



# **Restructuring Debate & Its Implications on the Nigeria Local Government System**

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## **ABSTRACT**

The objective of this paper is to explore the restructuring debate and its implications on the Local Government on the Nigerian federation. The new Nigerian local government system was clearly intended by its creators to be a representative and democratic system of devolution. The speed with which elected councils have been dissolved and replaced by caretaker committees and state appointees contrasts strangely with the constitutional provision that there should be a system of local government by democratically elected local councils. The constitutionality of dissolution has been confused with the constitutionality of further local government *reform*. Dissolution should be seen as an emergency measure to be used rarely in cases of proven maladministration by a local government. For quite some time now, there has been agitation by individuals, geo-cultural groups, geo-political associations for the restructuring of Nigeria. The various heads of state and government that had been in power over this period 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 or issue a press statements. However, in recent times or since 2016, prominent Northerners are beginning to join their southern counterparts in asking for restructuring. Atiku Abubakar and Yakubu Dogara suggested constitutional amendment that will deliver the local governments from the hand of governors; this is actually a form of agitation for restructuring. Also, agitators are beginning to give more details. These include devolution of power to the states, reduction in federal government exclusive list(87) in favour of concurrent list(15), developing our own model of fiscal federalism, reduction in number of federating units, administrative restructuring, leaner bureaucracy, local government autonomy (state control), federal ownership of interstate roads and resource sharing. Others have also raised issues such as resource control, state police, federal character principle. To achieve these objectives, contents analysis which involves the use of written documents or transcriptions of recorded verbal communications, pictures, live situations and observation and their retrieval will be used for data analysis. Based on our discussions the findings include that the wide spread dissatisfaction in the country which raises suspicion, marginalization, agitations and injustices by sections of the country is a threat to Nigeria's federal structure. Following from this, the paper among other things recommends the amendment of the 1999 constitution to devolve more powers to the sub-national units.

**Keywords:** Federalism, Devolution of Powers, Resource Control, Restructuring, Local Government, Nigeria, Structural-functionalism & Marginalization.

## **1.0 INTRODUCTION**

Nigeria's federalism is in distress and at the cross-road. It is a fact that needs no seer to predict. This is the reason for the several searches, recommendations, prescriptions and postulations for solution. For the generality, the solution to the problems of Nigeria is restructuring. The word 'restructuring' has become the latest most commonly used word in our national discourse. There are different types and shades of meanings to the issue of restructuring being agitated. Some are clamouring for eco- political restructuring

while others agitate for social restructuring. Others believe we need geographical restructuring while some believe it is constitutional restructuring we need. For some it is structural restructuring while for others it is systemic restructuring. All these different opinions of restructuring are coming from the belief that Nigeria's problem is a structural problem, and if Nigeria is restructured, her problems would be solved. In the midst of the different shades of restructurings being clamoured for, the position of this paper is that the restructuring that Nigeria needs as solution to her problems is devolution of powers to other federating units, especially the local councils. This stems from the understanding of the fundamental problem of Nigeria. A proper diagnosis reveals that we cannot build a strong Federal Government when the local governments cannot take responsibility for even their local markets, refuse collection or the simplest of social services. If governors had used these councils as conduit pipes, they can now stop. But they cannot stop unless they are compelled to do so. In a federation, the federating units should ideally maintain a semblance of autonomy on certain matters, including on finances, policing, environmental protection, and road maintenance and traffic management, among others. However, Nigeria observes the 'federation principle' in the breach most of the time. The federal government controls almost every facet of the nation's life, state governments receive what belongs to the local governments and sometimes, local governments are left with nothing for developmental projects. So much power is concentrated in the center that the other units are often left grumbling.

This is the gap this study seeks to fill. Restructuring will mean that we need really make sure that the allocation of responsibilities and powers, to large extent, has shifted from the centre. It also implies fiscal federalism. By implication, this study will not only offer useful contributions on the literature of Federalism and restructuring discourse, but also contribute to the literature on development and inter-governmental relations in Nigeria. The findings of the study will certainly be a strong guide to policy makers in decision making. This is because, to be viable, solutions should be found for the challenges that may confront any plural society, as there is no nation-state that does not have its peculiar headache, after all. Also, it is therefore imperative to investigate the current agitations for restructuring because this area is under researched and reported before 2017. Finally, this area is largely unaddressed and under reported and needs to be addressed to help combat pro-autonomy agitations in Nigeria.

## **2.0 Thematic Contextualization of Issues Boarding on Restructuring of Nigeria**

In a popular parlance, restructuring entails alteration and re-organization of an existing system in way different from how it uses to be. Okonkwo (2018), to restructure is to change an existing status quo in order to make it more functional. Deductive from his affirmation is that restructuring is a purpose-driven activity that hinges on replacement of an existing nature of a system with a new one that will be suitable to achieve the purpose of the system. According to Ahmed, Norafidah & Knocks (2017) it entails both political re-configuration of the country and devolution of powers to the constituent units as it is practiced in other climes. To Najakku (2016) it is the re-organization and re-arrangement of the nature of resource control by the various governments and regions to foster unity and development. Be it as it may, restructuring in the context of this piece entails the systemic reform and re-organization of the existing political structure in the nature of practice and in the way it relates to the social and economic dimensions of the polity be it in governance and resource control or otherwise.

In view of this, restructuring is operationally seen in this paper as a significant alteration, re-organization, reformation and re-arrangement of an existing structuring, form or status quo in a revolutionary or evolutionary manner, with the aim of making it more improved, effective, efficient and functionally competent.

The debate on restructuring predates this current agitation. It is a very important contemporary discourse that speaks to the future of Nigeria. What are more interesting with the debate are the divergent views on the conceptual meaning of the terms and its implication for Nigeria. There are three predominant challenges with the debate on restructuring Nigeria. First is the challenge of definition, scope and methodology. Perhaps, the numerous definitions advanced by different sections of society simply suggest that restructuring is not a monolithic concept. Several meanings have emerged on what restructuring means. These include but are not limited to devolution of power, regionalism, and fiscal federalism, form

of government, state creation, local governance and cost of governance among others. Therefore, any discourse on restructuring must evolve from a broad conceptual understanding. Secondly, the form or process of restructuring is another challenge. There is a lack of consensus on how Nigeria should be restructured. This section deals in a thematic manner the views put forward by the Protagonists and antagonists on the restructuring discourse.

### **2.1 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(Eme& Onyishi, 2014).

## **2.2 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.

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 believe 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, devolution, economic and security decentralization, confederation and reducing cost of governance in the polity respectively.

### **2.3 Local Government**

The concept of local government obviously reflects directly the nature and character of the state. It involves a philosophical commitment to democratic participation in the governing process at the

grassroots level. This implies legal and administrative decentralization of authority and personnel by a higher level of government to a community with a will of its own, performing specific functions as a government at the grassroots level of administration “meant for meeting peculiar grassroots need of the people (Agagu, 1997:18). It is defined as “government by the popularly elected bodies charged with administrative and executive duties in matters concerning the inhabitants of a particular district or place (Appadorai, 1975:287).

Ola (1984, Okoli,1989, Oladesu, 2014a&b) define local government as “a unit of government below the central, regional or state government established by law to exercise political authority, through a representative council within a defined area”. Looking at the existence, performance and relevance of local government, Laski (1982:411) opines that:

We cannot realize the full benefit of democratic government unless we begin by the admission that all problems are not central problems, and that the result of problems are central in their incidence requires decision at the place, and by the person, where and whom the incidence is most deeply felt.

Local government can also be defined as that tier of government closest to the people, which is vested with certain powers to exercise control over the affairs of people in its domain (Lawal, 2000:60). Abubakar defines local government as:

A political subdivision of a national (or in a federal system, a state), which is constituted by law and has substantial control of local affairs including the powers to impose taxes or exact labour for prescribed purposes. The governing body for such an entity is elected or otherwise locally selected (Cited in Ikeanyibe, 2009:28).

In view of Abubakar’s concept of local government, one can infer the following:

1. That local government is a third tier of government
2. Its existence is derived from the constitution
3. Its basic is to have substantial control of local affairs,
4. Its governing body can either be elected or selected from the locality.

Generally, local government is a government established to run the affairs of a limited number of persons and limited area of a country or region within a country. It is intended to facilitate and make more efficient the process of governing a large territory and peoples from a diversity of socio-cultural and economic background.

Thus, the emphasis on grassroots development is ipso facto a restatement of the strategic place of local government for, according to Hunter (1970) cited in: Onyishi (2010:4).

It is there...that the great mass of the people are; it is there that most indigenous resources of men and land are underused; there that nutrition can be tackled; there that suits would do most to slow the migration to major cities.. Finally, it is there that some redress of gross inequality in income distribution can be started (Onyishi2010:4).

The UNDP (2004) cited in Onyishi (2010) gave a comprehensive meaning to what local governance ought to be. It described local government to comprise of a set of institutions, mechanisms and processes through which citizens and their groups can articulate their interests and needs, mediate their differences and exercise their rights and obligation at the local level. It required partnership between local governmental institutions, civil society organizations and private sector, for participatory, transparent, accountable and equitable service delivery and local development. It advocates for the empowerment of local governments with authority and with resources, together with the building of human capacity so as to function as participatory institutions that are responsive and accountable to the concerns and needs of every citizen.

At the same time, it is concerned with the strengthening of grassroots democracy and the empowerment of citizens, communities and their organs to participate as equal partners in local governance and in the local development process.

### 3.0 METHODOLOGY

#### Description of Study Area & Data Sources/Collection& Analysis

The study will cover the present structure of the Federal Republic of Nigeria

An important feature of this method of analysis, which is based on content analysis involving historical explanation and method of logical assumption; is that certain lessons that are drawn from history could be relevant to the present and the future. For any research to be meaningful, reliable and scientific facts and ideas must be supplemented with empirical data. As such, substantial portion of this work would be gathered from the internet and journals.

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 including Independent Electoral Commission, Federal Character Commission, Federal Civil Service, and Political parties' documents the Constitutions of Nigeria as well as other Ministries, Departments and Agencies documents. In addition, textbooks, journal articles, newspapers and magazines served as sources of data for the study.

#### 3.1 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.

#### 4.0 Theoretical Framework

In the 1970s, **political scientists Gabriel Almond and Bingham Powell** introduced a structural-functional approach to comparing political systems. They argued that, in order to understand a political system, it is necessary to understand not only its institutions (or structures) but also their respective functions. They also insisted that these institutions, to be properly understood, must be placed in a meaningful and dynamic historical context. In addition to structures, Almond and Powell showed that a political system consists of various functions, chief among them political socialization, recruitment and communication: socialization refers to the way in which societies pass along their values and beliefs to succeeding generations, and in political terms describe the process by which a society inculcates civic virtues, or the habits of effective citizenship; recruitment denotes the process by which a political system generates interest, engagement and participation from citizens; and communication refers to the way that a system promulgates its values and information. The study therefore inclined to the structural functional theory, which came into existence from the view- point of the scholars of systems theory. Structural - functional theory has been supported by Gabriel. Almond, Talcott Parsons and David Easton, among

others who have scholarly studied the political systems or administrative units from a systemic view/approach.

The central theme of this theory according to Okoli (2000:16) is in “the functional interrelatedness of parts”. The theory emphasizes on functional effectiveness and survival of political institutions or systems. As we are aware, a political system consists of several structures, which are patterned by action and resultant institutions. These institutions are pattern of actions as objective consequences for the system which implies that certain structures perform certain functions and failure of these structures to perform their assigned functions results to dysfunction which means destroying the existence and growth of the system. The proponents of this theory draw attention to certain conditions of survival or certain functions which are essential for the maintenance and reservation of basic characteristics of political system.

In applying this functions, Gabriel .A. Almond divided them into four input and three output functions. The four input functions are political socialization and recruitment, interest articulation, interest adjudication, and political communication. The three output functions include rule making, rule application and rule adjudication. The input functions, which are performed by non-governmental subsystems society and the general environment, are regarded as highly significant. While the output functions are performed by the traditional government agencies like the legislative, the executive, the judiciary and the bureaucracy.

#### **4.1 Application of the Theory to the Study**

The structural functionalism theory has much significant justifications to the problem under investigation. Revisiting the theoretical tenets of the structural functionalism theory, which centres on functional interrelationship of parts as a means of enhancing functional effectiveness and survival, one therefore cannot comprehend the decentralization in the Nigerian local government outside a theory like the structural functional theory. In application of this theory to the subject matter at hand, we see that local government is a product of decentralized administration and thus a specific structure with its specific functions, which are to be provided for the well being of the local communities and its people.

In other words, local government, if viewed from the approach above, exists to fulfill the goals or objectives of the central government at the grass-root level. To achieve those goals, local governments must perform some functions, which mean that the central government must also decentralize its responsibilities and powers. This as the proponents of this theory believe will result to functional efficiency and effectiveness of the system. This is because decentralization promotes the capacity building in the grass-root government and thereby enhances the implementation of national development planning in the local communities (Ezeani, 2004).

Again, the theorists maintained that structural functional theory ensures the survival of the system. In this sense, (Rondineli, 1981: 13-136) remarked that decentralization can strengthen the survival of political system by enhancing political stability and national unity and providing opportunities for diverse groups in different parts of the country to participate more directly in developing decision-making, thereby increasing their “stake” and commitment to the unity of the country. Local governments in Nigeria can be used to strengthened the stability of diverse ethnic groups in Nigeria which have not been integrated in the national government. Decentralizing the powers and functions of the central government to the local government or local communities can only do this. From the above contention, the inability of the local governments in Nigeria to perform their constitutional responsibilities may be traced within the postulations of the structural functionalism theory which lay emphasis on decentralizing rather than dominating powers and functions by the central government.

#### **4.2 Problems of Local Governments & its Implications on the Restructuring Debate**

Local Governments were designed to bring the positive effects of governance to the populace, they have on the contrary brought more hardship owing to their failure to attend to the most basic of their functions and duties. Many reasons have been adduced for this failure. There however appears to be little consensus as to the way forward to get Local Governments to function in the manner required of them. A lot of reasons have been given for the failure of Local Governments to perform their Constitutional duties, the notable of which are:

### **Control of Local Government Most States**

Governments deliberately starve Local Governments of the funds needed for their survival. They often achieve this through joint state-local government account. The stranglehold which States governments exercise over the Local Governments is traceable to the provisions of the Section 7 of the Constitution which provides as follows: 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. The above provisions essentially provide State governors and their governments the opportunity to deny most Local Governments of the much needed autonomy to function optimally. Knowing full well that he may be removed by a Governor, a Local Government chairman will do virtually anything including permitting the state to take a large percentage of revenue due to his local government in a bid to keep his or her job.

**Absence of Skilled Personnel:** Most Local Governments are manned by unskilled or semi-skilled personnel. Regrettably, the same thing applies to most Chairmen of the Local Governments who often possess only the most basic of qualifications. This is made possible by virtue of Section 7(4) of the Constitution which requires a government of a state to ensure that any person who is entitled to vote or be voted for at a House of Assembly Election should have the right to be voted for at an election to a local government council. A person desirous of contesting election as a Local Government Chairman needs only the qualification required for contesting election into a House of Assembly which by virtue of Section 106 of the Constitution is amongst others, “education up to at least the School Certificate level or its equivalent”. In fact he needs not have passed the Certificate examination itself. Most of them go about with state of the art vehicles and retinue of aides and personal assistants. They love the display of power but do not appreciate the responsibility that go along with power.

It was as a result of the perceived failure of the system that the Committee on Political Restructuring and Forms of Government of the last National Conference recommended the scrapping of the Local Government tier of government and the removal of the 774 existing local government councils from the Constitution. By the recommendation, the Committee proposed that the state should enact laws to determine the number of local governments required in each state. In effect, there would only be two tiers of governments recognized by the Constitution to wit: the Federal Government and State Governments. Furthermore, the Local governments which will then exist under the authority of the State governments will not receive statutory allocations directly from the federation account.

From the above, this paper posits that the required restructuring of Nigeria is essentially to restore our federal structure that will involve devolution of powers back to the local and states or regions and drastic reduction of the matters contained in the exclusive legislative list in 1999 Constitution (which are restricted to the federal government) with more matters returning to the concurrent list (where federal and state/regional powers coexist) and residual powers reserved for the states. It would involve re-establishing fiscal federalism based on the principle of derivation including modifying the revenue allocation formula in favour of regions and states consistent with devolution of powers, and restoring state powers over sales tax (or VAT), inland waterways except the few that traverse two or more states, solid minerals and other matters best suited to state control.

Matters like electricity transmission, ports and harbours and railways should become concurrent matters in which both regional/state and federal authorities can co-exist. The absurdity in which state legislatures can create crimes but state governments which have primary responsibility for law and order within their states do not have any mechanism for enforcing their laws would be rectified with the legalization of state police. There is no sensible rationale or justification for listing local governments in a federal constitution—there should be only two or three tiers of government as is the global practice in federal constitutions—the federal, regional and state governments. We should reject the subtle attempt to recognize local governments as a third-tier of government under the guise of “LG Autonomy” and view this attempt as a mischievous attempt to drive the nail in the coffin of Nigerian federalism. It is a strategy of “divide and rule and conquer” which will finally destroy the concept of regions or states as federating units in Nigeria. Our analysis below will add currency to our thesis. Recent media reports indicate that the

Nigerian Financial Intelligence Unit has issued new guidelines meant to protect the financial integrity of expenditure, fight corruption and address money laundering challenges at the local government level. The spokesperson for the NFIU was reported as stating that with effect from June 1, any bank that allows any transaction from any local government account without the funds first reaching a particular local government account will be sanctioned locally and internationally. Also, there shall be no cash withdrawal from any local government account for a cumulative amount exceeding N500,000 per day; any other transaction must be done through valid cheques or electronic funds transfer (Onyekpere,2019). Accordingly, the Joint Account System in place will only exist for the receipt of allocations but not disbursement, according to the guidelines. All financial transactions by local governments will be registered and monitored by the NFIU through e-payment module. The new guidelines have been applauded by various stakeholders, from the executive, legislature to the civil society. It seems to be a breath of fresh air into the rather dull and uninspiring campaign against official corruption in Nigeria (Eme & Izueke,2013). What are the implications of this new directive? Can it achieve its stated objectives? Are there any legal challenges and impediments that will militate against the implementation of the directive? There are many issues involved in this directive. At the broad level, this directive is only addressing a part of the constitutional guarantee that Nigerians citizens should enjoy democratically elected and run local government councils. This is the essential guarantee of Section 7 of the Constitution of the Federal Republic of Nigeria 1999 as amended. This guarantee is furthered by the provision for State Electoral Commissions modelled after the Independent National Electoral Commission which is charged with organising local government elections. State legislatures are under obligation to make a law which further translates this democratic guarantee into action. It is a notorious fact that virtually all the local governments across all the states in Nigeria are run by caretakers appointed by the governors. These caretakers serve at the governors' pleasure as they can be removed without reference to anyone (Eme & Onuigbo,2017).

In most instances, local government laws enacted by state Houses of Assembly contain ridiculous provisions which give powers to the state House of Assembly or the governor to suspend and or remove elected or appointed officials of local governments. The tenures are mostly limited to two years which give elected officials no elbow room to plan and implement any meaningful project within their lifespan. In some instances, local government duties stated in Schedule 4 of the Constitution are taken over by the state as well as taking over the funding sources for these functions. This usurpation of powers, functions as well as revenue sources is also done under purportedly validly enacted laws (*Onyekpere,2019*). When the governor decides to hold local government election, the result is usually predictable and could be announced many months before the date fixed for the election. The ruling party virtually wins all the seats and just allocates a few councillorship positions to the opposition party. Hardly will the opposition be returned as the winner of a chairmanship position. State electoral commissions are anything but independent as they represent the worst in the annals of electoral umpireship. They make no pretence of their mission as their members evidently morally challenged and reprehensible individuals who claim to have education. Further, by the ethically challenged political party system, the governor is the leader of the party at the state level and no one serves as a nominated representative to fly the flag of the party without his endorsement. Thus, all those who fly the flag of the party are his nominees (Eme & Onuigbo,2017 & Onyekpere,2019).

Local governments are constitutionally expected to be run with two main arms of government – executive and legislature. However, local government budgets may be prepared at the local government level under guidelines given by the state government; they are defended before either the ministries of the local government and or the State House of Assembly. This relegates the legislative function of the councillors who constitute the legislative arm of the local government. And when money comes through the joint account, governors make the decision on what to release to the local governments while keeping, managing or mismanaging the remaining sums of money. Also, the little that is released to the local governments face the hurdle of state level approvals for major procurements. These hurdles are duly enshrined in state level laws and procurement policies and practices.

In essence, the local government system is totally emasculated by the state government. This raises the poser; how will the new directive cure this aforementioned mischief. The directive has nothing to do with producing the nominees who will fly the flag of the party when the governor decides to hold local government elections. The directive will have nothing to do with the fetish oaths administered by governors on such nominees to do their will. The directive will not annul the local government laws which allow the governors to appoint caretakers or dissolve elected council officials. This directive will also not annul laws and policies that have allowed state governments to take over local government functions as well as their sources of revenue. The directive will also not touch on the legality of procurement laws, policies and practices which are used to steal local government money. It will not touch the practice of state governments approving local government budget, etc(Onyekpere,2019).

The directive will only have relevance to reducing cash transactions as well as ensuring that local government money hit local government accounts after it has been allocated from the Federation Account and then shared at the state level. Monitoring local government accounts and ensuring e-payment can only be a postmortem. It will be more of a formal exercise of satisfying forms and processes rather than the substance of the expenditure. Moreover, if the NFIU proposes any directive that seeks its approval before local government expenditure, the courts will not hesitate to declare such a directive unconstitutional.

We recall that in 2014, the National Assembly approved financial autonomy for local government but this was defeated by the politics of over-bearing state governors and docile state legislators. It is therefore the submission of this discourse that what is needed to guarantee transparency, accountability, reduce corruption to a minimum as well as curtail money laundering is a comprehensive reform of the local government and political party system in Nigeria. While the NFIU directive may ruffle a few feathers, it would not be able to curtail the ultimate corruption challenge which is beyond money laundering and crude stealing from the public coffers. Local government autonomy is imperative, while new procurement and access to information laws that automatically penalise state officials in their private capacity when they mismanage state resources or abuse office has also become imperative.

## **CONCLUSION**

This paper explored the restructuring debate and its implications on the local Government on the Nigerian federation since the return to civil rule in 1999. The debate and clamor for restructuring are situated in the twin contexts of the prevailing demands of accumulation and a legacy of authoritarian politics. Groups are identified and their platforms are examined within these contexts and, more specifically, in the manner they were set out in the National Political Reform Conference (NPRC) of 2005 and 2014. Federalism, the governmental framework of the Nigerian state, has been the subject of constant demands for tinkering or fundamental reforms since 1954 when it was first adopted, but these demands have been shaped by the underlying discourse on the national question. Tensions between the component units and the center, between and among the constituent units themselves, and of various interests often fuel demands for restructuring. Various interests insist on a voice and the correction of perceived structural defects. Demands for equity and justice in the allocation of political space from minorities and marginalized groups have all made for a consistent and perennial stream of agitations for restructuring, which suggests that the search for a national community has remained elusive in Nigeria. In fact, the destabilizing effects of these agitations or even the potential for destabilization have always constituted a question mark on the legitimacy of the political tidy. There are substantive issues that need to be addressed through the restructuring process, but a lack of agreement on what should qualify for inclusion in the restructuring agenda has been a weighty obstacle to launching the process. Equally fundamental, therefore, are the procedural issues that have to do with representation in the restructuring process, and in fact the structure of the restructuring process itself.

## RECOMMENDATIONS

Following consultations with the Nigerian people in all the federal constituencies, the National Assembly has proposed the following amendments to the 1999 Constitution on LGCs:

- a. Direct funding of LGCs from the Federation Account and cancellation of State/Local Government Joint Account.
- b. INEC to organize all LG elections and abolition of State Independent Electoral Commissions.
- c. No allocation from the Federation Account or State Government to an unelected or caretaker LGC and no recognition of such LGC as a Council properly so called under the Constitution or any law for the time being in force.
- d. “The House of Assembly of every State shall...ensure the existence of democratically elected Local Government Councils under a Law which provides for their funding from the public revenue of the State and the autonomy of the Local Government Councils.”
- e. “The democratically elected Local Government Council shall be a tier of government in Nigeria and shall consist of executive and legislative arms.”
- f. Four year tenure for LGCs as against the varying tenures fixed by different States of the Federation.
- g. The Chairperson of a Local Government working with the Vice-Chair and Supervisors is now empowered to determine the general direction of policies of the LGC; coordinate the activities of LGC and generally discharge the executive functions of the LGC; etc.

According to them, section 162 of the Constitution merely permitted the transfer of funds from the federation account to LGCs through the account of States, and not for governors to assume the responsibility of sharing such fund to the LGs. There is need for the LGs to abide by accountability standards. It is a very welcome development for NIFU on the intervention. I don't think any law states that Local Government fund must be passed through the State. But just passing money directly to Local Governments does not solve the fundamental issue of transparency, openness and accountability. We must also ensure that Local Governments abide by accountability standards. The decision does not also solve the challenge of Governors interfering and sacking elected Chairmen and Councilors. On the whole it is a strong positive Federal Government intervention and if the rule relating to cash withdrawals is followed or enforced, we shall begin to get our Local Governments accountability in the right path.

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