

A Synopsis of State-Local Intergovernmental Relations

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Received 14 January 2021; accepted 27 March 2021
Published online 26 April 2021

Abstract

The paper examined the intergovernmental relations between the states and the local governments. It examined the factors necessitating conflict between the states and local governments and ascertained the relevance of healthy state-local relations to grassroots development. The methodology adopted for obtaining data was based on documented secondary data. The results revealed that the relationship between the state and local governments is precarious and the causes of conflict between them include the withholding and non-remittance of fund belonging to the local government. Furthermore, the undue interference by the state governments in the affairs of the local government. The study concluded that the overbearing power exercised by the state governments over the local governments should be addressed, for democracy and development to thrive.

Key words: Local; State; Intergovernmental; Conflict; Relations

Philomena, I. (2021). A Synopsis of State-Local Intergovernmental Relations. *Canadian Social Science*, 17(2), 10-16. Available from: <http://www.cscanada.net/index.php/css/article/view/12052> DOI: <http://dx.doi.org/10.3968/12052>

1. INTRODUCTION

Local government is the oldest form of government. It works at the grass-root level close to the people, touching their everyday life directly. The earliest form

of local governments existed in the form of clan and village meetings. Democracy can be traced to this since it originated and developed along the lines of local governance initiatives in the ancient Greek city-states. In most parts of the world, local governance was developed along with the people's culture, customs, shared experiences, norms, values, traditions and expectations.

One reason for creating a local government is the provision of efficient service to the people in rural area. The theory of efficiency-service holds the view that local governments exist mainly to ensure that adequate service is provided or delivered in the local or rural area. The Nigeria 1976 local government reform defines local government as government at the local level exercised through representative council established by law to exercise specific powers within defined areas. These powers should give the council substantial control over local affairs as well as the staff and institutional and financial powers to initiate and direct the provision of services and to determine and implement projects to complement the activities of the state and federal government in their areas, and to ensure through devolution of these functions to these council and the active participation of the people and their traditional institutions, the local initiative and response to local needs and conditions are minimized. In a bid to fulfil this duty, local government needs funding, assistance, mutual understanding and corporations from higher levels of government. Since local governments are saddled with the responsibility of the provision of social services, it becomes imperative that they are adequately funded, hence, the subject of intergovernmental relations.

In most countries operating a federal system of government, there are usually two distinct levels of government, the federal or central all-embracing government, and the government of the parts known as state/region or province. Each of these levels of government is assigned distinct functions in the

constitution of the country concerned. State-local relations is one of the units of intergovernmental relations in a federal state. It entails networks of interrelationships of interactions and co-operations on various issues such as finance, election, security legal, environment, community development and politics among others, between the state and local governments in a given state. An example is a financial interaction between the state and the local government through the state-local joint account. This is a special account maintained by all states through which the revenue from the federation account is disbursed to the local governments. The local government needs funds from the federation account to implement their statutory duties, specifically for providing social services efficiently and timely. In Nigeria, the constitution provides for the financing of the local governments.

The constitution of the federal republic of Nigeria (1999) stipulates the following; that any amount standing to the credit of the Federation Account shall be distributed among the federal, state and local governments on such manner as may be prescribed by the National Assembly; that the amount standing to the credit of the local government councils in the federation account shall also be allocated to the states for the benefit of their local councils on such terms and in such manners as may be prescribed by the National Assembly; that each state shall maintain a special account to be called “State Joint Local Government Account” into which shall be paid all allocations to the local government councils of the state from the Federation Account and form the government of the State; that the amount standing to the credit of local government councils of the state shall be distributed among the local government councils of the state on such terms and in such manners as may be prescribed by the House of Assembly of the state. But alas! despite the provisions made in the constitution. State-local relations have over the years experienced some discomfort because most states have continually used the state-local joint account to oppress the local governments

The frosty relationship between the state and local governments has affected the local governments in carrying out their main function of provision of social services, due to the delay or non-remittance of their monthly allocation from the Federation Account by States. Regrettably, the state governments have abused the State Joint Local Government Account, using it instead as a tool to control the local governments. Due to the slavish relations between the state and local governments, the local governments are prone to undue state interference, which limits the autonomy of the local governments.

According to Umoren (1994). The interference in the local government autonomy by the state governments has become so pervasive that in the year 2010, thirty-

one out of the thirty-six states governors tampered with local government funds through the instrumentality of the State Joint Local Government Account. It is important to note that the pervasive practice by the state governments to interfere in the statutory allocations to the local government is not in line with the constitution in the creation of the State Joint Local Government Account. The State governments are only expected to act as trustee of the account and to ensure reasonable oversight of the statutory allocations of the local governments. Meanwhile, the local government rely heavily on the Federation Account close to ninety-five per cent of the local governments in Nigeria depend on the funds from the federation account for their financial expenditures. Indeed, the financial crisis being suffered by local governments in Nigeria is attributable, in a reasonable measure, to the erosion of their financial autonomy through frequent interference by state governments on their finances (Bello, 2014).

Olowu (2006) defines intergovernmental relations as the network of both formal and informal interactions between or among levels of government. These interactions have been largely influenced by the actors and elites who hold power at the helms of affairs at different levels. It is among these individuals that intergovernmental relations occur because after all said and done, the operation of federalism as a political structure marked by the combination of shared rule and self-rule between levels of government has been affected by issues and controversies that the actions of the governing elite represent. Controversies such as the use of caretaker committee selected by the state government instead of election by the people, to run the local councils, delay or even non-remittance of local councils fund, undue and frequent state interference in local councils affairs, election issues and corruption which is evidenced in the diversion ad siphoning of council fund by the state governments.

The local government is expected to be the foundation for socio-economic development. Meanwhile, the Nigerian local governments have been labelled as grossly underperforming in terms of provision of services that will improve the quality of lives of people in the rural areas, partly due to corruption but mainly because of the delay or non-remittance of local government funds by the state and the refusal of the states to remit their own ten per cent internally generated revenue to the local governments. The interference in the local government statutory allocations by the state governments majorly accounts for the inability of the local governments to initiate and execute development projects.

Objective(s)

This paper examines the intergovernmental relations between the state and local governments.

2. LITERATURE REVIEW

Local government promotes personal liberty and participation of the people in governance. It is believed that local government serves as a training ground for leaders who will subsequently move to the state and federal levels. This is the reason why the local government has been described as ‘nurseries of democracy’. This is particularly important in developing countries like Nigeria. Nigeria has been under colonial and military rule for a longer part of its existence, with very limited experience in democratic government.

Intergovernmental Relations

The history of intergovernmental relations is linked to the United States of America. It gained widespread currency between 1920 and 1950. Following the creation of the Advisory Commission on Intergovernmental Relations in response to the increasing demands and needs of modern government. Wright (1978) opined that whether we are referring to the evolution of intergovernmental relations in the United States of America or Canada, that such evolution came to the forefront following the beginning of the significant economic and social development programmes by the existing federal government in these countries that began to have a greater impact on other levels of government.

Some scholars in a bid to classify the interactions in intergovernmental relations assert that the levels of interaction can be encapsulated into two kinds of intergovernmental relations namely vertical and horizontal relations which contains six classes of relations: Central State; Central-State-Local; Central-local, State-local; State-State and local-local while (Ugo 2011, Adamolekun 1983) aver that a comprehensive analysis of intergovernmental relations in a federation is in nine folds, these are: Federal-state; Federal-local: Federal-Civic groups; State-State; State-Local, State-Civic groups, local-local; Local-civic groups and inter-civic groups. Vertical relations exist where the central government interacts with the states or localities, or where the states interact with the localities. Horizontal relations occur when governments at the same level interact.

Whatever type or structure of government, intergovernmental relations account for the mutual relations and interactions between government institutions at horizontal and vertical levels dealing with the actions and transactions of politicians and officials in national, sub-national units of government and organs of the state. This is in line with the work of Abonyi (2005) who sees it as encompassing all the permutations and combinations of relations that occur between the various units of government, noting that, it is the platform that allows different actors the opportunity for continuing dialogue on issues of group importance leading to the balancing of the policy table in a manner that promotes national progress.

It is important to state that, the success of any government depends on how well each part of the government works. Issues of efficiency, viability and chances of success depend on his cooperation and coordination that exists in the units. Anything short of this causes stress and discomfort on the system. All units must work together, no unit should work at cross purpose against the idea of the common policies or goals. For cooperation and coordination to exist, the interrelationship among the federating units is a core ingredient among the levels of government of federations. Intergovernmental relation should serve as a bridge to bring about a degree of coordination and cooperation to the divide powers which is ruled by a rigid constitution. Given the changing political, economic and social realities that cannot stand the untimely process of constitutional amendments, many modern federal systems have developed informal intergovernmental relations in response to their unique federal circumstances.

Intergovernmental relations can solve the problem created by constitutional rigidity or some factors that may be impediments to the achievement of promoting the welfare and happiness of the citizens. Cooperation among levels of government enhances service delivery and help in mollifying conflicts and promoting peace.

Some models explain the types of authority and relationship that can exist between levels of government for a better understanding of intergovernmental relations.

Separated Authority Models is a model that assumes that the local governments are subsumed in the state governments, while the state and central governments are independent, autonomous and only meet tangentially. The relationship between the two is formally based on laid down rules provided by the constitution.

Inclusive Authority Model, here the local governments are subsumed in the state governments and the component. States are in turn dependent on the composite state. The model is hierarchical in which the local and state are greatly inferior to the federal government. The reason is that the federal government through acquired powers and financial might is being looked up to by the other two levels of governments to affect their social and economic programs as prescribed by the constitution.

The overlapping Authority Model assumes that a substantial area of governmental operations involves national, state and local governments together and that areas of autonomy or single jurisdiction independence and discretion are comparatively small. The limitations in autonomy and independence necessitate bargaining within the system, which enhances intergovernmental relations.

State Joint Local Government Account

The constitution of the Federal Republic of Nigeria (1999) stipulates among others that; each state shall maintain a special account to be called “State Joint

Local Government Account” into which shall be paid all allocations to the local government councils of the state from the Federation Account and the government of the state. This account is specially opened and maintained by every state government for the payment of statutory allocation to local government from the federation account and the payment of the state’s ten per cent internally generated revenue. This account is maintained on behalf of the local government by the state. There are two kinds of money paid into this account, the share of local governments from the federation account and the state’s ten per cent internally generated revenue. The idea of a joint account is to enable the state government to oversee, monitor and guide local government finances.

Some of the reasons for the provision in the constitution are explained thus:

The enhancement of state-local fiscal relations; Before the Joint Account System, the state governments did not have any financial relations with their local governments.

Encouragement of effective supervision of local governments spending by the state: To enhance accountability and probity, this special account was established to block all forms of misappropriation, mismanagement and looting of local government finances by local government chairmen and other politicians at the grassroots.

Availability of funds to the local governments: The special account is meant to allow the local governments to have access to funds from both the federal and state government. The funds from the federal government represent the statutory allocation from the federation account, while the state funds represent the ten per cent internally generated revenue from the state.

Service Delivery; The special account was established to see that funds in this account were judiciously expended on service delivery which in turn promotes grassroots development. Before the advent of the 1976 local government reform, the commitment of the federal government to local government in terms of finance was very poor, but the introduction of this special account ushered in a new dawn. The federal government promptly remit/pay statutory allocation standing to the credit of local governments of a state. In summary, the reason for the establishment of the Joint Account System is to reinforce both state-local relations, federal-local relations in their resolve to provide the much-needed development to the citizens and also enforce strict monitoring and supervision of the spending of the funds, bearing in mind the provision of social services.

Theoretical Insight

This paper is anchored on the Overlapping-Authority Model. The relevance of this model is because it is what obtains in an ideal situation where intergovernmental relations is given its proper place. In the overlapping

model, some responsibilities are joint tasks and therefore overlap is inevitable. The role of government has assumed a broader scope of policy development, implementation and increased operations through networks that cut across jurisdictions and delivery agents. The overlapping model describes the inseparable mingling of functions throughout the system, where sharing of functions go far beyond the more visible grants-in-aid to include issues of regulations and standards, sharing of expertise and the most pertinent, state and local responsibilities in the development of programs. In this model, intergovernmental relations are presented as a set of overlaps between national, state and local units simultaneously. According to Wright (1985), this model requires bargaining for survival limited and dispersed power which gives clear cut areas of autonomy. He posits that the features of the model include a high degree of potential or actual interdependence, simultaneous cooperation and competition, bargaining and exchange relationships, authority pattern and negotiation as a strategy to reach an agreement on boundaries.

3. RESEARCH METHODS

The contents of this paper are purely on the review of relevant literature on intergovernmental relations. Thus, the methodology adopted for obtaining data was based on documented secondary data obtained from academic journals, conference papers, articles, textbooks, the internet and the author’s personal views.

4. FINDINGS

The constitution of the Federal Republic of Nigeria provides a window for the oppression of the local governments, which explains the reason for the interference in the local government financial autonomy by the state governments. The subordination of the Local Governments Account does not allow for direct funding of local government from the Federation Account which would have supplied a realistic basis for the realization of the local government financial autonomy.

In Nigerian Intergovernmental relations, the relative roles of the three tiers of government in social service delivery have generated serious concern for all stakeholders. There are calls for intergovernmental fiscal relations to be reassessed holistically because of the widespread belief that although the states and local governments are assigned primary responsibility for the delivery of basic public services, regrettably they are not equipped with adequate revenue resources to fulfil their expenditure obligations because the bulk of government revenues is retained by the federal government because of the sharing formula adopted by the country.

Political Participation

The undue interference by the state government has been a matter of great concern for the local government. One of the concerns for the establishment of a local government system is to encourage political participation. Ideally, the local citizens are expected to elect periodically their representatives who will manage local affairs on their behalf.

Political participation can be viewed from the electoral participation of individual citizens and the existence of a political institution (local council). Existing studies in local government administration suggest that political participation can only be effective if the local governments are allowed to function.

Service Delivery

Nigeria can be said to be interested in establishing strong local governments that are capable of achieving the triple objectives of promoting political participation, delivering efficient services and mobilizing local resources. The general assumption is that services that seek to meet the basic needs of local citizens are best administered at the local level. The major concern is the extent to which goods and services are delivered to local citizens in the right quantity/quality and at the right time. Local governments are therefore considered weak or strong, important or not too important, depending on the extent of their responsibility for functions that are of local interest.

The provision in the constitution for the State-Local Joint Account is for the payment of statutory allocation to the local government from the federation account and the payment of the state's ten per cent internally generated revenue. The state government acts as the supervising agent that oversees the distribution and the spending of the funds by the local government. The state governments are meant to supervise the spending of the funds. The account was established to block all forms of misappropriation, mismanagement and looting of local government finances by the local government chairmen and other politicians at the grassroots. If the funds in this account are judiciously expended on service delivery, then development will be attained at the grassroots level.

Evolution of Intergovernmental Relations in Nigeria

Revenue allocation has dominated the IGR scene in Nigeria since 1954. Between 1914 and 1954, Nigeria was administered by the British imperial power as a unitary state. However, there were several aspects of the colonial administrative system that were similar to the features of a federal system. At that time, there were three regions of the unitary state and each of the three regions of the unitary state was sufficiently distinct by 1946 that a commission was set up to determine the allocation of national revenue among them. Other revenue allocation

commissions reported in 1951 and 1953. Thus, even before Nigeria formally became a federation in 1954, three commissions had been set up on revenue allocation. Aside from the pre-1954 revenue allocation commissions, five others were established between 1958 and 1980; the Raisman Commission, 1958; the Binns Commission, 1964; the Dina Commission, 1968; the Aboyade Technical Commission, 1977; and the Okigbo Commission, 1980. With the intervention by the military, between 1967 and 1975, the military rules introduced significant changes to the revenue allocation formula, they had inherited from the civilians.

In Nigeria, there are persistent disagreements over the subject of revenue allocation. The disagreements are in respect to the factors that should determine the allocation and the relative weight to be attached to each criterion. The problem with allocating revenue among the levels of government was resolved through ad hoc compromise between 1958 and 1965. Between 1966 and 1979 the problem was solved militarily, of course, disagreements expressed by experts and aspiring politicians were ignored with impunity. The Aboyade Committee (1977) recommended that local governments should be accepted as having a right to a statutory share of national financial resources. This recommendation was adopted by the government and it was enshrined in the 1979 constitution. But the first Executive President started in earnest to propose a new revenue allocation arrangement after the return to civilian rule in October 1979, it was not until January 1982 that a new arrangement was enacted into law by the National Assembly. The intense debates that featured during the work of the Okigbo Commission, the extensive lobbying and complicated manoeuvres that produced the 1981 Revenue Allocation Bill in the National Assembly, and the court action that culminated in the Supreme Court's nullification of the act in October 1981, all testify to the importance of the subject of revenue allocation. This high frequency in the review of the formula for revenue allocation testifies to the importance of the subject and the persistent disagreements over the subject within the Nigerian Federal System (Adeniran et al 1980) cited in Adamolekun (1983).

Characteristics of Intergovernmental Relations

As a process, intergovernmental relations (IGR) are associated with some characteristics. According to Wright (1988: 66), the major characteristics of intergovernmental relations could be summed up as follows:

Intergovernmental relations have a bearing on all governmental units in operation in a given system. From the top to the bottom, for example, in Nigeria, that is, the federal government, state governments, local governments, government agencies, public corporations, commissions, committees, institutions etc., are all involved in it. The relationship between each other and

the quality of the same coupled with the frequency of interaction amongst them has its impact on policy-making and implementation;

Intergovernmental relations aim at the purposeful behaviour of the government officials involved in the process. The officials' actions and attitudes have to be positive and meaningful. For their self-interest, they should not put the public interest at stake. The officials' goal-oriented attitudes do not permit them to have the wrong inclination regarding the other participants involved in the process of policymaking.

Intergovernmental relations aim at regular interactions among officials. Through frequent interactions, based on objective data and analysis, the officials at various levels can contribute to the attainment of targets fixed for the given unit of governance. The day-to-day contacts called for a practical working relationship among the officials. This would go a long way in improving the policymaking process.

Public officials include all governmental officials and actors. These are elected representatives such as members of the national assembly, state legislative assemblies, local governments, or indirectly elected representative as in the local governments, political executives and appointed officials, including the administrative personnel at lower and middle ranges, etc. The interactions amongst all the governmental actors and officials whether elected or appointed, contribute to improving the policy process; and

The financial aspects, viz, loans, grants-in-aid, revenue sharing, auditing e.t.c., also strengthens or weakens the intergovernmental relations. The governmental structures which are evident at the grassroots, states, or federal level are made to facilitate the policy process in such a way whereby the common person could get the maximum benefits through the policies made. Financial assistance and help from one level of government to another is also a step in this particular direction and an important component of intergovernmental relations.

Wright thus pointed out that the features of intergovernmental relations which are not dictated by structures of governments:

the prominence of policy (rather than mainly legal) issues:

inclusion of all governmental entities – local units in addition to national-state;

importance of officials attitudes and actions;

regular, continuous day-to-day interactions among officials; and

inclusion of all types of public officials – especially administrators in addition to elected officials.

These features are in line with the definition of intergovernmental relations by Thorhill (2002) Intergovernmental relations consist of all the actions and transactions of politicians and officials in national, sub-national units of government and organs of the state'.

Local government is a viable tool for rural transformation and social services delivery to the people. It is strategic to the development process which is contingent on the relationship that exists among levels of government. The 1976 local government reform repositioned the local government system. Unfortunately, local government activity is still facing the problem of functional competence. Local government participation in economic planning is minimal and their activities are generally poorly linked to the development plan programmes. According to Ibok and Tom (2010), local governments are not responsible for managing the Universal Primary Education Programme (UPE) even though they make a substantial contribution to it. They are also left out of the housing programme, agricultural revolution, water and electricity programmes in their domain. To administer these programmes, the federal and state governments have created special agencies such as River Basin Development Authority (RBDA), State Universal Basic Education Board (SUBEB), Cross River Agricultural Development Projects (CRADP), Akwa Ibom Agricultural Development Project (AKADEP) etc.

“For any federation to survive and thrive, there must be fiscal decentralization and financial autonomy for the central and subnational governments”. Eminue (2006) opined that the role granted state governments as umpires for local government in the matter of statutory allocation, allowed the states governments to make deductions and sometimes the withholding of such allocations. The state governors unilaterally spend funds meant for the local governments without their permission, sometimes purchases are made on their behalf, like the case of the purchase of thirty-one tractors for the local governments in Akwa Ibom and the purchase of vehicles for monitoring of primary schools in Yobe State. These purchases were made without input or permission from the local government although the cost of the purchases were made without input or permission from the local government although the cost of the purchases was charged to the local government account. As earlier mentioned, most state governments have consistently failed to fulfil their statutory obligation of the release of ten per cent of their internally generated revenue to the local governments. Given this situation, local governments suffer huge shortfalls in their revenue which is a pitfall for planning, development and the provision of essential services.

The slavish relationship that exists between most state governors and the local government is a thing of concern. The constitution stipulates that the local government is the third tier of government. The absence of local government elections in some states is an aberration. Some governors are in the habit of selecting local government officials instead of an election as stated in the constitution. Another anomaly is the establishment and control mechanism by the state government to oversee local government such

as the Ministry of Local Government, Local Government Service Commission and the State Economic Planning Board. These bodies are state institutions created to control local governments, which contradicts the constitution of the federal republic of Nigeria.

5. SUMMARY, CONCLUSION AND RECOMMENDATIONS

In Nigeria intergovernmental relations take place among and between levels of government that make up the federation. The importance of intergovernmental relations is among others to solve the problem of rural and urban poverty, ignorance and the suffering of the people. If this is done, then peace and harmony among the citizens will be ensured and the different levels of government will also enjoy and promote peace and harmony which will eventually lead to economic growth and development. Other reasons are: to enhance the emergence of cooperation rather than competitive federalism; effective utilization of available human and material resources among the various levels of government; acceleration and achievement of the self-reliant economy; minimization of inter-jurisdictional conflicts among the various levels of governments and to foster national integration through the activities of the three levels of government.

CONCLUSION

The local government is the government that is closest to the people. It is usually established to achieve three broad objectives: to involve local citizens in the management of local affairs, to ensure that the basic needs of local citizens are met as speedily and as efficiently as possible; and to provide a framework within which local resources, both human and material are effectively mobilized. There is therefore no doubt that the local governments are in the best position to play a major role in the grassroots development of our society. The local government needs funding, assistance and mutual understanding and cooperation from higher levels of government, state-local relations is one of the units of intergovernmental relations in a federal state. It connotes networks of interrelationships or web of interactions and co-operations on several issues, such as finance, election, legal, environment, security, jurisdiction, community development and politics between the state and local governments in a given state.

The Federal Government in its wisdom made the necessary provisions in the constitution. But the

relationship between the three tiers of government in Nigeria is such that the constitution is not strictly adhered to.

RECOMMENDATION

Intergovernmental relation is very important. Whichever structure of government, its efficiency, viability and chances of success, depends on how each part works coordinately and cooperatively, this is the only way that development can be attained. Unless the local governments are free to initiate and execute their policies and programmes routinely, whatever resources and functions given to them, may amount to nothing in terms of achievement. The undue interference from the state government should be addressed and the constitutional provision on that aspect should strictly be adhered to.

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