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An X-ray of Inter-governmental Relation conflicts and resource control in the fourth Republic in Nigeria

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Intergovernmental relation is a necessary political tool for mutual intertwines among the levels of government for the realization and facilitation of government goals and objectives. Intergovernmental wrangling has been a morphological characteristic of Nigerian federalism. The 1999 Nigerian constitution stipulates unequivocal and unambiguous demarcation of functions, powers and jurisdictional ecology within the purview of Nigerian political framework. However, lack of economic justice occasioned by jurisdictional scruples tortured intergovernmental relations during the political regime of former President Olusegun Obasanjo administration in the fourth republic in Nigeria. This study therefore x-rayed chronological crusades of intergovernmental relation conflicts and resource control in the fourth republic in Nigeria. Methodology employed in this study was derived from secondary sources of data collection, such as: newspaper reports, textbooks, and academic journals. It also adopted interactive and conflict resolution theory to re-echo how best to manage intergovernmental relation conflicts in Nigerian federal-state. This work concludes that intergovernmental relation is a necessary political synergy for the actualization and implementation of government policies and programmes. Therefore, justice, fairness and equity in the allocation of economic resources that endure tolerance and cooperation are veritable weapons to mitigate intergovernmental relation conflicts in Nigerian federalism.

Keywords: Intergovernmental Relation, Conflict, Federalism, Resource Control, Fourth Republic, Nigeria.

INTRODUCTION

In the world over, Federalism necessitates the combinations of self rule and share rule. It accommodates multi-levels governance which authorizes autonomous political units to perform its peculiar functions within a political structure. In every federal system constitutional and jurisdictional framework dictates the mode and operation of the federal political apparatus. Each level of government is assigned with specific functions and responsibilities within the polity. Federalism embraces cooperation among different levels of government to

facilitate development within the political spectrum of the state. Hence spheres of government are bounds to complement the efforts of each other for the optimal performance of federal political investment.

Intergovernmental relations concern the links between different levels of government in a decentralized system that is, the centre, province and district. Decentralization necessarily redefines relations between levels of a government to a greater or lesser degree. How effectively it does may have profound implications for the success of

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decentralization, because despite the initiation of formal decentralization policies, 'unsuitable' intergovernmental relations can engender tense relationships between central and local governments (Karingi, 2003). The shape of the Nigerian federation and the constitution's construction regarding the legislative competence of the two spheres of government have being the origins of inter-governmental friction from which other frictions emanate in Nigeria's political system. The general trend is that, such tension or political opposition is particularly real in those Third World federations that are characterized by deep sectional divisions and intense elite competition for political power and its material rewards (Suberu, 1990 cited in Bamgbose, 2008).

From the inception of the entity called Nigeria following the 1914 amalgamation, there has been schemes, schedules, modes, methods and patterns of relationship among the federating units in terms of administration (Intergovernmental relations) and finance (Intergovernmental fiscal relations), in which case, several principles have been expounded and adopted once in a while, singularly or collectively such as: the principle of Derivation, Need, Population, Even Development, Equality of State, National Interest, Independent Revenues, continuity of Government Services, Financial comparability, Fiscal Efficiency, Tax Efforts, Minimum National Standards, Equality of Access to development Opportunity, out of which the principle of Derivation has been variously advocated for and applied to equalize for the third dimensional sharing pattern referred to above. Most recently, the derivation principle, no longer, seems to be favoured by these oil-rich states and they call for "resource control". This call for resource control, like the principle of derivation has generated much heat in the Nigerian political scene of recent to the extent that a political solution was sought for where some Governors entered into agreement with the then president to ensure peace in Niger-delta region (Sam et al. 2012). The struggle for the control of the nation's resources have also, to some extent been based on the regional cleavages. This, entwined with political conflict, has sometimes led to political manipulations and delineations with the aim of influencing wealth allocation. This has been especially so since 1958, when revenue from oil gained prominence as the major source of revenue in the country. Along these lines, it has been suggested that: the setting up of three commissions on revenue allocation within a short period of twelve years is a manifestation of the instability that characterized the Nigerian polity.

Between 1968 and 1980, income from petroleum constituted over 80 percent of federal revenue. The importance of the federal centre therefore increased proportionately. As a consequence of this major shift in revenue generation, a desperate struggle to win control of state power ensued since this control meant for all practical purposes, being all powerful and owning everything. The most recent development in the struggle

for the control of oil resources in Nigeria is the recent Supreme Court action instituted by the federal government against the oil producing states with respect to the offshore/onshore oil dichotomy. The April 2002 decision of the Supreme Court to exclude the revenue derived from offshore drilling in the calculation of the revenue attributable to the oil producing states based on the derivation principle, has failed to resolve the controversy (Ikeji, 2011).

Over the years, Nigeria has experienced conflictual inter-governmental relations consequently amounted to litigation in the court of law. Some states have taken federal government to the court of law in order to challenge the constitutionality, jurisdictionality and authenticity of the political and economic arrangements of Nigerian federalism, while the 774 local governments have approached the judicial quarters over the lack of financial autonomy, while the problems remain unresolved and unanswered till date - which posed a great threat to the political and economic relationships among the multi-layered governments in Nigeria. Inability of the federal government to ensure economic justice within the political space in Nigeria has engendered enduring conflicts among the political stakeholders. Many erudite scholars of federalism have argued that federalism accommodates tolerance and enduring relationship of one another within a political system. However, in Nigeria, conflict has bedeviled intergovernmental relations, especially in the fourth republic, there were loggerheads among the various levels of government in relation to the issue of revenue derivation, resource control, revenue sharing formula, and constitutional jurisdiction which fueled intergovernmental relation problems in Nigeria.

Federalism facilitates togetherness among the levels of government which promote national unity, despite that federalism accommodate diverse ethnic groups with respect to cultural values of individual group in the political covenant; and the occurrence of conflict cannot be totally ignored. The political tolerance strengthened co-existence of religious, ethnic and cultural variations within the federal system.

Insufficient information sharing across various governments represents a fundamental weakness of the existing inter-governmental arrangements in Nigeria. Many state governments interpret the concept of state autonomy in a way that complicates information sharing and co-ordination with the federal government, while the FGN currently has inadequate capacity and policy instruments to encourage states to engage in federal initiatives (Freinkman, 2008:4). The nature of intergovernmental fiscal relations in all nations practicing federalism as a system of government is essential to the survival of their systems. In federal states of the world, the issue of revenue sharing is always contentious in nature. In most, if not all federal countries, one of the most constant sources of intergovernmental wrangles centres on the problem of securing adequate financial resources on the

part of the lower levels of government to discharge essential political and constitutional responsibilities (Olalokun, 1979:109; cited in Arowolo, 2011:14).

The issue of resource control in Nigeria has posed different challenges to the nation as a whole. It has been harmoniously challenged by civil society groups and communities in the Niger Delta over the control of oil and distribution of its benefits among the constituent units of the federation. Their activities have been characterized by popular mobilization, social protest opposition, advocacy and criticism in favour of reform, change and accountability in the exploration, exploitation, management of the oil resources found in their territory. The climax point of their grievances, agitation and protests are that: they want a fair share of the past neglect, marginalization, injustice and inequity; and, they had suffered in the hands of both the state and the multinational oil companies in the exploitation of the oil resources (Atoyebi et al., 2013). The provisions of the 1999 Constitution have, in all, emphasized vertical interactions among the three levels of government rather than horizontal relationships (Lawason, (2011). This according to Roberts (1999) cited in Lawason, (2011) could impose limitations to the extent of cooperation among the levels of government and instead promote a dependency structure that would promote the inclusive authority model of IGR. Resistance to the evolution of such structure by sub-national levels of government would result in oppositional politics and negative IGR.

The introduction of the democratic experiment in 1999 echoed the problems of intergovernmental fiscal arrangements among the different levels of government. The issues of revenue allocation and the sharing formula generated such intense debate that it led to the demand for a national conference. It was during this period that the 'resource control' phenomenon rose to an unprecedented level, such that the struggle for political power became the fight for resource control. Hence, the democratic experiment has created 'new' problems (Ekpo, 2004). With the return to civilian rule in 1999, there have been complaints about the nature of the federal arrangement as it shapes interactions among groups and governments. Some of these complaints are attributed to constitutional flaws or inadequacies. Some groups have been agitating for a constitutional review to address these issues.

A number of attempts were made in the past eight years. Unfortunately none of the attempts were successful (Okpanachi and Garba, 2010). It is against this background that this work x-rayed inter- governmental relation conflicts and resource control in the fourth republic in Nigeria.

Intergovernmental relation conceptualized

The origin of intergovernmental relation is rooted in

American federalism. It emerged in the 19th century when there were numerous problems among the various levels of government which necessitate cooperation. Intergovernmental relation is a political synergy to resolve problems within a political system. The concept of intergovernmental relation has attracted many scholars of politics. Intergovernmental relation embraces togetherness in policy and programme of different levels of government. However, there is no universal definition of intergovernmental relation; various scholars defined it in accordance with their varying perceptions and existing political systems in their domain. Intergovernmental relationship must be seen as a medium of interaction among the political units in a country. It could be defined as relationship between multi-level governments for the achievement of common goals. The principle of intergovernmental relation must be seen as a political synergy to complement the effort of each level of government for the survivability of the nation's political system. Its purpose is complementary in nature because the purpose of its inter-connectedness is to assist each other within the framework of stipulated political and constitutional arrangements. According to Ogunna (1996: 350) cited in Lawson (2011) intergovernmental relations (IGR) refer to 'the complex pattern of interactions, cooperation and inter-dependence between two or more levels of government.' From these definitions, it can be inferred that IGR refers to the gamut activities or interactions which takes place between and among the different levels of government within a country. Also covered by IGR are the combinations and permutations of relationships among these levels of government within a country. It is important to state that in IGR, each level of government has an independent and unique role to play; for example, the local level has an independent role to play with the view to achieving common goals to the benefit and well-being of the entire country. Abdullahi, (2009:75) posited that philological origin as well as the precise definition of intergovernmental relations (IGR) has remained quite elusive. However, the fullest characterization of intergovernmental relations as we have accepted them today is credited to William Anderson Deil Wright. The term IGR, which has become an essential vocabulary of scholars, public officials, and ordinary citizens, particularly in America, lay emphasis on interactions among human beings 'clothed with office'. While it is accepted that human beings are responsible and in fact they carry out the relations between governments, finance has emerged as the most critical element of these interactions. This important feature of IGR, viz. fiscal relations, has assumed a very important position in the American as in most other federal systems.

The above view implies that the purpose of government cannot be achieved in isolation without political and economic interaction among the levels of government, it require mutual relationship to foster and promote

governmental policies and programme for the sustenance of good governance. Therefore intergovernmental relation could be defined as interaction among the various levels of government within a political space. There must be interaction; otherwise there would be total failure of government policies and programmes. The federal-state and local government must interact with each other in order to achieve governmental goals and objectives. Nkwoji, (2013) opines that Intergovernmental relations is associated with states having a federal administrative system where the relationship between the federal, central or national government and major sub-national units (province, region or state) are formally spelt out in the constitution. This seek to promote peace and harmony among the levels of government which are the federal, state and local government, to enhance the emergence of co-operative rather than competitive federation and to solve the problem of rural and urban poverty. Iyi (2013) claims that the issue of interrelations between and among governments at international, national and local levels is an old one. Some of such interrelations come about in most informal ways while others are formal. In the formal sense, the interrelations are duly institutionalized through some forms of written treaties of differing magnitudes.

In a federal state, there are various types of intergovernmental relation. These relationships are wider in scope in its entirety. These are the major types of intergovernmental relations that exist across federal unions.

The following systems are categorized as vertical relations

Federal-State relationships: This may be defined as interaction between the state government and the federal government in terms of policy implementations.

Federal-local relationship: This type of relationship is not common in every federal political system, it could be referred to as interactions between the federal government and the local government. It's always occur when local government is facing natural disasters which beyond the capacity of the state government to normalize. A typical example of this is recent federal government intervention in Oyo state when there was flood which affected larger populace in some local governments of Oyo state in Nigeria. As a result of this, the federal government allotted some funds through the political instrumentality of state government to address the problem.

Federal-State-Local relationships: This is usually occurs in a country like Nigeria where the federal government decides to relate with the local government through the political channel of the state government. It becomes unusual for the federal government to directly relate to the local government without passing through the channel of state government.

State-local relationships: This exists between the state government and local government within its own jurisdiction. A good example of this is joint account between the local government and state government.

These are characterized as horizontal relationship

State-state relationship: This entails interactions between a state and another. It is occasionally possible when two states belong to a political party. The major aim of this relationship is to jointly pool resources together to achieve developmental goals. A typical example of this is joint ownership of Ladoke Akintola University in Nigeria which was established by Osun and Oyo state governments.

Local-local relationship: This is applicable when two or more local government come together to embark on a particular project or programme. It is very necessary in order to combat dangerous environmental hazard that might not recognized jurisdictionally bounded. . A good example of this is occurrence of epidemic disease which may not recognize boundary. It is therefore necessary for joint collaborations of the affected local governments to provide remedial measures in combating the menace.

There is also an informal intergovernmental relationship within the federal political spectrum of a nation. This includes regional relationship among the geo-political zone of the country. A very good typical example of this is forum of governors of oil producing states in Nigeria. It might also come in form of political party such as forum of the governors of People Democratic Party (PDP) states. Importing from the foregoing analysis, intergovernmental relations is a political necessity in a federal system. Therefore, it becomes imperative for government collaborations for the smooth running and enhancement of the general welfare of the citizenry.

Conflict defined

Conflict is inevitable in every interpersonal relationship in the society. Conflict may be defined as disagreement, discordance between two or more parties. It entails diverse views about social, economic or political values in a society. According to Heitler (2012) conflict exists in any situation where facts, desires or fears pull or push participants against each other or in divergent directions.

Conflict may be defined as a struggle or contest between people with opposing needs, ideas, beliefs, values or goals (Foundation Coalition.org). It is a state of open often prolonged fighting; a battle of war. It is also a state of disharmony between incompatible or antithetical persons, ideas or interest (thefreedictionary.com/conflict). Conflict refers to some form of frictions disagreements or discords arising within a group when the beliefs or actions of one or more members of another group (Wikipedia, 2013).

THEORETICAL FRAMEWORK

This work adopted both interactive federalism and cooperative conflict resolution style. Interactive federalism theory emphasizes the needs to bridge the gap that exist between the national government and its constituents units. Interactive federalism rejects multi-layered jurisdictional values in which both the national government and its constituent units co-exist within a political framework. It plays above jurisdictional boundary and rather focuses on the principle of uniformity and equality within the political system. In a society dominated by the multi-diverse groups, there is usually varying degrees of problems which require different approaches. Conflict resolution theory advocates mediation whenever the conflict arises among the levels of government that are involved in a federation. Conflict arises as a result of diverse views about political actors which may requires mediations. The theory of cooperative conflict resolution emphasizes the needs to device mechanism for resolving conflict that may arise among the federal political units.

The principle of justice, fairness and equality are necessary tools in a federal union. Therefore, cooperative federalism principle provides a political template to interact whenever the need arises. It is a responsibility of the national government and its constituent units to come together in a centripetal manner to debate on resource allocation while the constitution dictates the powers of all the political stakeholders in the union. In time of inter-governmental wrangling, the cooperative style of conflict resolution should be employed, this is because the theory separates the people from the conflict; make genuine focus on shared interest and providing many options to resolve the conflicts and ensuring the basis of decisions on objective criteria. The theory of cooperative conflict resolution acknowledges the rudiment of the conflict and plays a role of cooperative member in the group or union. It makes responsive and rational statements while building cooperation in a conflict. When working together in a conflict, the other party should investigate how both conflictual parties can win an an attempt to promote and re-build their relationships. Cooperative approach is the most suitable model for settling intergovernmental relation conflict in Nigeria federal-state.

Cooperative conflict style characterized by an active concern for both pro-social and pro-self behavior, cooperation conflict style is typically used when an individual has elevated interests in their own outcomes as well as in the outcomes of others. During conflict, cooperators collaborate with others in an effort to find an amicable solution that satisfies all parties involved in the conflict. Individuals with this type of conflict style tend to be highly assertive and highly empathetic at the same time. By seeing conflict as a creative opportunity, collaborators willingly invest time and resources into finding a "win-win" solution. According to the literature on conflict resolution, a cooperative conflict resolution style

is recommended above all others (Sternberg and Dobson, 1987 cited in Wikipedia, 2013). The conflictual members of the union see themselves as collaborator and partaker in the settlement of the conflict. According Schapiro (2006) Interactive federalism understands the interaction, rather than the separation, of state and federal power as the principal dynamic of federalism. Interactive federalism rejects the idea of creating enclaves of exclusive state and federal power. He further argued that it can advance the same values claimed for dualist federalism, while creating fewer doctrinal problems. Interactive federalism rejects the three key elements of dualism. First, it does not seek to draw boundaries between state and federal power. Second, with regard to conflicts that may arise, its understanding of the political process does not prohibit the national government from coordinating state and federal claims. Third, interactive federalism does not conceive of states as distinctive communities of value.

Indeed, every federation may well be federal in its very own way, and not easy to summarize and assess as an ideal-type political order. Yet the phenomenon of non-unitary sovereignty is not new, and federal accommodation of differences may well be better than the alternatives. When and why this is so has long been the subject of philosophical, theoretical and normative analysis and reflection. Such public arguments may themselves contribute to develop the overarching loyalty required among citizens of stable, legitimate federations, who must understand themselves as members of two commonwealths (Stanford Encyclopedia of Philosophy, 2003). For optimal performance and smooth running of a federal political system, there must be a good and understandable interaction among the levels of government that exist within a political landscape. Interaction is a necessary instrument to ameliorate conflict which is unavoidable in human society, while cooperative style of conflict resolution will yield better result whenever the conflict arises for the sustenance of intergovernmental relation and resource control in Nigerian federal state. Intergovernmental cooperation will enhance the quality of service delivery such as (health care delivery, education, agriculture etc) through joint efforts of all levels of government dwell in a political system. According to Freinkman (2007) there is a major need to strengthen the incentives of government agencies at all levels of authority to improve cooperation in designing of their policies and delivery of services. At the same time, capacity will have to be built to support such future inter-governmental cooperation. The need for stronger cooperation and other reforms in federalism is driven by several factors such as the following:

According to the Nigerian constitution, main public sector responsibilities are split across various government levels. Thus, no sole government could deliver radical improvements in service delivery on its own, which means that coordination and cooperation are pre-requisites. However, the existing mechanisms and institu-

tions for inter-governmental policy coordination are weak; thus, required to be strengthening.

Significant fiscal decentralization of the public finance system has taken place since 1999. Given the existing resource allocation rules, such decentralization poses the risk of emphasizing – rather than taming - fiscal inequalities across the states. But the extent and trends in horizontal inequality remains undocumented, and no mitigation mechanism has been proposed as yet.

Reforms undertaken in Nigeria since 2003 appear to have been more profound at the federal level than in the states. The benefits of drastic improvements in macro-economic policies and fiscal discipline at the Federal Government of Nigeria (FGN) level are severely constrained by lagging reforms in the states. The FGN is actively exploring options for setting up - within its existing legal and institutional restraints - new mechanisms to encourage states to accelerate reforms and to improve intergovernmental coordination in key service areas under joint responsibility.

The reform of federal arrangements is politically sensitive. Reforms of the Federal system are likely to be gradual and based on broad political consensus. This underlines a need for broadening a public debate on key challenges in the existing model of fiscal federalism. The post-2007 election period may present a window of opportunity for addressing some of these issues, and it is important to inform policy makers in advance about existing challenges and available choices.

DETERMINANTS OF INTERGOVERNMENTAL RELATION

In every political system be it federal, confederal or unitary there is a political necessity for intergovernmental relations among the sphere or units of government. In a federal state, there is tendency of equality among the levels of government to perform their functions within the constitutional framework. Each level of government sees itself as equal partner in the management and general administration of governmental affairs. In a unitary system of government, there is strong centre with weak constituent units. While the power is usually arrogated to the central authority. However, in a confederal state, the centre is usually very weak, the constituent units are always stronger than the centre. In a confederal system, every unit is granted autonomy, they decide whether to stay in the union or to back out.

Intergovernmental relation in a federal state does not mean cooperation in every times, it can be in form of bargaining and conflict. The nature of the relationship must be in accordance with the political condition in that federation. There are different types of federation, namely; centralized federation and cooperative federation. A typical example of centralized federation is Nigeria. Consequently, intergovernmental relation in any federal

state is usually determined by the dynamics of such society. There are various determinants of inter-governmental relations in every political system.

These are the following;

The political process in the federation: This refers to the political party system in operation in the country. All over the world, there are two types, namely; one party system and multi-party system. In multi-party political system, there is tendency for opposition party to check the ruling party in all its dealings. This system justified Montesquieu ideology of check and balances because absolute power corrupts absolutely. The multi party system encourages opposition party to check the excesses of the ruling party. However, the single party system brings about despotic and monopolistic government.

The character of the society: The character of the society implies the nature and social composition of that society. For instance, in a pluri-ethnic society where religious and cultural values abound. In such society, the people perceive political situation in a different manner, therefore every group is suspicious of one another and such suspicion is always manifested in intergovernmental relation within the polity.

The constitution of the society: Constitution is a series of fundamental law, rules and principles, written or unwritten, legal or extra-legal, concerning how a political community is to be governed. The constitutional arrangement always determines the management of intergovernmental relation. For instance in a federal constitution like Nigeria, autonomy of the different levels of government is usually upheld in the constitution. They see themselves as equal partner in the polity. While the unitary constitution embrace arrogation of power to the centre with very weak constituent units.

The institutional structure in the federation: This involves structural arrangement of the country. Importantly, financial strength always determines the political strength of the unit. The resource allocation of different institutions within the polity better explain the vibrancy and strength of such unit.

The political behavior of the citizens: The political behavior emphasizes people perception towards political issues. The attitude of the people towards one another is also determining the intergovernmental relation.

Examination of Intergovernmental Relation Conflicts and resource control in the fourth Republic in Nigeria

Intergovernmental Relations (IGR) describes the gamut of activities or interactions that takes place between or among the different levels of government within a

country. It covers the combinations and permutations of relationship among them. Events over the years in Nigeria's federation have shown the over-dominance of the federal government in relation to IGR, which is not proper, the existing mechanisms and institutions for intergovernmental policy coordination are very weak and need to be improved and strengthened (Lawson, 2011). The nature of inter-governmental relation in Nigeria has been a conflictual one. Over the years, different levels of government have been at loggerheads for one reason or the other. To be precise, the political administration of fourth republic characterized with intergovernmental relation conflicts within Nigerian political union. Many states have taken federal government to court to challenge its constitutional jurisdiction. In the fourth republic, there were various litigations in the court of law to challenge the actions or omissions of federal government which were evident in resource control, local government creation and jurisdictional power of federal government. The prominent conflicts among the various

Conflict over Creation of additional Local Government Council

The creation of additional new local governments was the major reason of litigation between the Lagos state and the federal government as it was noted in Nigerian Daily's that Lagos had created additional 37 Local Council Development Areas which remains inchoate because it had not been ratified by the National Assembly as prescribed in the constitution. This action caused a row between the state and the immediate past administration at the federal level which made the Obasanjo-led administration to withhold funds due to the local government areas. The matter was referred to the Supreme Court of Nigeria which held that the action of the state government in creating the local government areas was not illegal, but since the requisite approval and ratification by the National Assembly had not been obtained by the state, the creation of such local governments remain inchoate, pending ratification by the National Assembly (The Nation 11/08/2009). The newly created local government council by the then Lagos state government under the democratic leadership of governor Bola Tinubu caused constitutional conflict between Lagos State and Federal Governments. Like his predecessor, Chief Olusegun Obasanjo, President Umaru Musa Yar'Adua wrote a letter conveying the position of the Federal Government on the creation of an additional 37 LCDAs to the constitutionally recognized 20 Local Governments in Lagos State to Governor Babatunde Raji Fashola (SAN). In the 4-page letter dated 14 July 2009, the president urged the State government to effect an immediate reversal to the original 20 councils (Thisday Newspaper, July 30, 2009). The Yar-adua's administration alleged the Lagos state of violating 1999 constitutional procedures of creating new local govern-

ment in Nigeria, the federal government made its stand known to the general public of the consequent effect of the illegal creation of 37 local governments in Lagos state. The federal government allegation against Lagos state was premised on the following grounds:

That the 37 local governments created by the Lagos state were not in accordance with the 1999 Constitution of the Federal Republic of Nigeria. The federal government pointed constitutional order for the creation of additional new local government by the Lagos state.

That the Lagos state government refused to recognize the judgment of the High Court of Lagos state pronounced on June 9, 2008.

Reminding the Lagos state that the judicial pronouncement of Supreme Court in 2004 in the case of Attorney General of Lagos State Vs Attorney General of the Federation (2004) 20 NSCQLR 90 upheld that the procedures of creating new local government remain inchoate until the National Assembly ratified them.

That the new created local governments were financed illegally from the federal allocation.

The Lagos State Government therefore prayed that: A determination of the question of whether or not there is power vested in the President of the Federal Republic of Nigeria (by executive or administrative action) to suspend or withhold for any period whatsoever the statutory allocation due and payable to Lagos State Government pursuant to the provisions of Section 162(5) of the 1999 Constitution.

Lagos State government, among other prayers, asked for; A consequential order of the court compelling the defendant to pay immediately all outstanding arrears of statutory allocations due and payable to Lagos State Government pursuant to the provision of Section 165(5) of the 1999 Constitution and an order of perpetual injunction restraining the President of the Federal Republic of Nigeria or, any functionaries or agencies of the executive branch of the Federal Government from doing anything whatsoever to suspend, withhold for any period whatsoever or calculated to suspend or to withhold any monies due and payable to the Lagos State Government pursuant to the provisions of Section 162(5) of the Constitution of the Federal Republic of Nigeria.

The Federal Government on the other hand asked for 10 declarations to the effect that the defendant to the counter-claim has no power or right under the 1999 Constitution to abolish local government areas created under the 1999 Constitution by altering their names, adjusting their boundaries and dividing them into smaller units until the National Assembly has acted pursuant to the Provisions of S.8 (5) of the 1999 Constitution.

The Federal Government also prayed for: A decla-

ration that the Plaintiff/Defendant to the counter claim has no power or right under the 1999 Constitution to create new local councils without recourse to the National Assembly as provided for under the Constitution.

A declaration that the alteration of the names of local governments, the alteration of the boundaries of the local governments and the creation of new local governments done by the Lagos State government and the operation of the new local governments before and or without an Act of the National Assembly to that effect, is illegal, unconstitutional, null and void.

A declaration that the following local governments are the only local governments established under the 1999 Constitution in Lagos State, Agege, Ajeromi Ifelodun, Alimosho, Amuwo Odofin, Apapa, Badagry, Epe, Eti-Osa, Ibeju/Lekki, Ifako-Ijaye, Ikeja, Ikorodu, Kosofe, Lagos Island, Lagos Mainland, Mushin, Ojo, Oshodi/Isolo, Shomolu, Surulere.

A declaration that Sections 1, 2 and 3 of the local government areas law No. 5 of 2002 of Lagos State are in contravention of Section 3 (6) and Part 1 of the first schedule to the Constitution of the Federal Republic of Nigeria, 1999 and therefore are unconstitutional, null and void in so far as they relate to the said Section 32 (6) and Part 1 of the First Schedule to the 1999 Constitution, with respect to Lagos State of Nigeria.

A declaration that the elections conducted by the Lagos State government on Saturday, 27th March, 2004 into the 57 local government areas created by the Local Government Areas Law No.5 of 2002 of Lagos State are inchoate and cannot take effect as presently established in that the 57 Local Government Areas are not known to the Constitution. An Order nullifying and setting aside the elections conducted by the Lagos State Government on Saturday, 27th March, 2004 into the 57 Local Government Councils established by the Local Government Areas Law No. 5 of 2002 of Lagos State;

An order of injunction restraining the Lagos State governor, the Lagos State House of Assembly or any functionaries or agencies of the Lagos State Government from maintaining, financing and recognizing any local government in Lagos State apart from the ones created under Schedule 1 of the 1999 Constitution.

Consequent upon judicial pronouncement which stipulates that the Lagos state government should maintain existing local government, however, the government of Lagos state rechristened the newly created local government as Local Government Development Area (LCDA). According to Lagos State Governor, the purpose of LCDA is to bring development nearer to the people at the periphery level.

Removal and suspension of Chairmen from office

The State's government action towards the Local Governments under the period of consideration had resulted into

unpleasant relations between the states and Local Governments. Thus under the period, about 10 Local Government Chairmen were both removed and suspended from office. For instance, the governor of Kaduna State suspended several numbers of Local Government Chairmen, the governors of Zamfara and some other state governors were not left out in this act. It was this that infuriated the Local Government Chairmen which made them to sue the thirty-six governors and their state assemblies (Fadeyi, 2001 cited in Chiamogu et al., 2012). Though this case was not pursued further in the court, the probability of misusing such constitutional power by the State Houses of Assembly in the affairs of local government Councils in Nigeria made people to suggest that such power should be reviewed at the National Political Reform Conference with a view to checking such power (Chiamogu et al., 2012).

Conflict Over Town Planning Authority

There had been a dispute between the Federal Government and Lagos State in particular over which of the town planning authority should exercise town planning powers over the 45.72 metres land which runs parallel to both sides of the federal highways, under the loops formed by bridges as well as under the bridges. In Lagos State, such highways are Kingsway Road in Ikoyi, Western Avenue in Surulere, Old Agege Motor Road among others. Since the land in question had at one time or the other been acquired by the Federal Government, the Federal Government's town planning authority that is, the Urban and Regional Development Division (URDD) of the Federal Ministry of Works and Housing (FMW&H) thought that it is under its jurisdiction to exercise relevant town planning powers which should include approving building plans for all forms of development within such land. The Lagos State Urban and Regional Planning Board (LASURPB) also positioned asserted itself as the appropriate town planning authority on such land. LASURPB argued among other things that under the 1999 constitution, town planning was a residual matter within the exclusive Legislative and Executive competence of the state. Consequently, the issuance of development permits on land along setbacks to federal highways should be the responsibility of the state. It was in determination of which of the two planning authorities that has jurisdiction over such land that made the Lagos State to sue the Federal Government to the Supreme Court of Nigeria on Wednesday March 20, 2002. Fifteen months later, judgment was delivered in favour of Lagos State. Delivering the judgment, the Supreme Court declared that:

“Town planning and the regulation of physical development of land was the exclusive responsibility of the state government in whose territory the land lay.

Henceforth, the Federal Government should not engage itself in giving building permits, licenses or approval over federal land in any state territory except within the Federal Capital territory (FCT) (Abiodun, 2003, p.43 cited in Bamgbose, 2008)”

Federal Government Versus Littoral States

In another conflictual relationship, the federal government and eight littoral states which include Ondo, Akwa-Ibom, Rivers, Lagos, Delta, Ogun, Bayelsa and Cross-River embarked on resource control conflicts. The rudiment of the conflict is the agitation for derivation principle in revenue allocation. The litigants demanded for the application of derivation in revenue allocation. According to Chiamogu et al. (2012) these states in essence were asking for a larger share than non-littoral states. They agreed that the revenue from offshore resources should be paid into the Federation Account but 13% of it should be set aside for them while 87% should go to all the states and Local Governments as well as the Federal Government. The clamour for resource control has been due to many reasons which include: the injustice and inequity that characterize the distribution of national resources, particularly oil revenue, the jettisoning of derivation as a fundamental principle of revenue allocation which reduced the amount of funds going to the pauperized oil producing areas as of right; the lack of infrastructural development in Nigeria at large, but in the oil producing areas in particular; the new democratic dispensation which allows for overt airing of grievances which were violently suppressed under military rule, the introduction of Sharia judicial system by a few Northern states which was seen by the southern states as a major test for the Federal Constitution. Demand for resource control is, therefore, an indirect constitutional cum economic response to the introduction of Sharia, the systematic destruction of the ecosystem in the oil producing areas which led to environmental degradation, pollution, acid rain and the attendant unemployment and mass poverty, failure of the multinational oil companies to contribute to the social and economic development of the oil producing states, h. the activities of ethnic militants made up of unemployed youths in the oil producing communities who are exerting pressure on their political and traditional leaders, thus necessitating political actions, the Ogoni Bill of Rights which demanded for political autonomy that will guarantee political control of Ogoni affairs by Ogoni indigenes; the right to the control and use of a fair proportion of Ogoni economic resources for Ogoni development (Edemodu and Nwokoh, 2002 and Dunmoye, 2002 cited in Chiamogu et al., 2012). Caught up in this demand from the eight littoral states, the Federal Government in February 2001 filed a suit at the Supreme Court against the 36 states of the Federation in which it sought an interpretation to know whether the

state's boundary extends to continental shelf and the exclusive economic zone and to know whether money derived from such zones as a result of mineral exploration should be shared to the littoral states or not. When the suit was filed at the Supreme Court, 11 of the 36 states raised preliminary objections in their statements of Defence challenging the jurisdiction of the Supreme Court to hear the suit. The eleven states were: Abia, Akwa-Ibom, Anambra, Bayelsa, Cross River, Delta, Ebonyi, Edo, Ogun, Ondo and Rivers.

As regards to litigation, Bamgbose (2008) claims that Caught up in this demand from the eight littoral states, the Federal Government in February 2001 filed a suit at the Supreme Court against the 36 states of the Federation in which it sought an interpretation to know whether the state's boundary extends to continental shelf and the exclusive economic zone and to know whether money derived from such zones as a result of mineral exploration should be shared to the littoral states or not. When the suit was filed at the Supreme Court, 11 of the 36 states raised preliminary objections in their statements of Defence challenging the jurisdiction of the Supreme Court to hear the suit. These eleven states were: Abia, Akwa-Ibom, Anambra, Bayelsa, Cross River, Delta, Ebonyi, Edo, Ogun, Ondo and Rivers. The grounds of the preliminary objections varied. They included the following

1. That the suit is academic, frivolous, vexatious and speculative,
2. That the non-littoral states are not parties to the suit and ought to be struck out,
3. That the original jurisdiction conferred on the Supreme Court does not extend to the realm of International law,
4. That the Supreme Court has no jurisdiction to entertain the plaintiffs claim or grant the relief sought as the constitution vests the power upon the National Assembly only to determine the formula for revenue allocation including allocation on the basis of principle of derivation,
5. That the plaintiff's claim for the Supreme Court to determine the boundary of the littoral states is not justiceable since the court has no jurisdiction to determine state boundaries,
6. That the plaintiffs claim does not disclose a reasonable cause of action,
That the plaintiffs claim does not establish the existence of a valid dispute whether of law or fact, nor disclose the existence or extent of a legal right,
7. That the plaintiff lacks the *locus standi* to bring the action,
8. That the suit raises political question and is an abuse of judicial process,
9. That the action is not properly constituted and is incurably defective on grounds of misjoinder of non-littoral states in the suit,
10. That the Supreme Court lacks the jurisdiction to grant the relief sought and to interpret section 162(2) of the Constitution including the proviso thereof;

11. That the action is premature as the President of the Federal Republic of Nigeria has not yet tabled any proposal for revenue allocation before the National Assembly in accordance with section 162 subsection 2 of the constitution,

12. That delimitation, demarcation or adjustment of boundaries between states is the responsibility of the Executive or the legislature;

13. That it is not proper for the plaintiff to start the action by filling a statement of claim instead of issuing an originating summons,

14. That there is no legislation on interpretation which will enable the Supreme Court determine the seaward boundary of littoral states, and

15. That any determination of the seaward boundary of a littoral state is tantamount to the Supreme Court delimiting the international maritime boundary of the Federal Republic of Nigeria *which is* beyond the juridical competence of the Court (Nwankwo, 2001 cited in Bamgbose, 2011).

It is evident from above discussion that judiciary has been able to ensure democratic stability through its adjudication and settlement of dispute among the various levels of government. Without the timely intervention of Nigerian judiciary, the conflict would have caused democratic breakdown in Nigerian polity.

CONCLUSION AND RECOMMENDATIONS

Intergovernmental relation is of great importance in federal polity. The nature of intergovernmental relation in the fourth republic portrayed a conflictual one in Nigeria. The conflicts were basically on the issue of resource control, agitation for more revenue allocation and the problem of local government creation which characterized the regime of President Olusegun Obasanjo in the fourth republic. There is need for application of interactive federalism and cooperative conflict resolution style in order to facilitate government policy and programmes in Nigeria. Without mutual relationship and understanding among the different levels of government, the government policies will suffer a lot of setback. Each level of government has its peculiarity within Nigerian federal political framework. The role of state and local government in the total implementation of government policies cannot be over-emphasized. The federal government is responsible to make good policies that will make impact in the lives of the general citizenry which are to be carried out at the grassroots level through the political instrumentality of state and local government in Nigeria. Conflict is unavoidable in every system of government, whenever it arises, it is the responsibility of political members in the federal union to mediate and bring back political sanity to the system. For better performance of Nigerian federal state each level of government should complement the effort of each other for sustenance of

Nigerian federal state. To mitigate intergovernmental relation conflicts, economic justice, fairness and equity are indispensable factors for the promotion of good governance in Nigerian political terrain.

Conflict of Interests

The author(s) have not declared any conflict of interests.

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