

Local Government - Another Change Has Got To Come

With the dwindling oil prices the question on one's mind with regards to the above is, what is its impact vis-à-vis the allocation and sharing formula between the Federal Government, states and local government councils? In the month of January 2016 the FG, states and local governments were said to have shared N370.4bn while at the same time in 2014 they shared N629bn, a dramatic drop I must say but still a substantial and significant allocation of the nation's scarce resources. As such then, how can we justify these huge sums being disbursed and yet we remain steeped in abject poverty and continue to suffer from poor infrastructure, abysmal health care delivery and under equipped schools, just to name a few. Where may I ask did all these billions go to? A cursory look at the bottom tier of government will show you can hardly find a reasonable number of people who can proudly list the manner and means by which they have been positively impacted by their local government. Unfortunately corruption starts from the bottom up and the local government elections themselves are often flawed from the word go, as administrators are many a time seen as lackeys of governors and equally the state governments are often said to slash the allocation meant for the local governments, rendering them incapable of fulfilling their obligations. As such it was a welcome surprise when sometime last year the Governor of Kaduna state, Mallam Nasir el-Rufai announced that the state government would faithfully remit all the allocations due to the local governments, thereby granting them full financial autonomy: a rather bold and laudable move on his part.

Taking a brief look at our history, the Native Authority (NA) system was the first colonial system of local government administration under which indirect rule and exploitation was the order of the day. This centralised local government system was established in Northern Nigeria before later being extended to Southern Nigeria, with varying degrees of success. The Native Authority system did not satisfy the needs and aspirations of the local people, hence there were intense agitations from the citizenry for greater participation in their own affairs.

There followed a series of reforms as a result of the perceived failures of the NA system and after the Second World War ended in 1945 changes in colonial policies on local government coupled with sustained demands for greater local participation led to the adoption of the representative or liberal democratic system of local government in the 1950s. By this time, self-government in Nigeria had been attained and a federal system of government had been entrenched in the Macpherson Constitution of 1951. Thus, each region practised different systems of local government. The new reforms soon ran into serious problems, particularly in the South. However, owing to lack of funds and personnel coupled with intense politicking, no reforms could be initiated until the military seized power in January 1966.

The third reform started when military leaders

assumed power in Nigeria in 1966 and it lasted from 1966-1975. The reforms were intended to correct the ills of the local government system they inherited. By this time 12 states had been created by the military and the various state governments adopted the system that suited them. The reforms did not depart markedly from the previous system as the local governments, however structured and operated, were still more like decentralised units of the state governments. The fourth and very important reform came during the administration of Gens Murtala Muhammed and Olusegun Obasanjo in 1976. This reform was the most revolutionary in the history of local government reforms in Nigeria. The objectives and functions assigned to the local governments were far reaching. It entrenched a high level of democratic participation and autonomy in the local councils. During the Second Republic under President Shehu Shagari, the various state governments ran the local governments under caretaker arrangements as no local government elections were held throughout the period. There was massive proliferation of local governments by the states, which were later scrapped because of their unviability by General Muhammadu Buhari in 1983. The minor reforms carried out by General Ibrahim Babangida in the 1980s, following the Dasuki and Coker Reports were to correct some of the anomalies associated with the 1976 reforms, though the fundamental basis of these reforms remained essentially that of 1976.

The fifth reform came in the 1990s during the era of General Ibrahim Babangida who for the first time introduced presidentialism into the local government system in Nigeria. This entailed the abolition of the Ministries of Local Government throughout the country in order to give greater autonomy to the third tier. This system survived for a while but was suspended when General Sani Abacha assumed power and returned the local governments to the parliamentary system.

The sixth and current reform came in the wake of the return to democratic rule in 1999. The 1999 Constitution in Section 7(1) places the local government councils firmly under the states' control. Therefore, the various state governments have adopted the presidential system of administration in their states. This entails the establishment of two arms at the local level i.e. the executive and the legislative arms with their different functions. This system has been in place for the past 16 years now but it would appear that as with the previous reforms, the new system is due for a thorough review in view of its many inadequacies. From all indications, it would appear that the problem with the various reforms has more to do with the operators of the system than the system per se.

The Federal Government Guidelines for Local Government Reform (1976) define local governments as: "government at local level exercised through representative councils established by law to exercise specific powers within a defined area. These powers should give the council substantial control over local affairs as well as the staff and institutional and financial services and to determine and implement projects so as to complement the activities of the state and federal government in their areas and to ensure,

through devolution of functions to these councils, the active participation of the people and their traditional institutions, that local initiative and response to local needs are maximised."

As stated in paragraphs 1 and 2 of the Fourth Schedule of the 1999 Constitution. The main functions of a local government council include the following: 1) (a) the consideration and the making of recommendations to a planning or any similar body on the economic development of the State, particularly in so far as the areas of authority of the council and of the State are affected; (b) collection of rates, radio and television licences; (c) establishment and maintenance of cemeteries, burial grounds and homes for the destitute or infirm; (e) establishment, maintenance and regulation of slaughterhouses, markets and motor parks; (f) construction and maintenance of roads, streets, street lightings, drains and other public highways, parks and gardens; (g) naming of roads and streets and numbering of houses; (h) provision and maintenance of public conveniences, sewage and refuse disposal; (i) registration of all births, deaths and marriages; (j) assessment of privately owned houses or tenements for the purpose of levying such rates as may be prescribed by the House of Assembly of a State; and (k) control and regulation of outdoor advertising and hoardings.

2) Participation of such council in the Government of a State as respects the following matters -

(a) the provision and maintenance of primary, adult and vocational education;

(b) the development of agriculture and natural resources, other than the exploitation of minerals; and

(c) the provision and maintenance of health services;

The 1999 Constitution Section 3(6) provides for local government and stipulates that: "There shall be 768 Local Government Areas in Nigeria as shown in the second column of Part I of the First Schedule to this Constitution and six area councils as shown in Part II of that Schedule."

Furthermore Section 7(1) protects the existence of Local Governments by stipulating that: "the system of local government by democratically elected local government councils is under this Constitution guaranteed; and accordingly, the Government of every State shall, subject to section 8 of this Constitution, ensure their existence under a Law which provides for the establishment, structure, composition, finance and functions of such councils."

In preparation for the new democratic dispensation to begin on May 29th 1999 Local Government elections were held on December 5 1998. Decree No. 36 of 1998 (The Basic Constitutional and Transitional Provisions) upon which the Local Government officials were elected stipulated a 3 year tenure of office to end in 2002.

In June 2002, when the tenure of the councils elected in 1999 nationwide expired, the various State Governments did not conduct elections into these councils for over two years. Instead Caretaker Committees were appointed by various Governors at the Local Government level. It is reported that the basis for this was that although the State Independent Electoral Commissions (SIECs) were to conduct the elections, constitutionally they were to be supplied the voters' register by the Independent National Electoral Commission (INEC), which did not do so. When finally election dates for the Local Governments were set a number of postponements meant that the elections did not hold. Then when the conglomerate body of the SIECs set a date for all Local Government elections nationwide the forum of the 36 Governors met and resolved to push for a constitutional amendment to empower State Governors to appoint council chairmen and councillors. Since this time there has ceased to exist a unified approach to Local Government elections across the country, with some states conducting elections and others not. Lagos State for instance conducted elections in October 2011 meaning the tenures of the Local Government Chairmen was to conclude no later than October 2014 but they continued into 2015 since when no Local Government elections have been held. There is now an appeal by the Lagos State Government against a State High Court judgment that Local Government elections must hold.

The issue of financial autonomy has been a major bone of contention with the local



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governments being starved of funds as 22.5% deductions are made by states at source, being 15% for the payment of staff pensions; 5% for maintenance of traditional institutions; 1% to the ministry of local government towards training political functionaries, councillors, supervisors; a further 1% to the Local Government Service Commission for training of local government staff; and 0.5% for running the Local Government Service Commission. The balance of 77.5% is used for payment of salaries of teachers in the local government and other projects. Reading through a well researched document titled 'Grassroots Governance Impact Assessment Study of Apapa Local Government 2008-2014' by Mike Egbayelo, who carried out a survey on the finances of Apapa local government, with a cumulative expenditure of approximately N4.44bn he observed that the sum received did not impact a great deal on the infrastructure and social development, contrary to all hopes and expectations. It is though worthy of note, even as we continue to despair at their modest impact, that the Councils are becoming further beholden to the states as some of their sources of income such as tenement rates and adverts etc have been taken over by the states.

A wholesome overhaul of our system of local government administration is clearly required. Due to the blatant lack of accountability in local government, residents shy away from and do not get involved in or interact with this tier of would-be neighbourhood government, never asking how the money allocated is spent, though always lamenting the lack of tangible impact. Rather, whenever issues arise the first response is to go directly to the State, where all power appears to lie. Yet with the not inconsiderable amount of money that still trickles down and into the hands of these local government administrators, the time has surely come for meaningful reform which should be premised upon a fair and transparent appointment process of Local Government Chairmen and Councillors. Councillors should be on a part-time basis as they are a drain on our meagre resources. There should also be a structured form of accountability that encapsulates Community involvement which can be encouraged through a form of project monitoring by a team comprising of members of the Resident Associations, Non-Governmental Organisations and local media, to name but a few who can act as ombudsmen. Local government budgets and projects will need to be published, having been reviewed by a local tenders board for transparency purposes. Local government administrators should also be able to find creative ways and methods of having their own efforts supplemented e.g through getting private institutions in their communities to carry out Corporate Social Responsibility projects. A quarterly stakeholders briefing will further go a long way in giving residents the opportunity to ask questions concerning published budgets. We must change the way we do things at the local level as all round us all one see are loopholes deliberately created to entrench corruption and thereby drain budgets.

The era of local government officials going for seminars and training abroad on their meagre funds and the standard corrupt practice of sharing the spoils of office will end if it is ensured that they are held accountable, by law and by our own active involvement.



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