers in the designated Universities of Nsukka, Amadu Bello, Zaria and Obafemi Awolowo, Ile Ife.
- Establishment of a Pension Fund into which all three levels of government made contribution since 1979.

King (1988:89) summarizes the administrative, economic, and political assumptions or imperatives which are the basic kernel of the 1976 local government reforms in this manner. The administrative assumption is that:

local government should be responsive to the local needs, yearnings, and aspirations by virtue of their proximity, generate knowledge of local conditions and, therefore, greater capacity to react quickly to these needs. The economic assumption is that local government should become more efficient in resource allocation by virtue of their superior ability to identify and rank priorities in terms of different services the community needs. The political assumption is to develop potential leadership capable of mobilizing the community, articulating and aggregating its interest King M. (1988:89).

Implementation of the Problems of 1976 Local Government Reforms in Nigeria

Alhaji Dasuki, in his Committee Nationwide Report of 1985 identified operational problems (Council's functionaries) as responsible for the problems of the local government system in Nigeria and their failure to implement the 1976 Local Government Reforms. The implication, here, is that the operators referred to here were the functionaries of the local government, including among others, the chairmen, elected and nominated councilors and the State government's officials who had supervisory roles over the local government. Other problems which hindered effective implementation of the 1976 local government reforms included:

1. Legal and constitutional ambiguity or distortions in the 1976 Local Government Reforms

Paragraph 68 of the Guidelines of 1976 local government reforms was ambiguous and misleading as to which tier of government – Federal or State should have the responsibility of reforming local governments in Nigeria. On one hand, it assigned the responsibility of standardizing and harmonizing the implementation of the reform provisions to both the federal and state officials. This apparent ambiguity is seen in both section 7(1) and section 7(2) of the 1999 Constitution as amended respectively. The responsibility of establishing a local government by the State Government is captured thus:

The system of local government by democratically elected local government council is under this Constitution guaranteed and accordingly the government of every state shall ensure their existence under a law which provides for the establishment, structure, composition, finance and functions of such councils. (1999 Federal Republic of Nigeria Constitution as Amended).

Section 7(2) states inter alia “the person authorized by law to prescribe the areas over which a local government may exercise authority shall:

- Define such areas as clearly as practicable
- Ensure to the extent to which it may be reasonably justifiable – that in defining such areas consideration should be given to;

1. The common interest of the community in the area.
2. Traditional association of the community
3. Administrative convenience

The operative phrase or word under consideration here is “the person” authorized by law. This ambiguity gives room for maneuvering or manipulation which may alternate between either civilian or military administrations or regimes. The person authorized by law in the military administration could be interpreted to mean the State Executive, represented by the Governor, since under military administration, both executive and legislative functions or powers are fused or usurped by the military Governor. Arising from the above scenario, therefore, all the original local governments that were created or established had their instruments of operation from the State Edict promulgated by the state military Governor. An extract of relevant Cross River State Edict (1977) herein cited as a case study speaks volumes about this:

Part 1: Establishment of Local Government

Sub 2: The power of executive council to establish local government council under this Edict shall be exercised by means of instrument signed by the Military Governor.

Sub 3: Every local government established under or pursuant to this Edict shall be a Body Corporate by the name designated in the instrument establishing such council and shall have perpetual succession and a common seal and power to acquire and hold land and to sue and be sued. A corollary to this is the local government Edict No. 3 of 1988 by the Military Governor of Akwa Ibom State.

Part 1: Composition of Council

Sub 3: The Military Governor may by regulation divide the local government areas into wards and each ward shall return a member to the council. Again, Ayoada (1992:41) identifies another constitutional distortion in this manner:

The inclusion of the exclusive legislative list for local government in the Constitution is interesting and constitutes potential areas of policy conflicts and distortion. He notes that the list includes the formation of economic planning and development channel for the local government area that this function is also replicated in section 7 (5) of the 1999 Constitution as a Joint or Concurrent Policy area (Ayoada, 1992:41).

The towering influence of military administration generally in the governance did not only impede the implementation of the 1976 local government reforms, but also threatened the fabrics of the country's democratic existence. For instance, the prolonged or incessant incursion of the military in governance, affected the local government governance and by extension, the implementation of the 1976 local government reforms. When there was a change of leadership in the local government system between 1979, 2007 and 2020 about 18 tenures, there were just six local government elections, thus 1976-1979, 1997-1998, 1999-2002, and June 1999 – June 2002, 2015, 2019 and December 2020 respectively. The chronology is showing numbers of local government elections as well as the nature of local administrations between 1979 – 2007, 2015, 2019 and 2020. It is itemized from nos. 1-18 hereunder:

1. 1976-1979: Elected council with election on personal merit (zero party parliamentary system).
2. October 1979 – December 1983: Hand-picked (i.e. selected) local government Chairman and Councilors.
3. January 1984 – August 1985: Sole Administrators/Management Council.
4. August 1984-December 1987: Management Committee System with Sole Administrator (Civil Servants as Chairman).
5. January 1988 – July 1989: Elected Chairmen and Councilors with Supervisors – all elected on personal merit/recognition.
6. August 1989 – December 1990: Management Committees with Sole Administrator (Civil Servants as Chairman).
7. January 1991 – November 1993: Elected Councils on party basis (SP/NRC).
8. November 1993 – April 1994: Administration of Local Government by Local Government Secretary or Director of Personnel Management (DPM) under MILAD's directives.
9. April 1994 – 1997: Selected Chairmen and 4 Supervisors (indigenes) to run the affairs of the councils.
10. 1997 – June 1998: Elected Councils of the registered political parties under Abacha Regime.
11. July 1998 – May 1999: Sole administrators (civil servants) with indigenes selected as Supervisors.
12. June 1999 – June 2002: Elected Council on political party basis (return to Civilian era the 4th Republic Presidential system).
13. June 2002 – June 2003: Selected Councils by State Governors called Transition Committees.
14. June 2003 – 26 March 2004: No uniform system initially: some States used 'Directors of Personnel Management' of the Local Governments; others used the state government's party supporters to form new Transition Committees'. All the states later opted for the latter arrangement.
15. 27 March, 2004 – 30th March, 2007, Councils elected on party basis in the 4th Republic.
16. 1st April – 3rd July, 2007 many caretaker committees with a significantly few elected councils in the whole country.
17. Between 2008 – 2015 management committees were in charge of local governments in Akwa Ibom State.
18. Between 2015 – 2019 and December 2020, elected council membership in the local government governance in Akwa Ibom State (Aluko, 2006).

A cursory glance at the list above depicts the status of Nigeria Local Government system and the trend of military dominance in governance in Nigeria. Apart from non-implementation of 1976 Local Government Reforms with respect to absence of democratically elected leadership in councils, it shows continuous encroachments on the affairs of local governments by the State governments. Thus, Fayemi (2001) observes “For the period of military administrations, elections were never held at the local government level, Chairmen and Councilors were handpicked by the State Governors, since they were not elected. The Chairmen and Councilors were the “errand boys” and appendages of state administration”.

(2) Arbitrary Usurpation of Powers and Revenue Generation Function of Local Government by the State Government

The nature of state-local government relations in Nigeria as it is presently practiced is

lopsided and repugnant to this statement – 'to enhance the emergence of cooperative, rather than competitive Federalism as enunciated by the principle of IGR'. In the words of Nwosu (1982:12):

“The relationship that existed between the state and local government resembles that of the partnership of the horse and the rider, in which the state government propels the local government to any direction they desire. The local governments are not encouraged to use their initiatives to harness local human and material resources for the provision of high quality services for millions of Nigerians who live in rural communities. Nwosu (1982:12).

For instance, most states, over the years, have indulged in blatant usurpation of traditional sources of revenue for local governments, without consulting them or reimbursing them for the losses. In 1988, Calabar Municipality challenged the jurisdiction of the State Government for taking over Environmental Sanitation fees from the council. The judgment by Late Chief Edem Kufre favoured Calabar municipality. The right of the council in that respect was later restored. In the same year, Late Etubom Ekpo Bassey, former chairman of Calabar Municipality also challenged the State House of Assembly in the purported attempt to pass a Bill reverting Market toll collection in Watts market to the coffers of the State Government. Again, in 1988, Akwa Ibom State government usurped business premises/stillage from Uyo local government through arbitrary collection of fees from the occupants of Uyo Multi Complex Shopping Centre, along Ikot Ekpen Road. Again, there are cases where State governments use instrumentality of the State-local Government Joint Accounts Committee to temper with Statutory Allocations of councils. For instance, the Chairmen of the seventeen local government councils in Sokoto State jointly challenged the state Executive Governor in court restraining him and his agents from deducting 3% of their monthly statutory allocations to fund Sokoto emirate councils, claiming that the State Government's action, apart from being unconstitutional, was undue encroachment on the affairs of the local governments Ekpe (2006).

Conclusion

This article attempted to x-ray the state - local government relations within the framework of the concept of Intergovernmental Relations (IGR) in Nigeria. It is observed that most state governments have not embraced the practice of an ideal form or model of IGR – bargaining or cooperative in its truest sense, which guarantees equality and partnership in the sharing of responsibilities and functions among the levels of government in Nigeria. Certainly, most state governments still indulge in the form of relationship Nwosu (1986) describes as that of the horse and rider that engenders conflictual and confrontational relationships, rather than cooperation and by extension, hampers the religious implementation of the 1976 local government reforms in Nigeria.

However, it is germane to submit that the acceptance of the 1976 local government guidelines on local government by state governments nationwide has been a turning point or watershed in the state - local government relationship. By this development, the states have virtually lost their supremacy and powers over local government, but only exercise supervisory power over local governments. The relationship that exists now

between them no longer resembles that of master and servant's relationship, rather that of two partners in social and economic development of the people and the nation Oyawele (1980).

Recommendations

1. The effective management of all levels of government in Nigeria, specifically between the state and local government can only be achieved if the relationship between them is motivated by cooperation and bargaining rather than, based on conflicts and confrontations.
2. The envisaged relationship should be the one that sees effort of the other as appropriate for the overall interest of the people and the national development.
3. The local government should be allowed to function as intermediate tier of government to both the federal and the state governments, in planning and execution of the life touching projects, such as urban markets, cottage industries, primary healthcare, schools, commercial farms, water and rural electricity.

Ideally, the pattern of IGR in any federal system is premised on the effective management of conflicts and complexities. The present state of affairs in Nigeria has alternated between hierarchical subordination under the military rules and conflicts under civil rule. Therefore, this paper strongly advocates the establishment of a permanent IGR mechanism meant to handle proper and a hitch-free management and resolution of IGR problems and conflicts in Nigeria.

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