



REPORT OF THE CLGF/ALGON SEMINAR

on

INTERGOVERNMENTAL RELATIONS, LOCAL GOVERNMENT FINANCES AND ROLE OF THE LOCAL GOVERNMENT ASSOCIATION

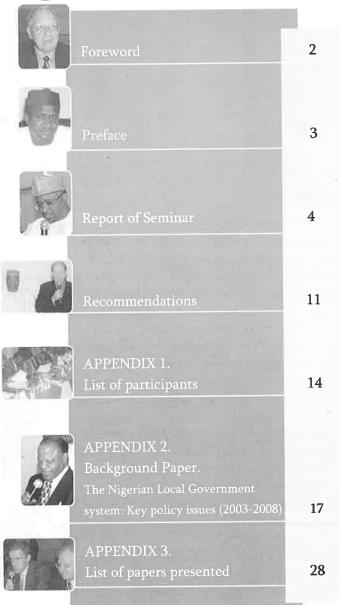
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"Establishing effective intergovernmental relationship with a view to ensuring that local governments' voice is heard and reflected at state and national policy formulation level"

contents





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We would like to express warm appreciation to the British Government for its funding support for the event, to all the resource persons and organisers for their very effective contributions. Further copies of this Report can be ordered from Commonwealth Local Government Forum UK or Association of Local Government of Nigeria



Foreword

CARL WRIGHT

SECRETARY GENERAL

Commonwealth Local Government Forum

The CLGF/ALGON Seminar on Intergovernmental Relations, Local Governance Finances & Role of the Local Government Association was an important occasion to review inter-governmental relations in Nigeria and discuss the role of ALGON, drawing on the experiences of other Commonwealth countries such as Ghana, South Africa and the UK. It also gave an early opportunity for newly elected council leaders to meet and discuss important policy issues affecting them and their councils.

Like other Commonwealth federal countries the relationship between Local, State and Federal government in Nigeria is a complex one which needs constant review and evolution. This is especially the case as regards the vexed issue of fiscal transfers to ensure local government has the resources to deliver services effectively to the local community in line with its mandate.

It is worth recalling that Nigeria, like all other Commonwealth countries, has endorsed the Commonwealth Principles on Good Practice for Local Democracy and Good Governance (the 'Aberdeen Agenda') which encourage, inter alia, good intergovernmental relations and adequate fiscal powers for local government. CLGF will continue to work with its Nigerian partners to seek practical implementation of the Aberdeen Agenda in Nigeria and to provide technical and other support to help take forward the important policy recommendations from the Abuja seminar held in March 2008.

CLGF has had a long-standing involvement with ALGON and has undertaken a number of initiatives since 1999/2000 to provide it with capacity-support and policy advice. In this work we also liaise closely with the Federal Government of Nigeria which, through The Presidency, Office of the Secretary to the Government of the Federation, is also a CLGF member. It is encouraging that the newly elected ALGON President, Hon Ibrahim Dasuki Jalo-Waziri is a member of the CLGF Board, alongside senior local government leaders and ministers from across the Commonwealth. We are further pleased that many ALGON members have actively participated in key CLGF events such as our 2007 CLGF Conference in Auckland, New Zealand and the recent 2008 Conference on Access to Development Funding for Local Government in Africa in Johannesburg, South Africa. We look forward to similar strong participation at our forthcoming CLGF Conference in Freeport, Grand Bahama, 11-14 May 2009 which has the theme 'Improving Local Government: The Commonwealth Vision'.

I would like to express warm appreciation to the British Government for its funding support for the event, to all the resource persons and organisers for their very effective contributions and to Chief Rob Ezeife for having prepared the valuable CLGF/ALGON Seminar background paper and for editing this report which I hope will receive widespread distribution in Nigeria and beyond.



Preface

Hon. Ibrahim Waziri Jalo ALGON National President.

 $\label{eq:local_problem} \textbf{I} \ \text{t is a great pleasure and honour as the National President of ALGON to write a Preface on this report of an important seminar that took place just before I took office.}$

Following discussions held in Abuja, November 2008, ALGON, in consultation with the Presidency (SGF Office) requested CLGF to undertake a national policy seminar to look at the intergovernmental (local/state/federal) relations, role of local government association, and drawing on comparative Commonwealth experiences. The event was attended by ALGON State Chapter Chairmen, staff of Department of Local Government in the SGF office, NGOs, National Assembly representatives and hosts of other participants from across Nigeria, Ghana, South African and United Kingdom.

The seminar deliberated on the role of the national association of local governments in achieving effective intergovernmental relations and it assisted ALGON in developing a framework strategy for the future development of the organisation to ensure that its vision and governance arrangements respond clearly to the priorities of its members.

In the context of strengthening the role of ALGON, the seminar also addressed the issues of fiscal transfers from central to local government and identified ways through which the national association can work on behalf of its members to facilitate more accurate, timely and regular transfers. The seminar highlighted the key problems facing local governments and considered strategies for improving transfers in the future.

Comparative experiences from many countries points to the advantages of having a strong National Local Government association as ALGON. Such associations work in two directions, first enabling local governments to be heard, consulted and to represent its members' interest and secondly, it provides support services and helps to build capacities for its members. The ultimate goal in both cases is to ensure that Local Governments are effective in delivering services to their people by working towards sustainable and equitable development.

We are all aware that ALGON has been plagued with misconceptions and negative perceptions.

It is time for ALGON to start re-building its image and advocate the lofty ideals of the Association. Local Governments are part and parcel of the State and constitutional powers of States over Local Governments cannot be under estimated. Local Governments therefore must find peaceful co-existence with the State Governments.

Local Governments must be seen as complimenting the effort of State Government and must never be portrayed as confrontational.

The interest of ALGON and by extension Local Governments will be best served if there exists mutual understanding between States and Local Governments. This can be achieved through regular dialogue and co-operation. States must be carried along while taking major decisions bordering on economic or political consideration.

This report would serve as a reference document for all our members, the State and the Federal Governments and all other stakeholders in Local Government administration.

Let me seize this opportunity to extend ALGON appreciation to CLGF for organizing this seminar and the British High Commission Abuja Nigeria for graciously funding it.

Report of the Seminar



A t the 2007 Commonwealth Heads of Government Meeting (CHOGM), Heads of Government, including His Excellency Umaru Musa Yar'Adua of Nigeria, welcomed the collaboration with Commonwealth Local Government Forum (CLGF) in the promotion of best democratic practice and reaffirmed their support for the Aberdeen Principles of Local Democracy and Good Governance. They also encouraged member states to implement the Auckland Accord: Delivering Development through Local Leadership, and urged the CLGF to continue its work in strengthening local governments in Commonwealth countries.

This high-level endorsement is relevant. This seminar was a response to the recommendations of the Aberdeen Agenda seeking to provide support and guidance to the newly elected local government leadership in Nigeria.

The seminar was chaired by the Chairman of the Board of Trustees of the Association of Local Authorities of Nigeria (ALGON), Eng U K Ibrahim, and the representative of the Permanent Secretary, Political Affairs, Office of the Secretary to the Government of the Federation (SGF), Alhaji Abubakar Koro Muhammed. It was attended by: newly elected chairmen from 18 states that had had the local elections; other Trustees of the ALGON; ALGON Acting Secretary-General, Mrs Evan Enekwe; representatives of the National Assembly, civil society and other stakeholders. There were also representatives from: the British High Commission, Abuja; the Nigerian High Commission, London; and the Commonwealth Local Government Forum (CLGF). Carl Wright, the CLGF Secretary-General and CLGF staffcoordinated the running of the seminar, with assistance from Commonwealth resources persons, including Chief Rob N Ezeife, former Secretary General of ALGON; Charles C. Katiza, former Secretary-General of the African Union of Local Authorities (AULA); representatives from the National Association of Local Authority of Ghana (NALAG), the South African Local Government Association (SALGA), and the World Association of Non-Governmental Organisations (WANGO).

At the start of the seminar a background paper was presented which highlighted and examined pertinent issues and practical solutions for local government administration in Nigeria (Appendix 2).

Other papers presented at the seminar were intended to review the experience of other countries, such as Ghana and South Africa, and provide a broad picture of the role and functions of local government associations.

The seminar, which took place in Abuja, Nigeria, from March 17 to 19, 2008, was graciously sponsored by the British High Commission, Nigeria and organised by the Commonwealth Local Government Forum (CLGF) in its Capacity as the designated Commonwealth organisation for local government, in collaboration with ALGON.

Summary of proceedings

The seminar included six plenary sessions and three working groups, which ran simultaneously. At the end of the fourth plenary session, a drafting committee was constituted to meet and produce the recommendations which were adopted at the closing plenary session.



Opening session

n his welcome address, the Chairman of the Board of Trustees of ALGON, Eng U K Ibrahim, regarded the event as ground-breaking, as it was the aspiration of ALGON to build synergies with international organisations. He congratulated the CLGF for the initiative. He said that the seminar was in conformity with the Aberdeen Principles and the Auckland Accord and welcomed its theme: Establishing effective intergovernmental relationship with a view to ensuring that local government's voice is heard and reflected at state and national policy formulation level. He commended the efforts of the organisers of the seminar the CLGF, ALGON, consultants and other stakeholders.

CLGF Secretary-General Carl Wright, welcomed the long-standing membership of the CLGF by both the federal government and ALGON. He referred to the Aberdeen principles and highlighted those relating to the promotion of partnerships, intergovernmental relations, resource allocation and strong local democracy for detailed consideration at the seminar. He drew attention to a study on how the Aberdeen principles are being applied in Uganda and suggested that the findings and methodology might be of interest to Nigerian local government practitioners. He drew attention to the issues in the main background paper and said he hoped that the senior officers of the federal government would be able to give advice and support on the way forward.

In his keynote address, delivered on his behalf by Alhaji Abubakar Koro Muhammed, the Permanent Secretary, Political Affairs Office of the Secretary to the Government of Federation (SGF), said that the seminar was a continuation of the long-established partnership between Nigeria and CLGF. He reviewed the historical development of local government administration in Nigeria, noting some inadequacies of the provisions of the 1999 Constitution. He upheld the need to have a strong local

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Government association to enable local government to be heard, to provide support services and to help build capacities for its members. ALGON's formation, he said, was initiated by the Federal Government and his office had endeavoured to encourage the development of the Association through various collaborations and assistance.

He reviewed the limitations of ALGON in terms of its existence not being backed by any Formal legislation and said that he hoped that ALGON would mobilise and lobby for legal backing. He advised ALGON to rebuild its image and cultivate peaceful co-existence with the states. He emphasised the need for adequate funding of the Association and pledged The full cooperation of his office with ALGON. He thanked the CLGF and the British Government for the organisation and funding, respectively, of the seminar.

Plenary 1.

Introduction to Seminar Theme & Objectives

Presenting the background paper, The Nigerian Local Government System: Key Policy Issues (2003-2008), the former Secretary-General of ALGON, Chief Rob N. Ezeife, traced the historical evolution of local government from the pre-colonial, disparate system to the indirect rule system and the landmark reform of 1976, which has remained the essential local government system in Nigeria.

He outlined the structure and functions of the local government system as encapsulated in the reform, and described how the paper sought to highlight the major policy issues that emerged, especially in the period 2003–2008. These included: the unjustified removal of elected local government Chairmen and Councillors by State Governors; the inconsistency in the use of parliamentary and presidential systems in various local governments; funding local governments; the lack of independence and clear demarcation of duties for local governments; tenure, budgets and traditional rulers; the organising of local government elections by the Independent National Electoral Commission (INEC); the lack of definitive procedure for the creation of new local governments; and the burden of primary school education being borne by the local government.

He described how the paper also looked at ALGON, noting that it had no constitutional or legal backing although it is fully recognised by both the federal and state governments. As the mouthpiece of local government, ALGON is constrained to make representations to the Federal and State governments and to the National Assembly. It institutes court actions, where necessary, to protect the interest of local government. It engages in supporting and sustaining security, capacity building and, in general, seeking to enhance the welfare of the people. Hence, ALGON has become a member of similar regional, continental and world associations. But he queried the purpose and effect.

He said that a number of suggestions were thrown up for serious consideration. They included: setting up a state/local government joint forum in each state to meet regularly to assess plans and projects of local government; ALGON to become a member of the National Council of State; The setting up of government/private partnerships to embark on specific projects; and An effective monitoring outfit capable of overseeing the performance of local governments. Other areas of attention included: Safeguarding local government revenue and revenue sources; Aligning local government elections with those of other spheres of government; Clearly determined roles for traditional rulers; and constitutional and legal backing for ALGON. Importantly, there was the need for a clear procedure for creating a new local government council in the country.

During the discussions that followed the presentation of the paper, questions were raised on the present local government tenure, the compliance or otherwise by the states in paying 10%of their IGR to local governments and the frequent cases of market takeovers by the state governments.

It was noted that the tenures were different and that the states rarely complied with the requirement to pay 10% of their IGR to local government. As regards the takeover of markets by state governments, it was acknowledged as a serious problem which denied local governments of their revenue.

In discussing the issue of contributions to the association by members, it was explained that in Ghana the association (NALAG) obtained its contributions at source. This is achieved through: the conference of NALAG passed a resolution to this effect; The resolution was conveyed to the Administrator of the Common Fund and copied the Ministry of Finance; A negotiation then took place between the Administration of the Common Fund and the Association; The mandate thus obtained would be subject to renewal every two years.

It was agreed that the way forward was for a great deal of lobbying by the association. The friendly state governors should be identified. The common position on these issues should be articulated and submitted to the Presidency and the National Assembly.

The need to pass a law to recognise ALGON was emphasised, as was the need to make it the first-line legislation to be passed by the National Assembly.

The use of the concept sphere was preferred rather than tiers of Government as sphere suggests interlinked, joined up government, rather than a hierarchy, and is the current Commonwealth terminology. The re-establishment of the Ministry of Intergovernmental Affairs/Local Government with a Federal Minister in charge, who would be a member of the Federal Executive Council, was also emphasised. There was, however, disagreement over the suitability of parliamentary or presidential systems for local government: some favoured the presidential system, others preferred the parliamentary system.

The matter of state and federal agencies resorting to local governments for assistance was recommended for thorough investigation.

Plenary 2. Role and functions of Local Government Associations

n his presentation, Mr Charles C Katiza, former Secretary-General of AULA and Chairman, African Caribbean and Pacific Local Government Platform (ACPLGP), justified the need for local government associations, pointing out their responsibilities to central government and to their members, with the ultimate goal of ensuring that local governments are effective in serving the needs of their people for sustainable and equitable development. He noted that it was the responsibility of the association to lobby for the recognition of local government concerns. He said that they coordinate policy development and often act as interlocutor linking central and local government. He noted that an association required a constitution to guide its operation and it should be a legal entity.

Other functions of the association, he said, should include the provision of information, technical services, training and research, employer services and project execution and networking. The association should be known and seen nationally in good light. It should be able to attract international partners and contribute to international peace and development. On intergovernmental relations, the association must be able to argue its case, so prior research and the identification and prioritisation of the issues at stake is important.

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Plenary 2. Cont'd

During the discussions on the paper, the following points were made:

The need to get the local governments to work properly was emphasized.

Their rights and responsibilities should be equally recognised; The need to shift from confrontation to cooperation was identified; and the need for local governments to have clear objectives and speak with one voice.

The representatives from the National Assembly promised to do everything possible to ensure that whatever assistance would be sought by local government and ALGON would be provided.

In her paper titled The Role of the South African Local Government Association, Ms Khetho Mathonsi, Head of International Relations, pointed out that the constitution of South Africa provided for three spheres of government which were distinctive, interdependent and interrelated. They were the national, provincial and local government. Chapter 7 of the Constitution provided for the establishment, structure and role of local governments. National and provincial governments were required not to impede the municipalities' right to exercise their powers or perform their functions.

Three categories of municipalities exist in South Africa Metropolitan, Local and District. The constitution required an Act of Parliament to provide for the recognition of national and provincial organizations representing municipalities. That was provided for in Local Government Act 52 of 1997 which authorized the Minister to recognize such national organizations. SALGA was thus recognized to represent municipalities at both provincial and national levels. A number of programmes, including local economic development (LED); expanded public works programme (EPWP); the BBBEE, preferential procurement, land resolution and redistribution etc. were being undertaken by the association.

In discussing the above presentation, the need for all actors to work together in the interest of the people was emphasised local, state, national and even NGOs and the private sector. The need for local governments to monitor their resources properly was also highlighted. Fiscal decentralisation should, be seen as a means and not an end.

In her presentation, on The Role and Functions of Local Government Associations, Ms Benice Beatrice Boateng from Ghana stated that the Ghana constitutions existence had the necessary provisions to permit the formation of National Association of Local Authorities of Ghana (NALAG).

NALAG emerged following the fusion of the National Association of Local Authorities and the Association of City/Municipal Councils, as the sole mouthpiece of all local government in Ghana. Structured into the National Delegates Conference, National Executive Council, the Secretariat and Regional Council/Conference, NALAG aims to promote the development of local government administration and decentralisation in Ghana through advocacy and lobbying and facilitating city-to-city and direct support for members. The establishment of the Institute of Local Government Studies (ILGS) and the Local Government Service (LGS) were the major achievements of the association. One particular aspect of the role of the association, she said, was the participation of women in the government through the formation of a women caucus of the Association.

During the discussions that followed, the need for roles for youth and women was pointed out. The Nigerian participants expressed interest in having a school of local government as in Ghana. It was pointed out that in Ghana the establishment of the school was a result of intense lobbying by NALAG.

Plenary 3.

Role of Partnerships

peaking on the Role of Partnerships between Local Government and Civil Society in Nigeria, Mr Mohammed Bougei Attah, Africa Regional Co-ordinator, WANGO, acknowledged the 774 local governments in Nigeria. He defined civil society as a broad grouping of non-profit organisations that have a variety of agendas, causes and ideologies and differed in sizes, resources and organisational levels. He said that there is a need for partnership between government and civil society, referring to the proposed Freedom of Information Bill (FOIB) which would enable people to know how they are governed and would be a tool in achieving transparency and accountability.

He said that civil society groups were said to have more challenging roles than local government, considering the avarice characterising the various tiers of government. Funding problems, he observed, affected both local government and civil society. He said that while local government complained of under-funding, civil society generated funds from membership dues, donations, subscriptions and sales of publications and assets. The failure of local governments to avail themselves of the reservoir of knowledge and resources in civil society, as other tiers of government, was regrettable, as was the failure of wives of local government Chairmen to team up to set up an NGO for the benefit of the community. He advocated the need for a cordial relationship between civil society and other stakeholders. Local government, he said, should create the enabling environment for civil society to succeed, without victimisation or antagonism. The need to listen to the needs of the people was also stressed. Local governments should work in partnership with civil society in advocacy, training, enlightenment and development.

During discussion after the presentation, the need for partnerships was generally acknowledged. Governments at all levels were urged to work with the civil society.

Plenary 4.

Intergovernmental Relations

n his presentation on Intergovernmental Relations and Local Government Finances, Mr Kwasi Ameyaw Cheremeh, General Secretary of NALAG, explained the guiding principles of Ghana's fiscal decentralisation: funds must follow functions and decentralisation should not be an end in itself.

In such a decentralised system, an intergovernmental fiscal framework (IGFF) clarified and regulated fiscal relations between the respective spheres of government.

Ghana, he said, allocated initially 5% and now 7.5% of its total revenue to the District Assemblies Common Fund (DACF). The Administrator distributes this to the District Assemblies on the basis of a formula approved by Parliament. Other transfers to the DACF include those from the Ghana Education Trust Fund (GETF) and special grants. Spending is monitored by prior approval of the budget of the Assemblies by the Fund, oversight functions of the Assembly members and the annual audit by the Auditor-General's Department to ensure accountability.

While the IGR potential was not fully utilised, borrowing from the financial markets had definite risk limitation, he maintained. Again, some of this revenue is ceded to the Assemblies, which they can use for both recurrent and investment expenditure.

Plenary 4. Cont'd

On NALAG's role in this, he said that NALAG ascertained, on a quarterly basis, the total national revenue and the consequent share to the Assemblies. It represents local government in all discussions regarding fiscal decentralisation.

Mr Sinky Letsholo, in his presentation on Intergovernmental Relations and Local Government Finance explained that the South Africa fiscal system was based on revenue sharing and that most municipalities are dependent on national transfers. The framework for revenue sharing was based on the 1997 Intergovernmental Fiscal Relations Act.

The annual Division of Revenue Act, he said, determined the share of funding of the three spheres of government. There were also national grants transferred from the national share to other spheres for specific purposes. The unconditional, equitable share of local governments formed the greater proportion of its revenue. The allocation process takes account of the fiscal capacity and efficiency, development needs, extent of poverty and backlogs in municipalities. Overall, local government finances in South Africa are sourced from own resources, transfers from national and provincial governments and loans.

In 2003 the Municipal Finance Management Act was passed which aimed to modernise budget and financial management practice in municipalities for improved performance. It also defined the distinctiveness and independence of local government over its budgets and policies. It also recognised the approval and oversight functions of the municipal councils.

The ensuing discussions focused on the need for local governments to think about ways to generate increased revenues and stressed that undue dependence on revenue transfers was not good practice. It was remarked that local governments must begin to respond to changes brought about by globalisation.

Working Groups

The working group sessions provided an opportunity for participants to discuss issues in more depth and to make recommendations on how to improve local government administration in Nigeria and how to assist ALGON in its future direction, planning and work. There were three participatory working groups. Each working group had a chairman chosen by its members, and a rapporteur.

Group 1.

Chair: Hon B O E Asin, a member of ALGON Board of Trustees Rapporteur: Chief Rob N. Ezeife Participants discussed how ALGON could best reflect its members' needs and put in place mechanisms to facilitate the flow of information from members to the association.

Group 2.

Chair: Eng U. K. Ibrahim, Chairman ALGON Board of Trustees Rapporteur: Jake Allen. CLGF This group dealt with intergovernmental relations and local government.

Group 3.

Chair: Alhaji Ikra Aliyu. Rapporteur: Charles Katiza The group examined other services that ALGON could provide to its members.

The recommendations of all these groups were remitted to a Drafting Committee for consideration.

Drafting Committee

The Drafting Committee, comprising Charles Katiza, Chief Rob N Ezeife and Jake Allen, prepared the draft policy recommendations that emanated from the seminar for discussion in the final session.

Plenary 5.

Policy Recommendations

This plenary session considered the draft policy recommendations. The discussion gave rise to a number of amendments.

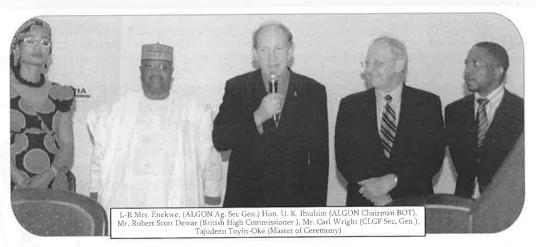
Closing Session

At the closing session, the final text of the policy recommendations was adopted. Engr U. K. Ibrahim, Charles Katiza and Carl Wright made closing remarks, pointing to the huge success of the seminar and expressing gratitude to all those who contributed to the success.

The Commissioner for Local Government from Ekiti State Government gave a formal vote of thanks.

Recommendations

Policy recommendations from the ALGON/CLGF Seminar on Intergovernmental Relations, Local Government Finance and the Role of the Local Government Association.



he seminar theme sought to draw on the political framework of the Aberdeen Agenda: Commonwealth Principles on Good Practice for Local Democracy and Good Governance, in particular such issues as: constitutional and legal recognition for local government; local electoral practices; good inter-governmental relations between local, state and federal government; accountability, transparency and scrutiny; participation and inclusiveness; adequate and equitable resource allocation; and, equitable service delivery and strong local democracy and good governance including effective leadership and international partnerships.

This section gives a summary of the main policy recommendations which came out of the discussions. It is intended that these recommendations will form the basis for an improved system of intergovernmental relations between the local, state and federal spheres of government in Nigeria and assist in establishing a more efficient, equitable and transparent system of fiscal allocation to local government, and an enhanced capacity for ALGON.



ALGON will present the recommendations for detailed consideration, discussion and implementation to key partners including the Office of the Secretary of the Government of the Federation, the National Assembly -including bodies such as the Senate Committee on States and Local Government Affairs - and to the state governments.

Intergovernmental Relations Spheres of government, a term used by Commonwealth bodies and adopted in some national constitutions (rather than tiers or levels), should be a term encouraged for use in Nigeria and reflected in the appropriate legal instruments.

Good governance and democratic practice are fundamental to any organisation representing local government, and local government itself. Efforts should be made to ensure that tenures of local government are the same as those of other elected offices, and all elections in Nigeria should be conducted by the Independent National Election Commission in accordance with recognised international standards.

Information and participation are paramount in intergovernmental relations, both to and from the association's members, and also other spheres of government. ALGON should be represented on the National Council of State, and the equivalent state-level body. It must also interact and engage with its members as and when required.

The Ministry of Intergovernmental Affairs/ Local Government should be re-established, with a federal minister in charge who is member of the cabinet. This will assist with relations between local, state and federal government, and help to promote local government issues at the national level. The continuation of the present positive interaction with the Presidency - Office of the Secretary of the Government of the Federation - is encouraged.

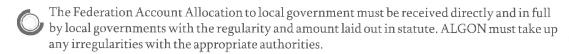
State - local government relations should be conducted on a positive and proactive basis, and links between officials and officers in all spheres of government encouraged. State Assemblies should respect local government's jurisdiction. Local government officials working with federal and state officials will enable dialogues at a high level.

A verification team should be established to verify contracts awarded to ensure that monies are being spent and accounted for in accordance with laid down procedures. This would be made up of representatives from both state and local government.

Bodies that include adequate representation from local government should govern mandated services that are provided by local government e.g. primary education.

Good practice at the local, national and international level is a very important tool in showcasing work that the association may replicate for the benefit of itself and its members. Other national associations in Commonwealth countries are able to work with ALGON in this regard, and CLGF can act to facilitate this.

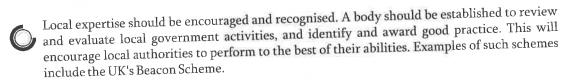
Local government finance



- Oil revenues are a major source of revenue to Nigeria. In view of the environmental and other impact on local communities of the extraction pro cess local authorities should receive half of the 13% oil revenues allocated to affected states on the basis of derivation.
- There should be a sufficient Federation Account Allocation to cover local service costs that are borne by local government e.g. primary school teacher salaries. This must be received in good time. This may require an increase in the Allocation to ensure that these responsibilities can be fully met. Federal and state agencies must take responsibility for services they are mandated to provide, and not pass these and their associated costs on to local government.
- Membership dues are a fundamental right of the association, and should be deducted for the association at source. Mechanisms should be in place to ensure this, and relations with state government should be cultivated to ensure that this is done with concurrence of all parties concerned, in line with the provisional commitment on this given by the Office of the Secretary of the Government of the Federation. This will also enable ALGON to meet all its obligations, including to those international bodies of which it is a member e.g. CLGF, UCLGA.

The role of the Local Government Association

- ALGON must elect its Executive Committee as soon as at least two-thirds of chairmen and councilors are in place, following all usual democratic processes. It should ensure that they nominate national and international representatives, including those to represent ALGON on bodies such as CLGF and UCLGA of which ALGON is a member.
- ALGON should develop a strategic vision document and constitution in consultation with its members. This will ensure ALGON has a clear direction and that its members have been part of the process, and are aware of what the association can and will offer. This should include a coherent international relations policy. Associations in other Commonwealth countries and elsewhere can provide examples.
- The local government association is the voice of its members the country's local authorities when dealing with other spheres of government, and in representing and addressing local government issues at national and international fora. In order to perform its mandate effectively the association needs to be in regular, open consultation with its members, as well as state and federal government.
- The National Assembly should pass a law to formally recognise the existence and role of ALGON. ALGON should seek constitutional recognition to entrench its position as the official representative body for local government as can be seen in, for example, South Africa.
- The capacity of the association administrative, political and financial must be enhanced. The association must also set an example in upholding the highest standards of accountability, transparency and governance.
- Lobbying is one of the major roles that an association undertakes on behalf of its members. With sufficient capacity, it should be in constant positive contact with state and federal government officials to promote the local government agenda.



- Local government forums should be established at the state level, where local government can meet and interact with local stakeholders, NGOs and the private sector to discuss issues and plan initiatives. Partnerships with civil society organisations should also be encouraged.
- Intra-local government programmes should be encouraged and facilitated by the association e.g. joint initiatives between different councils.
- Public relations and communications are extremely important to every organisation. The association must present and market itself effectively to its members, the public and other spheres of government, and to act as a centre point of information.
- Training is vital for elected councilors and local government officials e.g. inductions soon after taking office.
- The association should, alone and in conjunction with other bodies, lead on initiating training programmes. This will lead to an overall increase in local government capacity, and will raise the profile and reputation of the association.

Appendix 1.

List of Participants

ALGON STATE REPRESENTATIVES

- 1. Hon. Omolafe I. Adedayo Ondo
- 2. Hon. Ojo Ademola Oyo
- 3. Prince C. Iche Akarolo Rivers
- 4. Hon. Felix Akhabue Edo
- 5. Barr O. Julius Arinze Enugu
- 6. Hon. Avaan Augustine Benue
- 7. Hon. Lanre Daibu Kwara
- 8. Hon. Robinson J. Etolor Bayelsa
- 9. Hon. Teslim Igbalaye Osun
- 10. Hon. Danladi Isa Kademi Kano
- 11. Alh. Shehu Mustapha Liberty Borno
- 12. Hon. Musa Isa Mustapha Nasarawa
- 13. Alh. Saadu Nabunkari Sokoto
- 14. Hon. John Obafemi Ogun
- 15. Barr. Ikeuwa Collins Omebeh Ebonyi
- 16. Sir Ferdinand Onwunne-Maurice Imo
- 17. Hon. Ali Sani Taraba
- 18. Comrade Ezebunwa Ubani Abia

List of Participants cont'd

NATIONAL ASSEMBLY: SENATOR MUSE: MEMBER SENATE COMMITTEE ON STATE AND LOCAL GOVERNMENT Represented by

- 1. Barr, Kehinde A. Williams
- 2. Mr. Ola Oladapo

NON GOVERNMENTAL ORGANISATION

- 1. Philip O Omonoda Leadership Support
- 2. Tah Daniel Takoo NGO Network
- 3. Joel CA Enegwe CRDM

DIPLOMATIC MISSION

- 1. Mr. Jonathan Bacon British
- 2. Ms. Laolu Borishade British
- 3. Damian E Agwu Nigeria
- 4. Loula Hanson Ghana

CLGF SECRETARIAT

- 1. Mr. Carl Wright Sec. Gen.
- 2. Mr. Sam Tekyi-Beto. Finance Mgr.
- 3. Mr. Jake Allen Project Officer
- 4. Mrs Bernadette Dare PA

RESOURCE PERSONS

- 1. Chief Rob Ezeife Former ALGON Sec. Gen
- 2. Mr. Charles Katiza Former Sec Gen AULA
- 3. Ms. Khetho Mathonsi SALGA
- 4. Mr. Sinky Letsholo SALGA
- 5. Ms. Beatrice Boateng NALAG
- 6. Mr. Kwasi Ameyaw Cheremeh NALAG
- 7. Mr. Mohammed Attah WALGO
- 8. Mr. Tajudeen Toyin-Oke BTF

List of Participants cont'd

ALGON NATIONAL SECRETARIAT

- 1. Hon. U. K. Ibrahim BOT Chairman
- 2. Hon. Ikra Aliyu BOT Member
- 3. Hon. Benson E. Asin BOT Member
- 4. Hon. C. Okafor Odinaka BOT Member
- 5. Hon. Dr. Frank B. Tardy BOT Member
- 6. Hon. Odunaya Ategbero BOT Member
- 7. Barr. Evan Enekwe Ag. Sec. Gen.

OTHER CHAIRMEN /

COMMISSIONERS IN ATTENDANCE

- 1. Alh Gamiyu Ola-Gluma Osun State
- 2. Samuel O Olaitan ALGON
- 3. Hon Sanya Omirin Osun State
- 4. Akogun Lere Oyewumi Osun State
- 5. Alh. Bello Sulaiman Osun State
- 6. Hon Salihu Bagir Comm LG Kano

THE PRESIDENCY: OFFICE OF THE SGF

- 1. Mr. Falodu Deputy Director LG.
- 2. Mrs. F. N. Egbuniwe Asst Director LG
- 3. O Aguda LG Office
- 4. UM Gulani LG Office
- 5. Obi Ngochuku State and LG. Program



Appendix 2.



Background Paper

The Nigerian local government system: key policy issues (2003-2008) by Chief Rob Nwakaire Ezeife, former Secretary-General of ALGON

Introduction

ocal administration is an integral part of all constitutional democracies, monarchies and even communist states. In Nigeria, the local government system conforms to the declaration by Prof E.O. Awa that "what makes local governments necessary is the expanse of territory covered by a nation-state. Where the nation-state is large, it may be difficult to govern every nook and cranny of it from the capital city". Local administration was, therefore, practiced in virtually all parts of the country, even in pre-colonial days, albeit with varying degrees of competence, efficiency and effectiveness.

In countries with a federal constitution, as in Nigeria, local government is usually the third level of government, sometimes called a tier or sphere, whereas in unitary systems of government, the local administration is directly underneath the central government. Local government administration also differs from country to country. There are countries, again like Nigeria, that have a single tier structure of local government, while some countries like the United Kingdom, America, etc have multiple tiers such as provincial, metropolitan, county, district, borough, etc. This is a product of the historical, sociological and anthropological evolution of the country concerned.

In Nigeria, the myriad of traditional systems of rural administration in differentparts of the country were streamlined under the Indirect Rule system introduced by the then colonial masters until the 1976 Local Government Reform, which brought uniformity in both structure and functions, to the Nigerian local government system and ushered in a system of local administration that largely persists to the present day.



Launched on 19 August 1976, the Local Government Reform was to create "a new tier of Government primarily devoted to development at the local level", according to Big-Gen Shehu Yar' Adua, the then second-in-command to Head of State, General Olusegun Obasanjo. The 1976 Local Government Reform handbook defined local government as "government at the local level, exercised through representative councils established by law to exercise specific powers within a defined area", adding that "this entails the decentralisation of state government to local levels in order to harness local resources for rapid development".

(a) Structure

In the 1976 Local Government Reform, the single tier structure of local government was adopted, with elected or appointed councils and chief executives. Control by traditional institutions was removed, and provincial, district, divisional and native authority administrations abolished. Hence, a local government council consisted of:

- Chairman and Deputy Chairman
- Supervisors
- **Committees**
- Agencies

The local government chairman had the power to appoint supervisors and the secretary to the local administration. He also assigned portfolios to councillors and a deputy. This was, of course, discretionary. The chairman, deputy chairman and councillors were elected through adult suffrage. Each council was expected to have not more than six departments, for example:

- C Personnel Management
- Finance, Supplies Planning and Statistics
- Education
- 6 Agriculture
- Works, Housing, Lands and Survey
- 6 Medicine.

The Executive Council of the local government consisted of the chairman, deputy chairman, the supervisors and the secretary to the local government, while the legislative arm consisted of the councillors with the clerk of the legislature as its secretary. The judiciary consisted of the customary court headed by the state customary court Chief Judge

Some committees were set up by local government to handle different responsibilities, for example:

- 6 Finance and General Purpose Committee
- 6 Junior Staff Management Committee
- 6 Local Government Peace and Security Committee
- O Police/Community Relation Committee
- 6 House Committees i.e. on Education, agriculture or Health.
- 6 Alarm Committee
- 6 Internal Audit Unit
- O Public Account Committee
- 6 Local Government Service Commission
- 6 Local Government Pension's Board.

(b) Functions

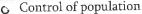
Local governments made their own bye-laws as well as their own standing rules. Their main areas of

responsibilities, apart from maintenance of law and order, were specified to include:

- Markets and motor vehicle park
- Sanitary inspection, sewage, refuse and soil disposal
- C Control of vermin
- Slaughter houses and slaughter slabs
- © Public conveniences
- © Cemeteries and burial grounds
- Registration of births, deaths, and marriages under the customary law of the inhabitants of its area of authority
- O Provision of community and recreation centers
- O Parks and garden
- Grazing grounds
- 6 Fuel plantations
- 6 Licensing, supervision and regulation of bakeries, eating houses and laundries
- Licensing and regulation of bicycles and handcarts
- Control of keeping animals
- Control of advertisement hoarding
- 6 Naming of roads and streets and numbering of plots and buildings
- Collection of vehicle parking charges
- Collection of community tax, property, and other rates and other designated revenue
- Control of drumming.

Local governments have concurrent jurisdiction with the state government for:

- Health centers, maternity homes, dispensaries and health clinics, ambulance service, leprosy clinics and preventive health services
- Meat inspection and abattoirs
- 6 Nursery, primary and adult education
- Information and public enlightenment
- Provision of scholarships and bursaries
- Provision of public libraries and reading rooms
- Agriculture and animal health extension services and veterinary clinics
- Rural and semi-urban water supply
- Fire services
- Provision of roads (other than trunk roads), their lighting and drainage
- Support for arts and culture



- Control of beggars or prostitution and repatriation of the destitute
- O Provision of homes for the destitute, the infirm and orphans
- O Provision of public utilities including roads and water transport
- O Public housing programmes
- 6 Regulation and control of buildings
- Town and country planning
- 6 Operation of commercial undertakings
- © Control of traffic and parking
- O Pipe sewage systems

Policy Issues (2003 - 2008)

There has been no fundamental change in the above provisions and no amendment has so far been made to the 1999 Constitution as regards its provisions for local government administration in Nigeria. However, many policy issues have become contentious and need to be properly addressed. Indeed, the National Political Reform Conference which was held in 2005 attempted to make some recommendations for constitutional amendment in these areas. Hence a number of issues are yet to be resolved. They include:

(a) Removal of Elected Local Government Chairman and Councillors by the State Governor

Ever so often, State Governors rely on the provisions of section 7 of the 1999 Constitution to remove an elected Chairman of a Local Government Council from his position. If the Chairman was elected by his people, it only makes sense that he can only be removed by those who elected him, via the legislative arm of the local government administration, as applicable to the state governors and the President. Members of the Association of Local Governments of Nigeria (ALGON) have had to contend with this development, resulting in unsuccessful litigations against the Kaduna state governor and some others. This democratic anomaly should be rectified so as to reduce tension and friction in the polity. Elected Chairmen of local government councils should not be removed at the whims and caprices of state governments.

(b) Parliamentary or Presidential System

This has been a source of confusion in the system. While Akwa Ibom State, for example, stuck to the use of the Parliamentary system, most other States adopted the Presidential System.

This is one of the issues that will be resolved in subsequent constitutional amendments. It is strongly argued that the parliamentary system is better for the local government system for reasons of:

- ACCOUNTABILITY the supervisors are drawn from elected councillors;
- COST use of elected councillors will tend to reduce costs;
- THE CHAIRMAN TAKES FULL PART IN THE DELIBERATIONS of the council;
- MORE UNDERSTANDING AND LESS FRICTION will exist between the chairman and the councillors; and
- REDUCED TENDENCY TO IMPEACH the chairman.

All these arguments are countered by the contention that the presidential system leaves the chairman with the latitude to choose supervisors from outside the council, who would help him achieve his set goals and objectives. Incidentally, the National Political Reform Conference has recommended the parliamentary system in its report. The adoption of the system will be quite salutary to the system.



The funding of local government councils comes in three forms:

STATUTORY FEDERATION ACCOUNT ALLOCATIONS.

This allocation should ordinarily be paid directly to the recipient local government. However, there is this provision for state/local government joint account. This has become a bugbear to the smooth and wholesome transfer of Federation Account allocations to the local government councils. ALGON's position is that each local government should receive its statutory share of the Federation Account directly. This approach, it is believed, would preclude the possibility of any tampering with respective local government's allocations by anybody, particularly the State Government.

The state/local government joint account should only be used for such revenues collected by the state government which have to be shared between the state and the local governments as the Constitution provides that 10% of such revenues should be shared by local governments. It is also important that such funding from the state government should be guaranteed by the constitution.

2. INTERNALLY GENERATED REVENUE (IGR)

These are revenue generated by the councils in the course of rendering their statutory services and collecting necessary fees, fines and rents. The problem here is that, in many instances, state governments tend to encroach in these areas, resulting in administrative chaos and friction. This problem would be removed by proper and clear demarcation of responsibilities.

310% share of the states IGR This is a constitutional stipulation. Unfortunately, compliance by states to this provision has been most disappointing.

Other issues pertaining to local government funding include: Size of revenue allocation to local government councils.

ALGON has made a strong representation to the Revenue Mobilization, Allocation and Fiscal Commission (RMAFC) on the need for a much higher share of the Federation Account for Local Councils. The reasons advanced in this respect include the increasing responsibility of local government councils, the phenomenal rise in the number of LGCs (from 301 to 774), the increased cost of primary school education, the huge burden of security problems in the face of numerous ethnic, religious and other conflicts in the local government areas, as well as other miscellaneous demands on local government from federal and state government agencies, groups and individuals. In other words, the role expected of a contemporary local government in Nigeria is far in excess of the revenue presently allocated to that tier of Government.

13% derivation for oil producing states.

At present, this amount is paid to the state government. It is the view of local governments that the amount should be shared between them and the states, since they bear directly the brunt of oil exploration and exploitation. It is suggested that at least 50% of the allocation be shared by local governments.

Independence of local government councils

Note that in terms of inter-governmental relations, the current trend/practice is to regard each government as a sphere, not tier. The LGC is, therefore, a sphere of government, as are the state or federal government. The use of sphere more aptly captures the underlying principle of independence and autonomy which are the basic attributes of a modern, well-constituted, well-defined local government system.



Each State Governor usually appoints the State Independent Electoral Commission to conduct elections into the local government councils. The tendency is for the Governor to appoint his loyalists to these positions. The effect of this is the very poor level of integrity displayed by these officials in the performance of their official functions, resulting in questionable election results, outright rigging and all sorts of electoral malpractices and frauds. The position of ALGON is that the local government elections should as well be conducted by the Independent National Electoral Commission. This will not only ensure uniformity but also remove the financial impact of such election on the lean resources of the states and local governments.

In this context the provision in Chapter 3 of the South African constitution 1996 enjoins each sphere of government to "exercise its powers and perform its functions in a manner that does not encroach on the geopolitical, functional or institutional integrity of government in another sphere". This should be the desire of local Government in Nigeria.

Lack of clear demarcation of duties

The functions of local government councils had earlier been fully itemized -including the exclusive and concurrent responsibilities. To avoid clashes, the extent of each government's participation in areas like construction and maintenance of roads, streets, street lighting, etc should be clearly indicated. In other words, there is need for discussions and agreements between relevant spheres of Government concerned.

(d.)Primary Education

ALGON had severally made representations to the federal government over the debilitating effect of the huge bills paid by local governments for primary school education. The point has been made to relieve local government of some of its financial burden.

(e.)Local Government Budgets

It is the responsibility of the local government legislature to approve its budget and it is also their responsibility to exercise oversight functions thereof. All joint projects should be agreed by all the parties concerned. A situation where state governments conceive projects and merely deduct the share of local government should no longer apply. The state governments should, however, control the level of exposure of local governments to banks as well as their level of employment.

(f.)Relations with Traditional Rulers

The role of traditional rulers should be recognized by local government. Such rulers should be involved in security, resolution of boundary disputes within their domain, mass mobilization of the people, etc. Their remunerations should be paid by the local government.

(g.) Tenure of Local Government Councils

At present, local government councils have 3-year tenure. This is rather incongruous, as all other elective positions - State Assembly, Governor, House of Representatives, Senate, and President - have 4-year tenure. This has generated a lot of crisis, leading to litigations by ALGON in 2002. The leadership of ALGON went to court to contest the dissolution of the Councils and appointment of care taker Chairmen, which they considered unconstitutional. They lost the case, but the need to streamline the elections and give all of them 4-year tenure has remained ever since.

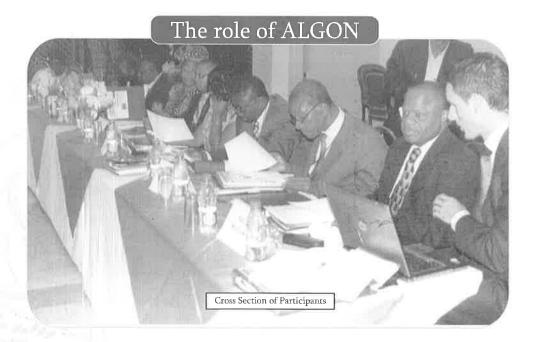


((I.) Control and Monitoring

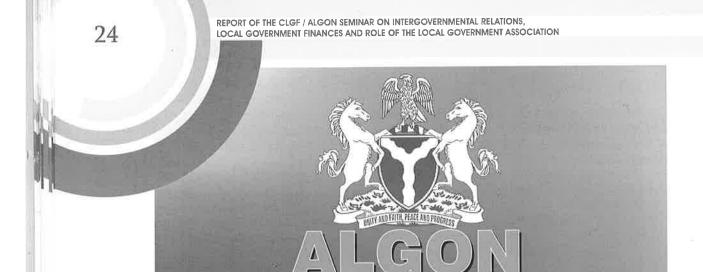
There is virtual consensus on the need to establish the office of the Auditor-General of local government. In addition, it is being recommended that local government inspectors be appointed by states to look at the books of local governments. Similarly, local government projects verification teams could be created by States to verify claims of expenditure on projects by local governments. All these are aimed at ensuring greater accountability and higher performance by local governments.

(j.) Creation of New Local Government Councils

The attempt by many States to create new local governments during the 1999-2003 administration met with inconclusiveness. This was due to the rather indefinite provisions in the 1999 Constitution. In any case, even if one met all the conditions stipulated in the Constitution, the new local councils could not be operational without the amendment of the Constitution, which would enable them share from the Federation Account. The matter was even challenged in the Supreme Court by the Lagos State government without success. It is being suggested that the process for the creation of new local government councils be streamline and amended.



he Association of Local Governments of Nigeria (ALGON) was actually conceptualized and formed by the former Department of States and Local Government Affairs of the Presidency. It was inaugurated by His Excellency, the Vice-President of the Federal Republic of Nigeria, Alhaji Atiku Abubakar, on November 30, 1999. Its major focus was the protection of the interest of local governments, and the inculcation of good governance culture so as to ensure the acceleration and sustainability of national economic development and economic growth in the country. Membership of local governments is mandatory for all the 774 local government councils in the country. The Association, which catalyses joint endeavours by all the local governments in the country, alms at the enthronement of true federalism in the country.



ALGON is fully recognized by both the federal and state governments. However, it has no constitutional backing as in the case of the South African Local Governments Association (SALGA).

In the context of inter-governmental relationship, in particular, the Association ensures that the local government system is not compromised, marginalized or supplanted. In the course of this, it has had cause to take many actions:

ALGON is at the vanguard of fighting for constitutional autonomy of local governments. This has led ALGON to institute a number of court cases to clarify the provisions of the constitution on such issues as the tenure of the local government councils and the power of the Governor to dissolve a local government council.

ALGON has made submissions and representations to the President and the National Assembly in respect of the funding of local government councils. These had led to the drafting and consideration of a bill by the federal government to streamline Federation Account allocation to the local governments, with a view to curbing the tendency of state government to misappropriate local government funds.

ALGON has made representations and submitted memoranda to the Presidency and the Revenue Mobilisation, Allocation and Fiscal Commission (RMAFC) on the inadequacy of the Local Government share of the Federation Account. In the course of this, the issue of local government responsibility for primary school education was reviewed. Under the new arrangement, local governments are no longer entirely responsible for financing primary school education. The National Political Reform Conference has recommended that state governments should be responsible for primary school teachers' salaries.

An aftermath of the general elections of 2003 was the attempt made, through the speakers' conference, to almost abolish the local government system in Nigeria or, at best, equate it to a department in the state government. It was the ALGON secretariat, in the absence of elected local government functionaries, which led the battle against such a regressive step. The ALGON Secretariat marshalled the influential support of a number of institutions, including the Commonwealth Local Government Forum (CLGF), and the Municipal Development Partnership (MDP) whose support was very critical in averting the apparent catastrophe. Hence, a Committee was set up to review the local government system, leading to its eventual survival.

ALGON was involved in supporting and sustaining the security of the nation. In that way, it embarked on the national security Scheme under the aegis of which it purchased and distributed

1000 jeeps to various security agencies in the country. This was despite the fact that the local government is not primarily responsible for security in the country. Other projects carried out by ALGON were in the areas of construction of health centers and the Rural Internet Communications System (RICS) whereby several local governments were linked to internet and could access and be accessed internationally.

ALGON has also been involved in capacity building through organising seminars, workshops and conferences, and through sponsorships and bursaries. It has plans to monitor the performance of its members to ensure accountability, productivity and probity

ALGON, in its quest to continue to enhance the welfare of the people, joined similar regional, continental and world associations such as the Municipal Development Partnership (MDP), the CLGF, African Union of Local Government and United Cities and Local Governments (UCLG).

ALGON has served as a very effective mouthpiece of the local governments in Nigeria and has helped them to survive.



Chief Rob Nwakaire Ezeife Former Secretary-General, ALGON March, 2008

have provided above a fairly detailed expose on the policy issues facing the local government system in Nigeria today. These straddle intergovernmental relations, local government finances and the role of ALGON.

I now offer some specific suggestions in these areas for consideration:

1. The setting up, by each state, of a State/Local Government Joint Forum has been recommended by the National Political Reform Conference. This Forum would comprise various stake-holders From local governments' administration who would meet from time to time to assess the progress, plans and projects of the local governments. The Forum would also have the responsibility to review the performance of each Local Government Council in the State. It is, of course, crucial that ALGON would be a member of State Forum, as that would enhance its capacity to oversee the goings-on in each of its member states.

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REPORT OF THE CLGF / ALGON SEMINAR ON INTERGOVERNMENTAL RELATIONS, LOCAL GOVERNMENT FINANCES AND ROLE OF THE LOCAL GOVERNMENT ASSOCIATION

Appendix 3.



List of Papers Presented

The Nigerian Local Government System: Key Policy Issues (2003 2008), By the Former Secretary-General of ALGON, Chief Rob N. Ezeife,

The Role and Function of Local Government Associations
By Mr. Charles C Katiza, Former Secretary-General of AULA and Chairman,
African Caribbean and Pacific Local Government Platform (ACPLGP),

The Role of the South African Local Government Association,
By Ms Khetho Mthonsi. Head of International Relations South Africa
Association of Local Government (SALGA)

The Role and Functions of Local Government Association: Ghana Experience By Ms Benice Beatrice Boateng

Role of Partnerships between Local Government and Civil Society in Nigeria By Mr Mohammed Bougei Attah, Africa Regional Co-Ordinator World Association of NGO (WANGO)

Intergovernmental Relations and Local Government Finances, By Mr. Kwasi Ameyaw Cheremeh, General Secretary of National Association of Local Authorities of Ghana (NALAG)

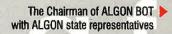
Intergovernmental Relations and Local Government Finance South Africa Experience by Mr. Sinky Letsholo

Photos at the CLGF/ALGON Seminar





Participants during Cocktail Reception





Bernadette Dare and
Sam Tekyi - Beta of CLGF
with ushers