

RURAL DEVELOPMENT AND PARADOX OF LOCAL GOVERNMENT ADMINISTRATION IN NIGERIA: PRAXIS AND PROSPECTS

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ABSTRACT

Far from normal, community underdevelopment and poverty have taken center stage in local government discourse. That the local government is performing below expectation is a no longer in doubt. Undoubtedly, poverty and underdevelopment breed economic instability, unemployment, youth restiveness and violence. This paper examines the historical analysis of the local government system in Nigeria starting from the pre-colonial period, to present day. The paper also interrogates the rationale for creating the third tier of government and dislocation in the local government administration in Nigeria. The paper adopted content analysis technique as mode of analysis. Sequel to this, views of scholars were critically interrogated with a view to identifying the areas of dislocation. The findings revealed among other things that absence of fiscal autonomy of the local government has resulted in financial strangulation which is responsible for poor performance of the local government system. Furthermore the use of state electoral umpire to conduct local government election does not give liberty to local government chief executives to operate independently, rather they operate within the whims and caprices of the state governor. Thus, he who plays the piper dictates the tune. The paper therefore recommends among others that the state electoral commission should be abrogated. Also the parliament should abolish JAAC (Joint Account Allocation Committee) and reposition the local government to enjoy full fiscal autonomy.

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1. INTRODUCTION

The System of third tier government now operating throughout the country, no doubt, is aimed at making local governments to transform the communities in their jurisdiction. The Local Government has clearly defined functions to perform and services to render to the people at the grassroots. But a major problem has surfaced since the introduction of this system of government. The problem is poor financial inflow and financial catastrophe between state and the local government. The imbroglio is worsened by the 1999 constitution which enshrined the obnoxious Joint Allocation Account Committee (JAAC), thus making the local government an appendage of the state government. This gave rise to the payment of local government statutory allocation into a joint account. By this arrangement, the state governor determines the amount they give to the local government. Some of them give meagre financial handout to the local government only to enable the local government chief executives pay staff emoluments and few sundry expenses. The arrangement to say the least is irksome. The state deciding which capital projects and recurrent expenditure to be approved for the local government also violates the autonomy principle which was reechoed in the 1976 and 1984 reforms. In the light of the foregoing, it becomes apparent that though local governments need assistance from the federal and state governments, they should be able to generate sizeable internal revenue to service recurrent expenditure - thus the viability question (Chukwuemeka, 2018). To achieve this feat largely depends on if existing revenue sources are effectively tapped and the monitoring/assessment of the revenue generated. Very importantly too, the 1976 reform initiated, particularly, the financial and political autonomy of the local government that was further strengthened by the civil service reform of 1988. As well, the provisions of the 1999 constitution as contained in section 7(1) and section 162 (paragraphs, 3, 4, 5, 6, 7, 8) are

intended to also guarantee the local government autonomy. The provisions for the autonomy, as they were, are essentially and ostensibly aimed at protecting the local government from unnecessary interference from other tiers of government and to enable it play significant roles in the community development process. However, findings from researches by scholars and observations by practitioners, overtime, point to the fact that the autonomy of the local government is becoming increasingly difficult to realize following particularly, the propensity of the state governments to interfere in the political/administrative and financial affairs of the local governments.

2. NJAAC THE HYDRA HEADED MONSTER - A RE-EXAMINATION

The present day Nigeria political milieu has strangled the local government financially. Surprisingly, the military junta and successive military interregnum appeared to be more benevolent to the local government system. There is no gainsaying that the army is the architect of modern local government in Nigeria. It is the military that masterminded the 1976 local government reform under the regime of General Murtala Mohamed/General Olusegun Obasanjo. Furthermore, the 1984 reform headed by Alhaji Ibrahim Dasuki was also masterminded by the military under the leadership of General Muhammadu Buhari. Full financial autonomy was enjoyed by the local government across the federation during the successive military regimes. General Ibrahim Babaginda (former military head of state) in 1997 after conducting local government election on non-party basis granted full financial autonomy to the local government through a military decree. This continued until 1999 when the then former military head of state General Abdulsami Abubakar truncated the decree and collapsed it with the 1999 constitution which introduced JAAC (Joint Account Allocation Committee) that resulted in the payment of local government statutory allocation into a joint account. By this arrangement, the state governor determines the amount they give to the local government. President Muhammadu Buhari who emerged as the Executive President of Nigeria in 2015 decided to set up a special agency known as National Financial Intelligence Unit (NFIU) to look into the contradictions in the state-local government joint account and sharing arrangement. After investigations, the Unit made their recommendations. The president acting on the recommendations of NFIU directed that the state governor should no longer meddle with local government fund forthwith. The President did not realize that JAAC is a constitutional provision and can only be abrogated by the parliament through constitutional review or amendment and not through executive directive or fiat. Subsequently, the order was thrown into the trash bin.

2.1 Supreme Court Judgment on Revenue Allocation

The major highlights of the Supreme Court of Nigeria judgment on revenue allocation as contained in SC/28/2001 of 5th April, 2002 are as follows:

- (a) The deduction of the first line charge, from the Federation Account for debt servicing before payment of the 13% revenue on derivation to the oil producing states is unconstitutional and void.
- (b) The under listed economic policy and or practices of the Federal government are unconstitutional being in conflict with the 1999 constitution:
 - Exclusion of natural gas as constituent of derivation for the purposes of the provision to section 162(2) of the 1999 constitution
 - Non-payment of the share of proceeds from capital gains and stamp duties.
 - Funding of the judiciary as a first line charge.
 - Servicing external debts via first line charge on the federation account.
 - Funding of joint venture contracts and Nigeria National Petroleum Corporation (NNPC)
 - Priority projects as first line charge from the federation account.
 - Unilaterally allocating one percent of the revenue accruing to the federation accounts to the Federal Capital Territory (Ezeabasili in Aduma, 2019).

2.2 Matters Arising from the Court Judgment

The implications of the judgment on Nigeria Fiscal Federalism are multifarious: They include:

- The share of revenue to the states and local councils will be enhanced due to the stoppage of deductions of first-line charges while the share of revenue to the federal government will reduce.
- The extension of derivation principle to process from natural gas will also increase the share of revenue going into the coffers of oil producing states. It is illegal for the federal

Government to deduct from statutory allocation of the local councils, the provision for the maintenance of the primary education, which was usually the major cause of “zero allocation” to some councils.

- The judgment restored the operation of joint account by states and local governments but this is likely to be confronted with many problems. First the release of the share of allocations to local governments by their state governments would be based on political patronage. Second, the operation of the joint account may be used as a weapon for political vendetta against recalcitrant local government chairmen. Also, there is a likelihood of fund diversion and undue interference in the running of local councils by their parent states, local councils would technically cease to be “autonomous” since they will rely more on the state governments for everything they need. The operation of joint account will perpetuate mismanagement and corruption since federal control has been removed. The resultant effect of all these is that

development, which is the basic reason for creating local councils, would be a mirage. The chairmen are likely to be accountable to the state governors rather than the electorates who elected them (Ugwu, 2017).

2.3 The Need for Local Government

In developed countries of the world like the United States of America and Britain, there is strong support for the principle of local self-government; many developing and particularly African countries give the same strong support to the principle of local self-government. The basic reasons that justify these systems of government are: -

- (a) Local Government is more responsive to citizens needs than large units of government.
- (b) It is government at the grassroots near enough and with the people, and therefore better able to articulate and tackle the problems of the citizenry
- (c) The existence of local government recognizes the superior capacity of the local people to understand and conduct their own local affairs. The people themselves are more able to secure a closer adaptation of public services to local needs than can the central or state governments, looking at the locality from afar.
- (d) Local governments encourage people to become involved in the lives of their community.
- (e) Naturally, people tend to resist imposition from above (outside) but defend what they themselves have decided upon usually the way people look at the command from outside body than what they have decided to do by themselves.
- (f) Local Government is a form of decentralization against under centralization of power and foundation in the center, which might be tending to high handedness of government and despotism.
- (g) Local Government is intended to relieve the central/state government of excessive amount of business from the center and thus, decongest the national and state governments.
- (h) Local government upholds personal liberty. It is described as the seed bed of democracy in that it holds out against the degradation of persons under majority tyranny (opinion) and provides a chance of local political pressure upon the centre.
- (i) Local government is an instrument of political education providing a form or socializing political participants. This is done by creating opportunities for local political activities and participation.
- (j) Local government provides the basic and preparatory training ground for people who would in future take over political responsibility for the government of their state or nation.
- (k) Local government helps to pool resources together at the local level for the provision of wide range of essential social services.
- (l) Local government brings government closer to the people. By this, it means giving opportunity for participation to the people in the management of and running of their own affairs and on the efficient and effective provision of a wide range of essential socio-economic services.
- (m) Local government is in a far better position than the national or state government to stimulate initiatives, inculcate that feeling of national consciousness and encourage drive and experimentation in the people. These reasons are justified on the ground that the functions and businesses of the government are expanding to regulate more and more human lives and behavior. Furthermore, the welfare of the state is becoming more and more universal in concept. Under these conditions therefore, it is impracticable and improper to concentrate all functions in the hands of a central or state government, hence the local government should exist.

2.4 Evolution of Modern Local Government in Nigeria

Evolution of local government in Nigeria can be traced to the early 1950s. This was the time when the first form of local government reforms were carried out and ushered in an era of anticipatory of local government in Nigeria. Before this era, there had been the systems of native authority and indirect rule.

2.5 Native Authority System

This was the era prior to the arrival of the British. The governments of what is now known as Nigeria were local and traditional rather than central and were manned by traditional authorities such as Emirs, Sultans, the Obas, the Onis, the Alafins, the Obis and warrant Chiefs and Ezes. This provided formidable institution for local administration in different parts of the country. The indigenous system of government irotated around these leaders. There was therefore locally centralized machinery of government. The North had a kind of her autocratic system with so much power concentrated in the hands of the emirs. In the East, there was a republican form. Government which was highly decentralized and based on family heads or clan or 'Umunna' or on council of elders (NdiIchie) and other title holders. In the West, there was a kind of constitutional monarchy with the 'Obas' at the helm of affairs. Local administration did not begin with the arrival of British. There was in every part of Nigeria well established machinery for running the affairs of Nigerians in their own district localities.

2.6 The British Indirect Rule System

Britain got the mandate to administer the basin of River Niger, following the decision at the Berlin West African Conference of 1884 to 1885. Among the territory of River Basin is a present – day Nigeria.

At this time, Britain was not prepared to assume the financial and administrative responsibilities of the colony directly, so it contracted it to the Royal Niger Company to administer and make treaties, levy customs and trade in all territories forming the basin of the River Niger. However, due to a number of factors, Britain decided to take more active part in the colony. Some of the factors were political pressure at home and the demand for protection. The charter granted to Royal Niger Company was revoked; the direct British administration came in 1889. Sir Fredrick Lugard arrived Nigeria in 1899 and in 1900 took the title of high commission of the protectorate of Northern Nigeria. The indirect rule was therefore first introduced in the Northern part of Nigeria. Late in 1906 the south was made a protectorate; the two protectorates were administered separately. By indirect rule here, we mean that the British made use of the local and traditional institutions and authorities to carry out their administrative policies in Nigeria. It took over the appointment of traditional rulers and principal officers of the territories. The indirect rule system was not applied throughout Nigeria until 1916 when the native authority ordinance No. 14 was passed. The powers of the traditional rulers were boosted much more than traditional and custom granted them. This era was described as golden age of the British colonial administration and traditional rulers as between 1917 and 1949.

2.7 Post-Colonial Era

By 1945, the year the Second World War ended, there was a tremendous surge of nationalist interest. The Western educated Nigerians were anxious to participate in the running of their own affairs and put into practice modern democratic ideas, they acquired while studying abroad. In the forefront were Herbert Macaulay, Dr. Nnamdi Azikiwe and others. They disliked the policy of indirect rule, which gave them no room for participation. They therefore, altered the policy. This gave impetus to a lot of changes. As a result, the British Labour Party which was a ruling party then felt that the development of local government, the possibility of building the foundation of a local democracy in which the structure of parliamentary government could be based. In 1947, a secretary of state for the colonies (Arthur Jones) issued a famous dispatch to all governors of African territories calling for the rapid development of an efficient and democratic system of local government. Meanwhile, there was strain on the indirect rule system of rule due partly to pressures mounted on it by the nationalists and due also to the role local government was expected to play in the economic development and political education of the people in the territories now moving rapidly in their self-government. By 1950, the pressure for reform, modernization and democratization had mounted so much; the famous dispatch of secretary of state for the colonies had added momentum to the agitation of the nationalist. The late Tafawa Balewa moved a motion in the northern house of assembly for the modernization and reform of the system of native administration in the Northern Province of Nigeria.

This motion was widely supported by eminent personalities. During this time, Dr. Nnamdi Azikiwe and Obafemi Awolowo in addition to their position as premier became the master of local government in their areas. The north got its own too. Each of the regions-North, East, and West embarked on strategies of reforming the local government. The changes introduced in the north had little or no impact on the patterns of distribution of power at the local level. The local government laws in the Eastern and Western regions were based mainly on the practice in England and Wales. A local government law in the North popularly called the native authority law of 1954 was somehow a very radical document. It was a type of greatest reform in the northern Nigeria. It conferred great power to native authority. It was a document that became a progressive trend of democratizing and modernizing local government. The law also made it imperative for the emirs alone to be recognized as absolute ruler of native authority. The new institution in Eastern and Western Nigeria had only modest success because they were not well adapted to prevailing local circumstances. Other factors that militated against the success of the new system in Eastern and Western provinces were poor administrative coordination of the activities of the three levels of administration and limited financial resources, low level of responsibility and unavailability of primary units. Between 1950 and 1955 the local government became a three tier system -example, provinces, county council, district council and local council (three tier arms of the local government). In the North also we had something like chief in council, chief and council and council.

3. LOCAL GOVERNMENT REFORMS

3.1 1950-1954 local government reforms

The local government reforms of 1950-1954 in the East, West and Northern provinces brought about an end to the era of local administration in Nigeria. The reforms ushered in the period of modern local government. A period when the people's representatives were by and large to direct local affairs and sit as council chairmen, committee chairmen and others and deal with the other levels of government. So the emergence of elected members on political basis into the local government system showed the traditional rulers the way to gradually withdraw from active participation in local government. This period was a period of consolidation and firm control of the local government by regional governments. It was a time when local government started to be used in each region as an instrument of oppression and victimization by Nigerians in corridor of power. The local government police, courts prisons were used by politicians in power to oppress political opponents. It was a period of ruthless party competition, bitter and intense partisan politics. The regional government became unpopular, partly because of the roles played by members of the council and partly because of the brutality of local government practice. Generally the people were dissatisfied and disillusioned. It can therefore be

reasonably concluded that the fall of the 1st republic was partly contributed to by the large misrule at the local government level (Chukwuemeka, 2018).

3.2 1976 Local Government Reform

With the intervention of the military boys in the political leadership of Nigeria after a coup d'état in January 1966, the legitimate regional authorities and local government councils were dissolved. Local affairs came to be directed by appointed rather than elected people. This situation continued until 1976, when Murtala Mohammed saw reasons to reform the Nigeria local government system. In furtherance to this, a commission known as Udoji Commission was constituted to review the Local Government. Thereafter a recommendation was made. Based on the recommendation, the government issued a blue print titled, "guidelines for local government reform". It was aimed at finding solutions to the shortcomings of previous reform efforts.

The main aim of the reform was to entrust political responsibility to where it is most crucial and beneficial – that is to the people.

Other basic features of the reform were:

- (a) Uniformity of local government system in Nigeria.
- (b) Complete democratization of local government system.
- (c) Autonomy of the local governments (thus provincial and divisional administration which in essence means the removal of the control of local governments from state government had to be abolished)
- (d) The local government council operated through chief executives.
- (e) The establishment of local government service Board, changed with the responsibility for recruitment, posting, promotion and discipline of the senior staff in the local government.
- (f) Statutory allocations to be made by both federal and state governments
- (g) Creation of 307 local government councils. This number was arrived based on the principle that each local government was expected to serve a population of 150,000 to 800,000.

As a matter of fact, the 1976 local government reform is significant and a big credit to Mohammed/Obasanjo regime. In fact the period 1976 – 1979 was a period of national approach to local government – the federal military government made considerable input towards putting local government in a sound footing. It was the period a uniform single tier structure started throughout the country. It was during this period that local government found its way into Supreme law of the land – constitution and became a third tier of government. The federal military government became significantly involved in local government matters the FMG involvement was concretely demonstrated in its designation of three institutions of higher learning as training centers for local government staff. The institutions are university of Nigeria Nsukka, Ahmadu Bello University Zaira, and Obafemi Awolowo University Ile Ife former Unife. Classroom blocks were built in each of these three universities (Local government Building). Government not only finances the local government training programmes mounted by these universities but also sponsors national conferences, seminars and workshops on local government organized by them. This period marked the time when there was a clear cut distinction between local government and traditional authority.

3.3 1984 Local Government Reform:

The 1984 reform is popularly known as "Dasuki commission". Alhaji Ibrahim Dasuki committee was set up by Muhammed Buhari regime to look into the problems of local governments and recommend solutions. Some of the problems attributed by the committee in its report include, problems arising from local government operators. The problems hinder equitable distribution of amenities to the local people.

Major changes brought by the reform include: -

- a. State ministries of local governments were abolished and state governments were directed to terminate their joint service with local governments. Thus, it was believed that this would end the friction between the two tiers of government in the state
- b. Creation of more local government areas to reduce discrepancy resulting from size of existing local governments. This resulted to increasing the number of local governments to 453 in 1988 and 500 in 1991.
- c. Review in grant to local government from 10% to 15% in 1989 to 20% in 1992.
- d. Review of National Scheme of service for local governments employees in 1988. This afforded the employee opportunity to rise up to grade level 15. This attracted professionals like engineers, legal officers, health officer's accountants etc into the service.
- e. The power granted to local government chairman to appoint their secretaries, made them real executives, while the creation of local government legislative assembly brought about separation of power.
- f. Local government gets their grants directly from federal government instead of passing through state government.
- g. The issue of local government autonomy was re-emphasized that is to say control by state and local government commission.

4. LOCAL GOVERNMENT AND COMMUNITY DEVELOPMENT: THE NEXUS

development and local government are synonymous. The two cannot be discussed in isolation. Thus the primary aim of creating the local government as the third tier government is primarily to foster rural development. Umebali (2000) argues that about 85% of the population of Nigeria lives in the rural areas. Therefore the transformation of the rural areas is a sine qua non for national development. The 1955 Local Government Law empowered the Local government to take full responsibility for rural development within the area of authority. This provision in the law enabled the District Officers to champion rural development efforts in their districts. Government provided matching grants and technical aids to communities which embarked on self-help projects. Since then, rural development has become a shared responsibility between the people and the government (Okeke 2004, Eze 2019). The rural sector argues Ugwu (2020) plays important role in the total economy of any nation. Therefore, a sound rural development policy will enhance a balanced national economic development. According to Onwe (2017) rural development refers to not only providing jobs and increased incomes to rural living through increased and improved community services. In Nigeria, the main features of the rural areas are:

(i) Depression (ii) degradation (iii) poverty and deprivation.

In a typical Nigeria rural community, there is absence of basic infrastructure, where they exist at all, they are inadequate for any meaningful development.

In most emergent states, or nations, like India the “Panchayati” model has scores of developmental track records. Thus, local government has been adopted as the main fundamental instrument for the acceleration and sustenance of rural development. Most rural developments efforts in Nigeria are aimed at achieving the following objectives:

(a) Reducing the level of rural poverty and rural unemployment

(b) Integration of rural dwellers into the nation’s socio-political and economic process through enhanced political awareness and consciousness and the recognition of the rural resident first and foremost as an individual citizen, like his urban counterparts, to all good things of life.

(c) Improve incomes of rural people who are engaged in agriculture and rural non-farm activities such as agro-based industries, petty trading, rural transport etc.

(d) Enhancing equity in the distribution of wealth and personal incomes

(e) Increase in rural value-added products

(f) Improving the quality of life by provision of quality portable water, electricity, and other basic amenities etc.

4.1 Local Government and Development: A comparative analysis

At this juncture, we shall attempt to look at functions and performance of local government in selected nations of the world:

(1) Britain: Local government performs three basic functions in Britain: (i) environmental (ii) protective (iii) personnel

(i) Environment – road construction, maintenance of street lights, water supplies, recreational grounds, street clearing and refuse disposal.

(ii) Protective: Safety of citizens – police and fire service

(iii) Personnel: individual well-being, housing, education, libraries, museums, schools and health services.

In Britain, the “Parish” is subsumed under local government and performs the following functions: burial grounds, lighting, recreational grounds, shelters, parish halls. Local authorities in Britain could acquire further powers through delegated legislation or bye law.

(2) The United States of America (USA): The United States practices municipal or city government. Special districts are created to carry on specific functions or projects e.g. management of public school system. Other functions performed by the municipal or city government include:

(i) Policing and protection (ii) Public works (iii) libraries (iv) recreations (v) public utilities (vi) city planning (vii) public health (viii) airports and housing.

(3) India: Local government in India is called “Panchayati”. The practice of local government in India is a semblance of that of the United States of America except police, harbors, and airports. However some of the functions performed by panchayati are like those ought to be performed by local government in Nigeria but they are not. Some functions are obligatory and discretionary, for instance: (i) agriculture (ii) animal husbandry (iii) buildings (iv) communication (v) education (vi) fishery (vii) forestry (viii) small scale industries (ix) irrigation (x) medical services.

In India, urban councils perform obligatory functions such as: (i) conservation (ii) street lighting (iii) drainage (iv) construction and maintenance of roads. In the same token, big urban councils perform expensive functions like: (i) water supply (ii) street clearing (iii) refuse disposal (iv) fire service (v) primary education

It is interesting to note that local governments in Britain, USA, and India including most other nations not featured here are known for being active in the performance of their statutory functions; regrettably local government in Nigeria is more or less a “pseudo government.”

5. BOOSTING REVENUE GENERATION IN THE LOCAL GOVERNMENT: OPTIONS AND STRATEGIES

The local government depending largely on statutory allocation alone makes a mess of the viability principle as a major criterion for creating a local government.

5.1 Internal Revenue Sources of the Local Government

The internal sources of revenue available to the local governments are categorized as follows:

Head 1001 – Taxes, e.g. community/poll, dev, tax or levy, cattle tax, land tax and their arrears etc,

Head 1002 – Rates e.g. tenement (property) etc.

Head 1003 – Local license fees and fines e.g. on and off liquor, slaughter slab fees, marriage, birth and death registration and others as contained in the financial memoranda.

Head 1004 – Earnings from commercial undertakings e.g. market, motor parks, shops and shopping centres, proceeds from sale of consumer goods, transport services earnings (Mass transit), earnings from industrial undertakings etc.

Head 1005 – Rent on local government property e.g. rent on local government quarters, rent on local government buildings and landed property, public toilet etc.

Head 1006 – Interest payments and dividends e.g. interest on vehicle advances, interest on loan to parastatals, dividends, interest on staff housing loan etc

Head 1007 – Reimbursements

Head 1008 – Miscellaneous income (slaughter fee, cemetery etc) e.g. earnings from mortuary houses and cemeteries, recovery of losses and over payments, payments in lieu of resignation notices, unclaimed deposits.

From the above list it is clear that many of the various sources of internally generated revenue sources to the local governments are either untapped or under-tapped in most local governments in Nigeria. Some sources, like death registration fees, due to the culture and customs of local people, can never be fully tapped. Most citizens register their deceased relations when they are pursuing death warrant which will enable them collect gratuity or other entitlements of the deceased relation. While other sources like tenement rates by individual and corporate persons can be potentially lucrative sources of local government revenue, if properly administered and strictly enforced. With courage, honesty, and fair-play, but sad enough tenement, capitation rates, market, public toilets, parks, mass transit and many other sources of IGR are confiscated by the state government. It is also pertinent to remark that most local governments do not attempt to explore new sources of internal revenue, if the above-mentioned sources of revenue are appropriately and adequately tapped and properly accounted for the local government will be viable financially.

5.2 External Sources of Revenue

External sources of revenue are those revenue sources, which are not generated within the local government area. They contribute to a greater percentage of local government total annual income. They include statutory

(a) allocations from both federal and state governments (b) grants – in – aid (c) loans (d) contributions from individuals, organizations or other local governments (e) miscellaneous

5.3 Problems of Internal Revenue Generation and Collection

It is an indisputable fact that the internal revenue generation of most local governments in Nigeria is far below what it could be, all things being equal. Several reasons have been advanced for why internal revenue generations in most local governments in Nigeria are far from being satisfactory. For example, the report of the Committee on the fiscal and financial performance of local governments in the federation observed that generally, the performance of local governments' revenue collection is very low. The following factors are responsible for the situation:

- (a) Poor communication network particularly in the riverine areas of the country.
- (b) Lack of commitment on the part of some revenue collectors, some of whom are selected for the job on compensatory basis or that they are related to the; powers that be. Many of them are downright dishonest.
- (c) Defective revenue collecting machinery, in particular, some of the laws for revenue collection have not been updated by various state governments especially in areas of rating and tenement rates.
- (d) The inability of the local government to enforce bye laws which could enhance their revenue generation is another factor. For example, there are local government that have approved laws on tenement rates which could relieve them of their dependence on the monthly allocation from federation account, but many of them have adopted nonchalant attitude towards this revenue source.
- (e) Many local governments across the country do not keep proper record of ratable persons, and rate collection is based more on drive. In some zones, no agents are appointed with the exception of ministries, departments and companies. In this circumstance, one wonders how estimates in respect of rates can be rational.
- (f) Appointment of rate agents and revision of rate nominal rolls are by regulation. This regulation is to ensure checks and balances in the system.
- (g) Inexperienced, greenhorn and officers below the grade of finance assistants (most of whom are illiterates or semi-literate individuals) are detailed to collect revenue for the local government. In most cases, messengers are deployed as revenue collectors far from the head office. There they are allowed to work with no experience and

supervision. Any case of embezzlement or fraud brought against them in the law court is bound to fail. This is because the grade of such irresponsible officers is not supposed to handle government funds.

- (h) Another major problem of revenue collection in the local government system is poor relationship between the people and the local government. If government decides to work in isolation with the people, there is bound to be lack of understanding between them. Councilors these days are group of political neophyte, handicapped individuals and are therefore no true representative of the people. Local government programs cannot be effectively sold to people through them. It is not only that some of them bulldozed their ways into the council by election rigging; they are also ignorant of their duty. They see their roles as that of party representatives.

To widen the gap between the grassroots government and the people is the local government inability to extend services beyond the headquarters, in most cases, little or no services are provided. People pay taxes and rates and still maintain their roads, build schools, health centers and every other thing, which these payments are supposed to cover. This awful situation alienates the people more from the government. To them, government is exploitative. Their loyalties and regards go to the respective town development unions. These unions make things happen with levies paid by the people. Thus development and improvement unions become to the people the grassroots government, which the local government supposedly is. This is also responsible for tax invasion and hostile attitudes to the local government by the people.

5.4 Lessons from the Just Concluded Senate and House of Representatives Public Hearing on Constitutional Review

We were privileged to participate in the just concluded Enugu Zone public hearing on constitutional review. We listened attentively to the presentations made by different stake holders and interest groups. We made a presentation on behalf of Civil Society Organizations (CSOs)- YIAGA African and my NGO (El Jiboh Center for the Vulnerable and Social Remedy). I enjoyed the presentation made by Nigerian Union of Local Government Employees (NULGE). The excerpts of the presentation on full local government autonomy are summarized as follows:

(a) Establishment of local government police (b) Cession of Ministry of Agriculture to local government (c) Ministry of Women Affairs and Humanitarian Affairs to be the baby of the local government (d) Re-order the revenue allocation as thus –

Federal – 20%

State Government – 25%

Local Government – 35%

Consolidated saving – 5%

Derivation – 15%

(e) Create more local government (f) Abolish the Joint Account (JAC) (g) Abolish the state electoral commission (SIEC)

(h) Funding of primary education to be first line charge by the Federal Government (i) Grant the Local Government financial, political and administrative autonomy (j) NFIU must be fully operational (k) Local government service commission should be enshrined in the constitution like their counterparts

5.5 Repositioning the local government to make it virile - Policy Options

To reposition the local government to make it virile requires a multidimensional approach. Therefore, we make bold to recommend the following policy options:

(a) The autonomy principle should be upheld strictly. If that is achieved, the Joint Allocation Account Committee (JAAC) should be abolished. Thus local government statutory allocation should be lodged directly into the local government account. The local government should be allowed to initiate, plan and execute its development projects independent of the state government. There should also be administrative and political autonomy.

(b) State electoral commission should be abrogated. Thus, Independent National Electoral Commission (INEC) should henceforth conduct local government elections.

(c) The Politicization of the local government system should be re-examined. We proffered two options: Option A: State Electoral Commission should be abolished and INEC should start conducting elections of local government. Option B: Instead of elected chairmen, councilors and appointment of politicians as supervisory councilors, Director, Permanent secretary, HPM or officers of the same rank from the public service should be appointed to head the local government. The appointment should be tenured. The supervisory councilors and ward councilors should be appointed from the pool of impeccable and assiduous public officers. The office should also be tenured. The arrangement would be a replica of Board of Commission. They should operate on part-time basis.

(d) All local government development projects and other financial activities should be audited by a special local government independent audit unit.

(e) The caretaker committee system should be abolished; even if it should stay, the tenure should not be more than six months. Those to be appointed should be career public officers and not politicians.

(f) The operators of the local government under the suggested Option B above should render monthly progress report of completed and on-going projects in their areas of jurisdiction. Anyone who has no remarkable development achievements

should be sanctioned, removed or summarily dismissed from the service without benefits, especially when there is evidence of fund misappropriation and inability to render prudent account.

(g) The Executives under this regime should be placed on special salary that is little above what they earn in the public service. It will drastically reduce cost of governance.

(h) The Local Government service commission should also be manned by appointed career public officers. They should give supervisory roles and work hand in hand with the audit unit and anti-graft agencies to check the excesses of the local government workers and appointed or elected executives. The local government service commission should be independent and not a baby of the state government.

(i) A new law should be enacted to create a stiffer penalty for any state governor that meddles with local government funds.

(j) The state government should allow the local government harness its internally generated revenue as per Head 1004 mentioned above – tolls on the markets, public toilets, parks, capitation rates, mass transit etc. Therefore the local government should properly tap the aforesaid internally generated revenue and other (IGR) sources of the local government. Field officers who are not politicians but career civil servants should be appointed to ensure an aggressive revenue drive to mop up all revenue accruing to the local government. When the people see visible developments around them they will be happy to cooperate with the local government revenue collectors when they embark on revenue drive.

k) It is also the position of the paper that the local government be run by board of governors which should be headed by a Permanent Secretary or a high ranking officer if option B is adopted. They should be drawn from the academia or public service. The members of the board should work on part-time basis. They shall sit intermittently to take major decisions bordering on development, projects, staff welfare and other critical issues. However the Secretary should work on full time to oversee the general administration and project execution.

6. CONCLUDING REMARKS

This paper has tried to look at the state of the local government in Nigeria and critically assessed its role over time, vis-à-vis rural development. It is very sad that after 45 years of the first major local government reform in Nigeria, the local government has not made significant impact on rural development in spite the huge sums of money allocated to it as statutory allocation. Therefore the Government of Nigeria should as a matter of urgency reposition the local government to cause it to contribute more in community development.

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