



The Place Of Local Government In The Restructuring Debate In Nigeria- A Thematic Exposition

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ABSTRACT

One recurring issue in the polity called Nigeria particularly since its return to civil rule is the call for local government autonomy which is more or less related to current agitation for restructuring. Known as the third tier of government, local government system in Nigeria for decades has had factors that inhibited it from reaching its potentials of driving grass root development due to interference from states and financial dependence on same. Advocates of restructuring and constitution amendments argue that until this is achieved, Nigeria cannot be considered to be practicing federalism. They opine that the third tier of government are familiar with developmental needs in their domain and are better positioned to know where to channel their funds hence the need for financial independence. Using descriptive data and the technique of content analysis, this study in a thematic form discussed restructuring and its dimensions and identified factors inhibiting her operations in a dysfunctional federal structure. Based on its findings, it offered recommendations and conclude by positing that the best way to go is to devolve powers to this tier of government.

Keywords: Federalism, Devolution of Powers, Resource Control, Restructuring, Nigeria.

INTRODUCTION

The restructuring debate has continued to divide Nigerians along North/South, Christian/Muslim and Secessionist/Conservative lines. But despite the pockets of opposition, advocates of Nigeria's restructuring appear to be having their way given the manner the debate is echoing across the country as well as the swelling rank of its campaigners. The various Heads of State and government that had been in power over these periods had not seen reasons to give the calls serious consideration. The nearest they have done is either to call a national conference, as Jonathan did in 2014 or to establish a reconciliatory commission as done by Obasanjo in 2000.

The anti-restructuring thesis has a new convert in the person of the Attorney General and Minister of Justice; Hon. Abubakar Malami. He had told a bewildered nation on the 2017 Democracy Day that restructuring will not work. He advanced three reasons why he thinks an exercise like restructuring would not work. He told those clamouring for restructuring that it cannot be done in one fell swoop. Secondly, only democratic means should be used to achieve the recommended socio-economic and political reforms. Thirdly, the Honourable Minister warned that the abolition of states will have negative multiplier effects on the nation. He also pointed out the consequential effects of downsizing the National Assembly.

In spite of the above, the Honourable Minister clearly exuded overt understanding of what restructuring entails. However, the restructuring envisaged by the 2014 Confab Agreement goes beyond two to three levels of government. Also some years back, Hon. Dogara suggested constitutional amendment that will deliver the local governments from the hand of state governors, this is actually a form of agitation for restructuring.

Nigeria is a federation of thirty-six States, 774 local government areas and the Federal Capital Territory. Local governments are intended to serve as the lowest tier of governance that will be most responsive to the needs of the people. Local governments in Nigeria are also expected to enhance political participation at the grassroots. Due to these expectations, there is persistent agitation for the creation of local governments by different groups across the country.

Over the past decade, under the elected civilian administration, local government councils in Nigeria have received substantial revenue allocations without always providing commensurate services or infrastructural development. This gap could be attributed to corruption, interference by state governors and the House of Assembly in the States in local government administration and ineffective accountability mechanism, including lack of free and fair electoral processes that enable electorates to oust non-performing politicians from office.

There are some contradictions in the 1999 constitution of the Federal Republic of Nigeria in relation to local government administration. Section 7(1) states emphatically 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 {FRN,1999}.

Yet, section 7 (6a) submits that:

The National Assembly shall make provisions for statutory allocation of public revenue to Local Government councils in the federation. But the confusion is extended further by section 7 (6b) which states that the House of Assembly of a state shall make provisions for statutory allocation of public revenue to local government councils within the state (FRN,1999).

This confusion also resurfaced in section 162 (6) where it established the State Joint Local Government Account for the purpose of payment of “all allocations to the Local Government councils of the State from the Federal account and from the Government of the State”. In Section 162(7) it directs State Government to pay to Local Government councils its total revenue on the terms prescribed by the National Assembly. At the same time, it gives the same power and functions to the State House of Assembly in section 162(8) {FRN,1999}.

Furthermore, section 8 (subsections 5 and 6) saddles the National Assembly with some functions before creation of a local government can become legal. The implication of all the identified contradictions and ambiguities is that it is difficult to locate constitutionally the locus of power on local government creation. The unresolved contradictions, confusion and ambiguity created in the 1999 constitution have been tools in the hands of some Fourth Republic politicians to cripple the Local Government system in Nigeria.

In view of the above, will reforming the local government via political restructuring be the game changer? This is the gap this study wish to fill.

Thematic Contextualization of Issues Boarding on Restructuring of Nigeria

This section deals with the views put forward by the Protagonists and antagonists on the restructuring discourse.

In simple terms restructuring means;

- To bring to par
- To balance or bring to equity or to equal status

To reorganize lopsided system or growing component units of such system until it becomes beneficial to all. According to Eme {2017}, the components of Restructuring include :-

- Correcting imbalances in political appointment, marginalization and inequity in the number of geo-political zone, number of states and local governments.
 - Allowing states to have measure of control of those mineral resources deposit in their locality through resource allocation, retention, distribution, control and management.
 - Re-addressing the usage of the proceeds from abundant material resources for the advancement of a particular section of the country.
 - Decentralization of Nigeria's fiscal decision making powers to accommodate sub-national government. i.e. States and Local Governments.
 - Allowing for the transfer of certain functions, resources and authority to lower governmental structures to user in equity, fair and acceptable financial independence in resource allocation, retention, distribution, control and management.
 - Allowing states to work out their own police security network to curb the current Fulani herdsmen attack, Boko-Haram insurgency, banditry and kidnapping prevalent in Nigeria today which threaten the corporate existence and unity of Nigeria.
 - Collapsing the overwhelming, totalitarian influence and power of the centre to accommodate states and local government measure of control.
 - To address some instances and lopsidedness inherent in some parts of the 1999 constitution.
 - To address the ugly situation where greater chunk of the yearly budget goes to the government of the centre i.e. federal and to embark on resources diversification.
 - To allow oil producing state to mine, market and use the proceeds from oil to develop their area.
 - To enable local governments utilize the money allotted to them in the development of the rural communities.
 - To stop state's interference with local government statutory allocation and
 - To solve the problems associated with state's local government joint account {Eme,2017,p 7-9}.
- These theses can be collapsed into two theoretical perspectives-

Protagonist-agitation Paradigm

This thesis posits that the wave of the restructuring debate are stoked by a number of prevailing challenges in the country such as biting recession, inability of most state governments to pay salaries, menace of herdsmen and recurring murderous clashes with farmers, agitation for the Republic of Biafra, restiveness in the oil-rich Niger-Delta, and marginalization of some sections of the country by the President Buhari-led Administration through appointments (see Nwankwo,2016 Nwosu, 2016,Olaopa, 2016, Salaudeen, 2016 & 2017).

Also, the proponents of restructuring usually cite what prevailed in the First Republic when the three regions – East, West and North and later Mid-West developed at their own pace and unleashed development in their various areas. According to this position, with 50 per cent derivation and more responsibilities to shoulder, there was inter-regional competition as the regions strived to outwit one another in terms of socio-economic development.

The proponents of restructuring also believe that the challenges facing Nigeria now should provide an opportunity to restore true federalism, dispel the cloud of tension and violence hanging over the country as expressed above as drivers of restructuring. Again, this worldview blame the current agitation on the colonial power (Britain) and military interventions that wiped out the federal structure handed down by former colonial overlords and foisted a unitary system of government on the country. They are of the view that the 1999 Constitution is anything but federal, because it does not allow regions to extract resources within their jurisdiction and pay taxes to the federal government among other things.

Furthermore, this thesis adds that the quickest route to dismemberment of Nigeria is refusal to restructure the country. They added that the way forward had been marshaled by the 2014 National Conference, organized by former President Goodluck Jonathan and the only thing needed now is to implement its

recommendations. This perspective concludes by positing that Nigeria is greater than any individual or the sum of her federating units, therefore the country can only succeed when all of the sections have equal rights, where no one is above the law, where the culture of impunity is abolished and where there is level playing field for all.

From the above thesis above, three tendencies have emerged. These are the structural-devolution, socio-economic - cost of governance and economic-self determination theses. In a popular parlance structure means a pattern of arrangement. According to Yaqob (2016:6), as a prefixed word, it would serve our purpose to define the concept as a process, in the case of a nation-state, that requires its citizens to take a closer look at the national edifice or, better still, the state, of the nation with regard to how to address structural deformities, if any. Be that as it may, whatever may be the structural deformities of the Nigerian national-state would have to be put in their proper historical perspectives by looking, first, at the structure used for governance in a multinational society; and, secondly, the constitutional provisions undergirding that structure. Darah (2017:1) summarized these structural deficiencies and methodology in the following words:

The quest for the restructuring of the Nigerian political system has been made relentlessly since the 1914 amalgamation of the Northern and Southern Protectorates by the British colonial conquerors. The British employed violence and military might to defeat opposition to their take-over of native lands. Bloodshed and widespread destruction resulted from the final overthrow of indigenous political authorities at the time. The effects of the British action are still haunting Nigeria till this day. The British amalgamated Nigeria into a single country to serve their economic objectives of exploiting and looting agricultural and mineral resources.

The crux of this tendency is that Nigeria's structural problems emanates from the "feeding bottle federalism" foisted on the nation by the colonial power and successive military governments since 1966. While situating the problem, this thesis posits that the crisis of restructuring and federalism in Nigeria are offshoots of its deviation from what can be called the classical centripetal federalism that had worked in other settings like the United States of America and the old Soviet Union. Therefore, Nigeria's cannot be said to be a centripetal federalism as we have in the United States, for instance. Neither is it loose-centre federalism as the former Union of Socialist Soviet Republic (USSR). It will rather be best described as a centrifugal federalism made up of heterogeneous populations that was forced into adopting federalism by the colonialists.

Antagonist- counter - agitation Paradigm

The Counter-agitation paradigm on the other-hand argues that the call for restructuring is unnecessary. This perspective therefore, advises those promoting the idea of restructuring to have a rethink, because in their view the current federal structure is the best for Nigeria and should be preserved. This is because according to this view the clamour for restructuring has polarized the country. Regions in the south believe in it, but they have different views of what it is all about. To the Igbos in the Southeast, restructuring will guarantee confederation in the constitution; the Yoruba's in the South- west want a restructuring that would take the country back to regionalism; while the South-south is pushing for economic self-determination or resource control. While the positions of regions in the south are not irreconcilable, that of the three regions in the north is a different ballgame. The debate has pitched the south against the north, which is indifferent to restructuring in any form. As a result of this latitude of meanings, those pushing for restructuring are trying to blackmail Nigerians into an unclear and bogus system of government (Yakasai, 2016, Ndujihe, 2017 & Isiah, 2017).

Furthermore, this perspective argues that different positions taken by the protagonists of restructuring have brought confusion into the polity. They also cautioned against hard stance position and violent

posturing of those calling for restructuring, because it is capable of sending wrong signals to the opposing side and suggests that Nigerians must agree on what they want to restructure, rather than different zones or ethnic groups defining restructuring the way it suits them. For them, until there is agreement among the ethnic groups in Nigeria on how to restructure Nigeria; the polity will not make progress and only be heating it.

They equally posit that restructuring a complex, big and diverse country like Nigeria is a serious business that must take account of the view of all citizens, and not just of those that are promoting the idea or those issuing threats, intimidating or blackmailing those in authority. For this perspective, most of the discussions that are taking place without regard to decorum or civility should have been presented through their representatives in the National and State Assemblies.

In response to the quest for restructuring, this perspective adds that over the years, the Nigerian governments have responded to these agitations in a variety of ways and with a variety of measures. These include the creation of states from the earlier three and later four regions to the current 36 states; a civil war and other military operations in different parts of the country at different times; federal character principle; changes to revenue allocation formula; National Youth Service Corps (NYSC), federal take-over or establishment and management of school, universities, hospitals, and huge federal presence in the economy as an investor. Others include the excessive centralization of power at the federal level and the weakening of the federating states; and amnesty for repentant ex-militants of the Niger Delta (Salaudeen, 2016).

This paradigm has two major tendencies. These are the political leadership and black-mailing confusion tendencies. The former has added identity politics to the discourse. According to (Alamu, 2016), the North-South divide and what has been described as ethno-religious consciousness to this arguments are not only constant but present. The concerns exist in the psyche of the proponents of the arguments at every instance. While key leaders of the South had, at various times, described the Nigerian federalism in the wake of military takeover of 1966 as “feeding bottle federalism,” leaders from the North appear to see little or no fault in the setup {Ugwu and Eme, 2019}.

Social critic and a veritable Northern leader, Junaid Mohammed told the *Tribune on Sunday* in a telephone interview that he would not be drawn into argument on restructuring because it tends to be emotive, while proponents come into the argument with rigid minds.

His views were reechoed in another interview by the former Governor of Nasarawa State. Senator Abdullahi Adamu, who told *Sunday Tribune* that restructuring, was a waste of time. He said that proponents have made it look too broad and, therefore, unworkable.

According to him, proponents should have restricted themselves to seeking sectoral restructuring such as health and education, rather than seeking total restructuring of Nigeria.

In most debate platforms, many tend to see elements from the North presenting a status quo maintaining viewpoint, while the Southerners are portrayed as seeking to upturn the applecart.

A constitutional lawyer and former legal adviser to late General Sani Abacha believes that the subject of restructuring is difficult to pin to one objective. This is because it is difficult for one to understand what people refer to as restructuring because of the different meanings people apportion to it. Secessionists consider their action as restructuring. From the South-East view of restructuring, it can be understood as a political ballgame that is engaged when there is a pending election. And, of course, some consider restructuring to amount to the implementation of the 2014 National Conference recommendation. For others, it is the absolute control over their resources.

For this tendency, there are certain things that are outside the realm of the reasonable. Whatever idea one has of restructuring, one must be able to bring it within the power of the existing constitutional stipulations and legal requirements. Now, if you take the secessionist idea of restructuring, it has no place in the 1999 Constitution, but if you take the political ballgame, well that it is understandable. But if you consider restructuring to affect the functions of governmental institutions, re-adjustment of the organs of state or the powers between the states and the Federal Government, clearly, this is not something that we

will have any problem with because the existing constitutional order has a prescription on how to go about this kind of restructuring.

The political buzz tendency posits that those behind the campaign for restructuring are those who lost out in the last general elections. It argues that restructuring is a ploy of the political class to capture power in 2019. That is, those seeking political relevance ahead of 2019 elections are those behind the call for restructuring. For them, restructuring is the buzz word of a section of the elite that feels that it has been shut out of government, particularly at the federal level because they cannot be accommodated at the federal level and now want to be in-charge at the state or regional level. The thesis argues that the centre or Federal Government is too powerful and that the way out is to return the ownership of the resources to states or geo-political zones, which may then pay taxes to run the government at the centre.

According to Muhammadu Haroun;

Former Vice President Atiku Abubakar has latched on to the so-called restructuring debate; he has positioned himself as the lead discussant. Apparently, the ongoing debate on restructuring needs a strong advocate in the north and Atiku fits the bill. Atiku needs the restructuring debate, to keep himself busy on the way to another shot at the Nigerian Presidency. Too much politics has crept into the restructuring debate such that it has now become a tool in the hands of those who have lost in the current order and want to distract President Muhammadu Buhari (Abah, 2017:34, Egburonu, Odufowokan, Neil, & Oguntola, 2017).

From the above review, we posit that the concept of restructuring may mean any of the following: true federalism, regionalism, secession, resource control, confederation and reducing cost of governance in the polity respectively.

Data Source/Collection

What the foregoing implies is that the recourse to the secondary sources of data is inevitable. (Obasi, 1999) submits that secondary data refers to any documented material (whether hand written, typed, printed or recorded audio and video) that was already in existence, produced for some other purposes than the benefits of the researcher. Reliable and expressive documents are capable of bringing the significant information, which cannot be obtained through other methods. The issue is that where reliable documents exist, generalizations appear more reliable than those emanating from the limited data of other instruments. Finally, another justification is that this method will assist us to collect data stored in files, government archives, libraries, bookshelves/shops, the internet and other documents. This study, therefore, will utilize secondary data from the Federal Government and its agencies, the Constitutions of Nigeria as well as other Ministries, Departments and Agencies documents. In addition, textbooks, internet sources, journal articles, newspapers and magazines served as sources of data for the study.

Data Analysis

Content analysis type of qualitative data analysis will be used. This is a form of data analysis in qualitative research. It is used to describe events as they are recorded. Bodgan and Biklen (1982:145) defined qualitative data analysis as “working with data, organizing it, breaking it into manageable units synthesizing it, searching for patterns, discovering what is important and what is to be learned, and what to tell others”. Simon (2011) points that qualitative researchers tend to use inductive analysis of data, which means that critical themes emerge out of the data. Simon (2011) further points that qualitative analysis requires some creativity, since the challenge is to place raw data into logical, meaningful categories; to examine them in holistic fashion; and to find a way to communicate this interpretation to others. This analytical technique will enable us to understand the origin and extent the restructure debate is impacting on the Nigerian federal structure and its implication on national integration. This refers to a general set of techniques useful for analyzing and understanding collections of text. It involves the use of written documents or transcriptions of recorded verbal communications, pictures, live situation and

observation (Azlan, 2012). This is a system that involves studying and/or retrieving meaningful information through the use of secondary data.

Theoretical Framework of analysis

This study adopted an eclectic approach of understanding federalism. For instance, Ayoade (1996:43) identified three models of federalism that any federal system can gravitate to viz:

1. Coordinate Authority Model
2. The Overlapping Authority Model, and
3. The Inclusive Authority Model

The **coordinate model** according to Ayoade (2001:45) “defines a peripheralised, weak or decentralized federation. The centre is weakened to strengthen the periphery just as in the early days of the American Union...the relations between the state and centre are autonomous” However, the local government is subordinate to the state because they are created by action of state law. The **overlapping model** guarantees an interdependence between the three levels of government and necessitating political bargains among them. At the other extreme of the continuum is the **inclusive authority model** “in which there is a hierarchical relationship between the levels of government dominated by the central government”. Both the state and the local governments are subordinate and dependent on the central government with the result that what exists is a centralized federal system. What is implicit in the above models is that “a federation which starts as one of the three models may grow into any or both of the other two”. (Ayoade, 2001:55). For instance, one may rightly argue that the first stage of Nigerian federalism-1948-1966, approximated the coordinate authority model, whereas the present federal system fits into the inclusive model.

It is important to mention that generally, federations have been created by what Akindele (2001:37), called the processes of aggregation, disaggregation or by a mixture of both. Asobie (2001:126) described it as the processes of integration and differentiation. For instance, American federation was created through the process of aggregation of thirteen colonies which gave birth to the American Confederacy in 1776 which subsequently transformed itself to a federation in 1867. The federation has further expanded through the processes of further aggregation and incorporation of new territorial states or provinces (Akindele 2001:3). The Nigerian federation was created through the processes of aggregation and disaggregation. The amalgamation (aggregation) of the Southern and Northern protectorates in 1914 gave birth to Nigeria. The subsequent processes of administrative decentralization (disaggregation) through creation of regions prepared the way for emergence of the first truly federal colonial administration in 1954. The country has further expanded by processes of further disaggregation through the instrumentality of creation of states. While we recognize the fact that there may not be rigid stipulations characterizing federalism, there must be a form that must be recognized as federal. The principal attributes of federalism are outlined as follows;

1. The division of power among the federating units. In other words, there is an irrevocable division of power between the central political unit and the sub-national political units, and this division of power is usually enshrined in a written constitution.
2. There is a clear decentralization of power. This means that the political system has “at least two tiers or levels of government each endowed with independent legitimacy (in its own sphere) and a constitutionally guaranteed sphere in the overall system, and possesses its own set of institutions, power and responsibilities” (Elazar, 1985:21-22).
3. The powers to amend and constitution resides with both levels of government acting in cooperation
4. The existence of an independent judiciary or body to adjudicate dispute arising from clash of powers between the federal and state governments.

5. The principle of non-concentration of power. This implies that “the authority for state/regional and central/national governments to exercise powers cannot be withdrawn without mutual consent” (Asobie, 2001; 127). This principle is fully guaranteed in the constitution.
6. Financial independence of both levels of government. This principle requires that the federating units must be financially independent as financial subordination runs contrary to the principle of federalism.

There is the principle of territoriality. This implies that the area of authority of the constituent units is territorially based.

7. The federal principle is a part of the national culture.
According to Asobie (2001:128) “This culture embraces a commitment to constitutionalism and a distinct preference of the political actors for non-concentration of power, a tradition of wide acceptance of popular democratic government...”

In this study, we shall examine the extent to which the present Nigerian federalism conforms to the above principal attributes of federalism. That is the absence of market inequalities among component units. This implies that none of the component units in a federation should be so large and powerful as to dominate others (Ezeani,2018). From the theses, Nigerian state must engage the agitations and address, and redress, their root causes that lie in decades of self-evident marginalization that several groups have experienced in post-civil war Nigeria. These hurt feelings and the suspicions they breed have not just hampered the progress of nation-building in Nigeria. They are creating the foundations of certain state failure if further mishandled, as the bonds that hold our country together in an imperfect union continue to fray. This brings us to the question: where do we go from here? There is no alternative to the constitutional re-arrangement of the Nigerian federation if we are to remain one country. Call it “restructuring”, “reconfiguration”, “redesign” or what you will.

Several rational arguments make a strong case for taking the bull by the horns and re-engineering Nigeria. All Nigerians should reflect and act on these arguments in our collective self-interest. Our country is not working. Many groups feel marginalized today or have felt marginalized at different stages of our national history. We can’t achieve greatness as a country without national unity, stability and cohesion. Many nations have achieved nationhood and prosperity in diversity, which is the default composition of most nations on earth. Only a few nations, like Israel, Japan and Korea, are truly homogenous.

PAST EFFORTS AT RE-STRUCTURING THE LOCAL GOVERNMENT SYSTEM A THEMATIC APPROACH *THE 1976 REFORMS*

The 1976 Local Government Reforms in Nigeria have been variously described as a watershed, an ingenious reformation, a catalyst for sustainable and meaningful local governance, and a radical departure from local government administration of convenience to a local government system of content. Its general acceptability, to the extent of being imitated by some African countries is a testimony to the fact that it is a classical foundation for effective and efficient local government system.

It is important here to re-state five of the pillars upon which the 1976 local Government reforms were built -

- One was to institute an enduring viable Local Government Council System.
- Two, related to the creation of a system that could serve as a catalyst for the development of the areas involved.
- Three, was to have a local government with a uniform structure through a one-tier system such that a local government would not be less than 150,000 people or more than 800,000 people.
- Four, was to insulate the exalted and respected position of traditional rulers from the vagaries of partisan politics.

- Five, as eloquently stated in the Local Government Reform Guidelines of 1976 was the need to guide against the situation where “The state governments have continued to encroach upon what would normally have been the exclusive preserve of the Local Government”.

The powerful message of the 1976 reforms could also be felt in its revolutionary approach to the structure, functions, powers and staffing in the local government councils.

It is instructive to note that other reforms have since been carried out without substantially tinkering with the 1976 reforms. Such reforms include:

- The Ahmed Talib Committee on Pension
- The Oyeyipo Committee and
- The Dasuki Committee reports.

The 1976 reform also led to the creation of 301 Local Government Councils. Later, all the provisions of the 1976 reforms were incorporated into the 1979 Presidential Constitution.

THE 1984 DASUKI REPORT

Suffice to say that the Dasuki Report of 1984 also made significant impact on the destiny of Local Government in Nigeria. This is further corroborated by the incessant reforms and improvements in the status of Local Government institutions. It also shows the Local Government Area’s indispensability as an agent of grassroots democracy and inculcation of the spirit of public accountability. This is evidenced by the under-listed developments.

- The 1988 scrapping of state Ministries of Local Government
- 1988 Policy of direct disbursement of statutory allocations
- 1989 creation of additional 149 local government areas.
- 1989 new allocation formula, which gave 15% to Local Government.
- 1990 transfer of the primary health care program to the local government.
- 1991 transfer of primary school administration to local government.
- 1991 separation of power at the local government.
- The appointment of political secretaries at the local government level.
- 1992 abolition of local government service commission and its subsequent reinstatement.
- The presidentialization of local government as well as administration and financial autonomy granted to the local government.
- The institution of 774 Local Government Councils.

One of the major objectives of the 1976 Local Government Reforms and the others that followed had been institutionalization of popular participation in the local political process. The commitment of the various regimes to achieve this objective cannot be under estimated. Unfortunately, not much attention has been paid to the performance capacity of Local Government Councils.

THE ETSU NUPE REPORT OF 2003/DRAFT WHITE PAPER OF 2004

In 2003, The Obasanjo administration set up an 11- man Technical Committee on the Restructuring of Local Government in Nigeria. After the submission of its report, Government set up a White Paper Committee which had as members the present Senate leader, Distinguished Senator Victor Ndoma-Egba SAN, and Hon. Terngu Tsegba, Chairman House Committee on State and Local Government (as he then was) to represent the Senate and the House of Representatives respectively. In the Draft White Paper, Government accepted far reaching recommendations of the Etsu Nupe report. Principally:

- The recognition of Local Government as the autonomous third tier of government in Nigeria.
- The abolition of the State-Local Government Joint Account.
- Direct remittance to each Local Government Council of its own share of the Federation Account.

These and other landmark recommendations were not implemented because it required amendment of relevant sections of the 1999 Constitution.

CONCLUSION

The clarion calls for restructuring since 1999 has focused on resource ownership and control, regional or state autonomy, and local initiative for sustainable development. The organisations and individuals involved in the advocacy want political and economic power devolved to the federating units for the promotion of democracy and accountability, responsible leadership. Furthermore, restructuring is intended to remove the impediments of intolerance and abuses inherited from decades of dictatorial-military rule.

These challenges manifested in the decade before Nigeria's independence in 1960, when the political elite of the First Republic subscribed to the definition of federalism provided by Kenneth Wheare a distinguished authority on the subject matter. According to Wheare, "*...the fundamental and distinguishing characteristic of a federal system is that neither the central nor the regional governments are subordinate to each other, but, rather, the two are coordinate and independent (Wheare,1963:1).*"

In the prevailing arrangement, the central of federal government in Abuja relates to the States and local councils as impoverished and impotent appendages. This is in contradiction to the tenets of federal systems in which the centre and states exist as co-equals and coordinates. The 1999 Constitution undermines this principle because it was a military document imposed on the Nigerian people. The Confab reviewed this authoritarian anomaly by approving that there shall be only two tiers of government: the federal/central and the states as federating units. The local governments shall not constitute a tier of government as is currently the case by default. Therefore, the names of the 774 local councils shall be removed from the First Schedule, Part 1, of the 1999 Constitution. This listing of councils according to states makes it impossible for any State to create or merge or abrogate any local government.

Fiscal federalism is enhanced by the decision of the Confab in that local governments shall no longer participate in the sharing of public revenue. This is, indeed, congruent with the spirit and letters of Section 7 of the 1999 Constitution. According to this Section, "*the system of local government by democratically elected local councils is under this Constitution guaranteed; and accordingly the Government of every State shall ...ensure existence under a Law which provides for the establishment, structure, composition, finance and functions of such councils (FGN, 1999).*" With this affirmation of what exists in the Constitution, which has been violated since 1999, States such as Kano with 44 local government areas shall now be required to either provide for their funding or dissolve/merge some for viability if the need arises. Similarly, short-changed States such as Lagos shall be free to either increase or reorganize the number to suit their peculiar situations. As Section 7 of the 1999 Constitution stands, it is mandatory for every State to ensure the existence of elected local councils at intervals of two years; there is no room whatsoever for interim councils.

Another issue to look at is the bolstering of local governments as a third tier of government. This process began with the 1976 local government reforms, which introduced a uniform local government system; gave local governments' jurisdictional competence in matters such as markets, automobile parks, and collection of local taxes; and made it statutory for both the federal and state governments to give specified percentages of their revenue to local governments. Although this reform was embodied both in the 1979 and 1999 Constitutions. But the State governors of the Third and Fourth Republics reversed these measures of political and financial autonomy, partly because the state governments want to continue their superiority over the local governments just as the federal government is claiming their superiority over them. For this reason, they make effort to whittle down the powers of the local government. These actions are open to conflicts with state governments over matter of jurisdiction. In several cases, these conflicts became the subject of litigation. State governments resisted the loss of jurisdiction, and many underscore the subordinate status of local governments at every opportunity.

The thorniest aspects of the military-imposed 1999 Constitution pertain to the provisions for revenue sharing between the central government and the federating units. In the three decades of military rule, policies were introduced for distributing public revenue in favour of the revenue-poor States and local

governments in the 19 States in the North. With such sharp drop in the powers of the states, compared to what operated under the regional structure, the cry for political reforms cannot but rent the air; especially as the loss of political power and influence was followed by the loss of financial capacity. For instance, earnings of Nigeria's federating units have continued to dwindle from 50 per cent derivation at independence in 1960 to 45 per cent between 1969 and 1971, and again 45 per cent excluding offshore proceeds from 1971 to 1975. Between 1975 and 1979, earnings dropped to 20 per cent excluding offshore proceeds and the zero per cent from 1979 to 1981. From 1982 to 1992, it climbed back to a paltry 1.5 per cent; 3 per cent from 1992 to 1999, and 13 per cent from 1999 till date.

There is also the unfair allocation arrangement that gives 52% of public revenue to the central government in Abuja, with the States and local governments having 26% and 22% respectively. The Confab made marginal gain by reducing that of the centre from 52% to 42%. With removal of the local governments as tiers of the federation, States shall now be entitled to 58% of the share of the Federation Account. This is a substantial improvement as it can insulate States from the financial epidemic of insolvency that causes their inability to pay workers and fund provision of basic facilities and welfare schemes. Even marginal as it appears, the Confab's position on this matter could bring immense relief to Lagos and oil-rich states in the Niger Delta that are now saddled with the awesome burden of funding the existence and economy of country. With the increase of the share of States to 58% and the removal of local governments as a tier of the federation, the overburdened States can retain a substantial portion of the revenues generated in their areas. In the First Republic, the Regions, now states, received 50% of revenues through derivation.

There is another element having to do with the Exclusive Legislative List in the Second Schedule, Part 1 of the 1999 Constitution. There are 68 items in all and only the central government has exclusive power to legislate on them. Ten of them are fundamental for the practice of a functional federal system. Among them are taxation, ports, railways, insurance, and incorporation and registration of corporate bodies. The Confab was able to reduce the items for exclusive federal legislation to 10, leaving 58 for concurrent law making by the central and state governments.

Another implication is that the recent agitation by some ethnic groups is a reflection of the prevalent weak governance, economy and law enforcement Nigeria.

RECOMMENDATIONS

We have clearly seen that the future of this country lies in only one direction-restructuring, true federalism, together with devolution of power, fiscal decentralization, constitutional amendment for structural changes which will create peace, harmony and progress among federating units. For this to be achieved there should be a clear division of power among the federating units. The federal government should exercise exclusive power in certain basic matters of general importance, leaving the bulk of the subject matter to the state and local government. A federal government should exercise powers exclusively only in the following areas: National Defence, Foreign Relations, Currency, Exchange Control, Telecommunications, Immigration, Customs and Excise, Copyright, Patents and Design, Citizenship. Relative autonomy for the local is necessary in the areas of their constitutional jurisdiction and state governments should hands off from the control of local affairs in those areas. The focus of this restructuring should aspire to restore the principle of non centralization of power in the country's federal arrangement as opposed to Wherian conceptualization.

Alongside the imperative of political and fiscal decentralization, contiguous states and local councils can pool resources to address common development challenges and embark on projects that can have maximum effect and efficiency through endeavours. Apart from addressing the issues of structures in the Nigerian federalism and the mode of allocation of resources among the constituent elements, there is the need to address deficit in governance and politics accountability.

This paper has focused on restructuring the Nigerian federation, the issues involved and its implications for local government. In the paper, we have reviewed the concepts of restructuring and federalism in a

thematic form, and their basic tenets proposed by scholars. We critiqued K.C Wheare's thesis because of its elitist outlook. We have also gone ahead to place the basic tenets of K.C Wheare's federalism to Nigeria situation vis a vis the definition and features of federalism and posited that the federal system proved to be workable in Nigeria between 1954 and January 1966 but the advent of the military made the federal government to see itself as superior to the other tiers of governments. This led to the current foundation for restructuring. This is due to the fact that, since the federal government sees itself as superior to the state governments, the state government in turn continue to prove their superiority over the local governments and this act does not make federalism workable in the country as it negate one of the features of federalism proposed by K.C Wheare which posit that Each levels of government must be co-ordinate and independent. In view of this, we arrive at the conclusion that though the best form of government for Nigeria is the federal system with its basic tenets properly and carefully administered. Thus, we conclude that a true federal system in Nigeria is possible if the basic tenets that defined federalism are enshrined in the constitution.

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