



An end to local elections in Nigeria?

President Obasanjo accuses municipal councils of “underperforming”

BY KINGSLEY KUBEYINJE

What happens in a country when you increase the price of gas by 54 per cent and propose changing or eliminating the third tier of government, the municipal councils?

In Nigeria, the gas price increase triggered a fierce and bloody reaction in the form of an eight-day labour-led nationwide strike, a development that forced the government to back down and accept a negotiated price of 34 naira (US 27 cents) per litre, down from the previously announced 40 naira (US 32 cents). And the debate on municipal restructuring is still raging like a bush fire.

The controversial proposals were presidential initiatives approved by Nigeria’s National Council of States in Abuja, the federal capital, on June 18. The council, made up of the president, his deputy, the nation’s 36 state governors and all former presidents, met at the instance of President Olusegun Obasanjo.

Obasanjo announced the creation of a high-powered eleven-member technical committee to review the restructuring of governance at the local government level in a nationwide broadcast hours after the council’s meeting. It was made up of experts on local government affairs drawn from the country’s six geopolitical zones. The committee was already sitting and receiving representations and memoranda from stakeholders in August.

Fate of municipalities hangs in balance

In its terms of reference, the committee is to examine the problem of inefficiency and high cost of governance in the country, with a view to reducing costs and wastes at the three tiers of government. It will also review performance of local governments within the last four years and consider whether to retain the local government as the third tier of government. The committee is required to examine the high cost of election campaigns in the country and consider, among other options, the desirability of political parties, rather than individual office seekers, canvassing for votes in elections.

Obasanjo lamented that instead of acting as a catalyst and aiding development at the grass roots, the 774 constitutionally-recognized local government councils in the country had performed poorly and were sources of massive wastes. “It is on record that at no time in the history of the country has there

been the current level of funding accruing to the local governments from the Federation Account. Yet the hope for rapid and sustained development has been a mirage, as successive councils had grossly underperformed in almost all the areas of their mandate”, the president said.

He also accused state governments of indiscriminately creating new local councils in addition to the 774 listed in the constitution. He decried the fragmentation, especially the division of towns and cities, into mini-local councils.

The immediate fallout from the presidential initiative was the postponement of council elections for three months. The polls, in which more than 8,000 candidates for chairman and councillor were to participate, were originally scheduled to be held on Saturday, June 20, 2003. No one is now sure when or if the elections will ever be held again.

Two sides form for municipal battle

Predictably, the debate on the planned restructuring has garnered as many critics as it has supporters and this had further polarized the country, creating palpable tension within the already badly heated polity. Among the skeptics are the umbrella union of the nation’s three million local government workers, opposition parties under the aegis of the Conference of Nigerian Political Parties or CNPP, non-governmental organizations, lawyers and scholars. Some state governors, who are also members of the National Council of States, have equally risen against the proposed reforms on the grounds that they were bamboozled into accepting the proposed reforms. Already, eleven opposition parties have instituted a suit at the Federal High Court in Abuja, claiming that the decision of the ruling People’s Democratic Party (the PDP) led the federal government to “tamper” with the councils, as well as postpone elections to them.

One vociferous critic is Attahiru Bafarawa, governor of the Muslim-dominated north-west state of Sokoto, an opposition stronghold. Bafarawa was quick to read an ethnic agenda into the proposed exercise, accusing the president - a Christian from southwest Nigeria - of playing an ethnic card and dancing to the tune of his Yoruba tribal group. The Yorubas had been championing the demand for the restructuring of the



A carpenter in Ameka, Nigeria. Local governments regulate the location of shops and other businesses.

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entire federal set-up and polity, with a view to having what they called a "true" federation, similar to Canada's, Switzerland's and Germany's.

The Nigeria Union of Local Government Employees (NULGE) had called on the federal government to dialogue with all stakeholders before embarking on any reforms or risk a mass uprising, as well as the wrath of its members. NULGE's General-Secretary, Abubakar Salam, said that while the union was not "totally" against reforms, such restructuring must be done with a view to preserving the autonomy of the local councils and not with the intention of scrapping them.

Two of the country's leading opposition parties, the All Nigeria Peoples Party (ANPP) and the All Progressives Grand Alliance (APGA), have described the move as unconstitutional. The ANPP, whose candidate was Obasanjo's main challenger in the April 19 presidential election, said the planned restructuring was suspect and akin to a coup against Nigerians.

Is local government sacrosanct?

One NGO, the Constitutional Rights Project or CRP, said that the nation's constitution guaranteed the system of local government to be run by democratically elected local government councils. "This constitutional provision thus makes the issue sacrosanct and not subject to the whims and caprices of the federal government. In other words, the federal government is not at liberty to toy with the issue of local government and it is clearly unconstitutional to do so", the CRP said.

Speaking on behalf of some concerned members of the ruling PDP in Ondo State, southwest Nigeria, Leye Akinyosotu defended the government, citing a need to have a fundamental restructuring of the local government system. "A situation where a few people share statutory allocations of local governments, while those at the grass roots wallow in poverty will no longer be condoned," he said, in an apparent reference to the corruption and mismanagement at the local councils.

Reforms before a coup

Ironically, the present local government structure came into being in 1976, in the aftermath of landmark reforms carried out by the same Obasanjo, who was then a military head of state, at a time he was preparing to return the country to democracy. Although Obasanjo handed over to a democratically elected President, Shehu Shagari, on Oct. 1, 1979, the democratic experiment, which gave birth to Nigeria's Second Republic only lasted until Dec. 31 1983. On that date it was sacked in a dawn military coup led by Gen. Muhammadu Buhari, who became Obasanjo's main challenger in the last presidential election.

The objective of the 1976 reforms was to free the councils of excessive interference from other tiers of government and to put in place a vibrant and effective grassroots administration. As a result of the reform, local governments became recognized in law as the third tier of government with a share of national revenues, powers and functions.

The Fourth Schedule of the constitution listed the functions of local governments to include collection of rates (property

taxes), radio and television licences, establishment of cemeteries, markets, abattoirs, motor parks and homes for the destitute, licensing of bicycles, canoes, wheelbarrows and carts, as well as naming of roads and streets and numbering of houses. It is also the constitutional responsibilities of local councils to provide and maintain sewage and refuse disposal facilities, levy and collect tenement rates, regulate outdoor advertisements, movement and keeping of pets, as well as regulate the location of shops, kiosks, restaurants and bakeries.

The relevance of the local councils as an important tier of government is highlighted by the fact that the constitution provides for their direct funding. The creation of new councils is also a constitutional matter, which must be approved by the bicameral federal parliament.

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Plan to give states more revenue

Under the soon-to-be discarded revenue sharing formula, local councils get 21 per cent of all federally collected revenue, against the federal government's 55 per cent and the states' 25 per cent. In the new sharing formula - being debated by parliament - 20 per cent of the revenue will go to the local councils, 47 per cent to the federal government and 33 per cent to the 36 state governments and Abuja, the federal capital territory.

Have the local governments really failed? The general feeling is that they have not lived up to the people's expectations. Indeed, local government employees admitted some shortcomings, but insisted that the circumstances the councils found themselves in were responsible for their non-performance. In a memorandum presented to the restructuring committee, NULGE admitted that about 750 billion naira (US \$6 billion) was disbursed to the 774 local governments between May 1999 and May 2003. NULGE, however, insisted that the councils were hamstrung as they were forced to pick up a whole lot of bills for projects that were not initiated by them. Worse still, they were projects outside the ambit of their constitutional responsibilities. They said that these added responsibilities made service delivery to the grass roots practically impossible.

They point to the 463.2 billion naira (US \$3.7 billion) that was deducted in the last four years for the payment of primary school teachers, which ought to be paid for by the federal government, the 37.5 billion naira (US \$300 million) which the state governments paid out to traditional rulers from the local government accounts, the 176.9 billion naira (US \$1.4 billion) paid out as emoluments to local government political office holders. The emolument package, they stressed, was forced on the councils by the Revenue Mobilisation Allocation and Fiscal Commission, a body set up by the federal government. They also point to the 4.4 billion naira (US \$35.2 million) that was deducted by the federal government and used in buying 1,000 jeeps for the police, a federal organ, as well as the compulsory funding of the April general elections. NULGE said each of the 774 local councils was "levied" 10 million naira (US \$80,000) for the elections and was also compulsorily made to fund state-owned tertiary institutions and other projects initiated by state governments.

Given the array of "extra" responsibilities they were made to bear, the local councils said they could not have performed optimally. ☺