



ACCOUNTABILITY, TRANSPARENCY AND DUE PROCESS IN LOCAL GOVERNMENT ADMINISTRATION IN LINE WITH ICT

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Abstract

This paper on Accountability, Transparency and Due Process in Local Government Administration in line with Information Communication Technology (ICT), explores the role of ICT in the management of the Third Tier of Government in Nigeria in ensuring effective utilization of resources, delivery of services to the rural dwellers as well as creating avenues for full participation of the communities in the decision making process. Relying on desktop analysis as source of data for this study, the paper found that ICTs is a powerful tool in connecting communities and local government officials because enables citizens' full participation in the decision-making process. The paper based on the above findings recommended thus: local government administration should ensure the accessibility of information about its operations, revenue generation and expenditures. This in effect, confirms transparency which is a cardinal objective towards achieving good governance at the local government level.

Key words: Accountability; Due process; Good Governance; and Transparency.

Abstrait

Ce document sur la responsabilité, la transparence et la procédure régulière dans l'administration des collectivités locales conformément aux technologies de l'information et de la communication (TIC), explore le rôle des TIC dans la gestion du troisième niveau de gouvernement au Nigéria pour assurer une utilisation efficace des ressources, la prestation de services aux les habitants des zones rurales ainsi que de créer des voies pour une pleine participation des communautés dans le processus de prise de décision. En s'appuyant sur une analyse informatique comme source de données pour cette étude, le document a révélé que les

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TIC sont un outil puissant pour connecter les communautés et les fonctionnaires locaux, car elles permettent la pleine participation des citoyens au processus de prise de décision. Le document basé sur les conclusions ci-dessus recommandait ainsi : l'administration du gouvernement local devrait garantir l'accessibilité des informations sur ses opérations, la génération de revenus et les dépenses. Ceci, en effet, confirme la transparence qui est un objectif cardinal vers la réalisation de la bonne gouvernance au niveau du gouvernement local.

Mots clés : Responsabilité ; Procédure régulière ; La bonne gouvernance ; et Transparence.

Introduction

Following political independence in October 1960, the Nigerian state has adopted different frameworks of governance to guarantee local and national development. Local government system is one of the popular institutional frameworks that were adopted to facilitate development at the grass root level. The essence of creating local government system in Nigeria is to among other things ensure grass root development, leadership training, brings government closer to the people, and by extension improve the living condition of the local people.

According to the 1976 local government reforms, the purpose of creating local government is to bring government closer to the people as well as formulate and implement development programmes for the benefits of the grass root people (FGN, 1976). It is in line with these objectives that the fourth schedule of the Nigeria's 1999 constitution (as amended) clearly identified the major functions of local government to include, participation in economic planning for the development of the state, collection of taxes, construction and maintenance of rural roads as well as other local social services for the betterment of the grass root.

Given the functions it performs, local government as an institutional design could be regarded as indispensable instrument for sustainable development. This is largely because the institution is saddled with the responsibility of providing services to over 60% of the Nigerian population who are largely found in rural areas (NBS, 2014). However, local governments have failed to perform their constitutional role several decades after their creation and in spite of the increasing funding from the federation account. This precarious performance of local governments could be connected to all forms of mismanagement and corruption that embedded the system in Nigeria. Given this scenario, Goron-dutse (2009), argued that local government system has outlived its usefulness and should be abolish.

Izueke (2007), revealed that there are several factors that contributed to the dismal performance of local governments in ensuring sustainable development across the country. Some of these factors include but not limited to low revenue generating capacity, poor leadership and management capacities of political leadership and career bureaucrats. Others included, political interference as well as the absence of culture of good governance, accountability, transparency, failure of due process and ineffective use of Information Communication Technology (ICT).

Local government represents the dispersion of political power in our society. The idea of local government stems from the fact that it is the closest government to the people in a democratic setting and the best system of exercising good governance and engaging people in their own governance through accountability, transparency and adherence to due process (Omotola, 2009).



Due Process Policy and Principles was as old as human civilization. Its principles have been in application cut across all field of human endeavors, e.g., Law, Medicine, Management, Pharmacy, and Accounting related issues. (Christodoulou, 2010). Reform exercise World over, Due process has been modified to be applied in governance in order to check excesses and to ensure openness in the facilitation of government activities. Due process involves the observance of procedures; its implementation requires the contributions of all and sundry including Local government administrators.

Conceptual Discourse Accountability

Accountability is a key requirement of good governance. Not only governmental institutions but also the private sector and civil society organizations must be accountable to the public and to their institutional stakeholders. Who is accountable to who varies depending on whether decisions or actions taken are internal or external to an organization or institution? In general, an organization or an institution is accountable to those who will be affected by its decisions or actions. Accountability cannot be enforced without transparency and the rule of law.

Transparency

Transparency means that decisions taken and their enforcement are done in a manner that follows rules and regulations. It also means that information is freely available and directly accessible to those who will be affected by such decisions and the enforcement of those decisions. It also means that enough information is provided and that it is provided in easily understandable forms and media.

According to Abubakar (2010), transparency is openness, and adherence to due process. He further stated that transparency ensures that information is readily available that can be used to measure the authorities performance, and guide against any possible misuse of power.

Due Process

To a layman, the word —Due Process‖ could simply means doing things in the right way and manner, but when you look at it broadly it means much more than what we think and talk about. Due Process therefore, can be defined as the conduct of legal proceedings strictly according to established principles and procedures, laid down to ensure fair trial for every person or group of persons responsible for procurement of works, goods and services. It is an established course for judicial proceedings or other governmental activities designed to safeguard the legal rights of an individual. In fact, many due process cases do involve the question of fair procedures or procedural due process. However, question of legal fairness may be related not only to procedures, but also to legislation that affects people.

As government at the grass root, it is imperative that Due Process Policy and Principles should have been part and parcel of the Local Government Administration from the word go; it pre-dates history and civilization, but the failure to imbibe the culture and principles Due Process and Accountability has over the years been responsible for the underdevelopment at the Third Tier of Government in Nigeria.



Local Government

Local government, as seen by Awa (1981), is a political authority set up by a nation or state as a subordinate authority for the purpose of dispersing or decentralizing political power. Emezi (1984), sees local government as system of local administration under local communities that are organized to maintain law and order, provide some limited range of social amenities and encourage cooperation and participation of inhabitants towards the improvement of their conditions of living. It provides the community with formal organizational framework which enables them to conduct their affairs effectively for the general good.

Bearing in mind the above definitions, the ideal local government is a government that promotes equity, accountability, efficiency, providing an enabling environment for human development and eradication of human deprivation. The meaningful participation of the people in decision making in local government development activities should be a paramount idea of establishing a local government.

Accountability, Transparency, Due Process and Information Communication Technology(ICT) in Local Government Administration

There is a general consensus that good governance rests upon four pillars: accountability, transparency, predictability and participation. Accountability is a key requirement of good governance. It also includes the capacity to hold public officials responsible for their actions. Transparency implies adherence to due process. Predictability results primarily from laws and regulations that are clear, known in advance, and uniformly and effectively enforced. Most importantly, public participation is needed to supply reliable information and to provide a reality check for local government action. None of these four components can stand by itself. All four together are instrumental in achieving sound local government public management.

Recent experiences in decentralization have seen an ever-growing need to incorporate accountability mechanisms into local governance structures to counter corruption and mismanagement. It is generally agreed that Due Process is an element of good governance and effective transparency. It is considered to be an effective mechanism for instituting strict compliance with openness, stimulating competition and ensuring as much as possible cost accuracy. According to Sa'id (2009), Due process system is predicted on certain rules and procedures that should guide contract award, establish transparent, competitive and fair procurement system. It is expected to stamp out bias in awarding contracts, to promote integrity and encourages spending within budgets.

The local government serves as a form of administrative, executive and legislative structure established to facilitate decentralization of power, national integration, efficiency in governance and a sense of belonging at the grassroots. Whatever the form of existence, the local government has been essentially regarded as the path to and guarantor of administrative efficiency, effective service delivery, and participatory development (Arowolo, 2005).

It is a critical tier of government because of its closeness to the people. The 1976 local government reform, carried out by the military administration of General Obasanjo, brought about uniformity in the administrative structure of the system. The reform introduced a multipurpose, single tier local government system for the whole country (Ajayi, 2000). Since these reforms, successive governments have altered the local government structure with a view to enhancing its capacity for good governance.



Fundamentally, the local government is created to serve the rural communities. It is expected to mobilize and harness local resources and ensure their effective utilization with the support of the state and federal governments. To be able to do this, the Constitution of the Federal Republic of Nigeria provided that a proportion of Federation Account is allocated in addition to their internally generated revenues. From the allocation and other incidental sources of revenue, the local governments are expected to provide basic infrastructures and other social amenities to better the lots of the rural dwellers, and they are also expected to enhance political participation at the grassroots (Afrobarometer, 2008).

To underscore its importance, section 7(1) of the 1999 Constitution of the Federal Republic of Nigeria specifically guarantees a democratically elected local government system, while schedule 4 of the same Constitution defines the functions of the local government. The implication of its constitutionally guaranteed governance structure and its closeness to the people is that the institution of transparency and accountability and their norms in governance should be more evident at this level.

There have been views that the experience of public sector failure in Nigeria can largely be attributed to the absence of fiscal transparency, accountability and probity, in the management of government finances in the three tiers of government: federal, state and local governments. Local government's performance in terms of provision of social amenities and encouraging political participation at the grass root level has not been encouraging. Instead of discharging their functions as development centers, local governments have acquired notoriety for corruption, fiscal indiscipline and overall irresponsibility. The lack of integrity, transparency and accountability at this level of governance definitely constitutes a heavy toll on the well-being of ordinary Nigerians (Agbo, 2010).

Weaknesses in information and control systems in local government administrations, and lack of transparency and accountability within the legal and political systems may give rise to cost padding, service diversions and a general lack of public sector accountability. Aside from the moral and legal considerations, there is solid evidence that lack of accountability, transparency, and operational ineffectiveness, distorts resource allocation, and invariably hurts the poor the most.

The debate regarding the effectiveness of using ICTs to help achieve development goals arises not only around questions concerning the evidence in support of the relationship between ICTs and development, but also more substantially from inherent doubts about the relevance of ICTs in achieving sustainable development, and fears that investment in ICTs will draw resources away from traditional development goals.

Though, ICTs can be a powerful tool for development, because of its inherent characteristics an evidence that suggest they can, in fact, contribute a great deal to development goals. They can do so at both micro and national levels by increasing the efficiency and effectiveness of development interventions, enhancing good governance and lowering the costs of service delivery to the rural dwellers. Moreover, the right complement of targeted ICTs interventions has the potential to play an even more substantial role in accelerating a sustainable and dynamic social and economic development in developing countries.

It should be clear from the outset that ICTs are not a panacea for the problems of local communities and even developing world in general. Social and economic development is dependent upon many factors which should be addressed through an overall development



strategy. Factors such as political stability, macroeconomic governance, transparency and accountability of national and local administrations, the rule of law, physical infrastructure (for example, clean water and energy), and basic literacy should also be addressed in an explicit manner, and ICTs should not be seen as a substitute.

Strengthening local government accountability is vital. Strong local government financial accountability means that local people can affect their local government's spending and taxation decisions. Local citizens also need to take responsibility for the consequences of those decisions. In addition, the financial system for local government must reflect both the importance of local accountability and the interests of central government.

Due Process Roles in Local Government

The Chairman, Vice Chairman, Councilors and Secretaries all play an important role in the successful operation of a local government. Having a good understanding of these roles contributes significantly to good governance.

- They must understand the purpose of these roles in local government, how each relates to and interacts with other roles and what the key responsibilities are.
- The way in which the Chairmen superintend over council meetings makes a significant contribution to good governance. A well-run meeting that is inclusive and has high standards of governance relies on the chairman's approach and he/she should have a good knowledge of meeting procedures as well as State law governing public expenditure in Nasarawa state.
- Effective chairing also ensures that all councilors have the opportunity to be heard. While not every councilor can get his or her way on an issue, they are more likely to accept a decision if they feel that they have been included in the process. More often than not, this means that even controversial and difficult decisions are more stickable. If the chairman takes sides in a council meeting and actively suppresses minority views, this will give dissenters the ammunition not only to attack the outcome, but also the process.
- The chairman should ensure that all councilors have the opportunity to express their views, even if their proposals are defeated.
- Group facilitation concepts such as participation, communication, involvement, consensus, mutual respect and listening are all important in promoting the success of the councilors group.

Benefits of Due Process

According to Goron-dutse (2009), the benefits associated with Due process includes among others:

(i). **Enhances efficiency** in the sense that, things will be placed the way they are supposed. Efficiency in the management of all government undertakings such as award of contracts, effective monitoring and supervision as well as proper implementation of government budgets.



(ii). Enhances openness, transparency, competition, right costs, and stoppage of projects abandonment.

(iii). Improvement of public procurement processes, where the entire process of procurement will be improved, because there are conditions, guidelines, procedures and a number of legal requirements involved

(iv). Good management of public Resources, such as human, material, financial and other resources through proper management and involvement of Due process into local government administration.

(v). The provision of Vital Information through process guidelines, which serve as a means of creating awareness⁴ about government activities.

(vi). It bridges the gap between the common man and those in control of government resources, thereby providing information to all and sundry.

Problems Associated with Due Process Implementation The paper discovered a number of problems associated with Due process in Nigeria's Local Government Administration, which includes among others:

Personalization: Personal bias of some government official hinders the smooth operation of rules and regulations. In this situation, contracts were been awarded without following the Due procedure of contracts awards.

Poor Administrative Skills: Existence of some incompetent employees in most local administration results in serious problem, and normally affects Due process activities and hence inability to achieve the overall goal.

Corruption: Corruption is a social menace that affects almost all fields of human endeavor, more especially public sector of the Nigerian economy. Local government administration is seriously faced with this problem which invariably also affects smooth operation of Due process.

Favouritism: Favouritism is an act that includes; nepotism, tribalism, sectionalism, godfatherism, long leg etc., as a means of extending favours, or an act of promoting the interest of others over and above that of the organization. This practice has deprived many local administrations to adapt Due process.

Poor Leadership: The inability to have good, transparent and dynamic leadership of most local government administration has become a serious impediment to efficiency, productivity and the general goal with a sense of direction and foresight, hence, also affect Due process in local administration.

Problem of Implementation: A number of laudable programs were initiated by various governments, the problem lies in the government sincerity and commitment to execute those



programs. Due process was introduced but there were little effort from government to ensure compliance.

Conclusion

Empirical studies have demonstrated the great potential of ICTs to connect communities and provide a two-way communication channel between the communities and government bodies at both local and national levels. Such communication helps governments in improving service delivery through user-centred development and, in particular, ICTs have been, in some cases, a critical tool in ensuring accountability and transparency of government at the local level. In a few cases, ICTs are also powerful tools in connecting communities and local government officials, thereby enabling citizens' full participation in the decision making process, for example allowing the local authorities to formulate development plans with the full participation of the community.

Recommendations

(i). An ideal local government should ensure the availability of information about its revenue generation and expenditure; this in effect is transparency which is a cardinal factor towards achieving good governance. This can be through the publication of development bulletins, organizing press conference, public auditing and through electronic media (ICT).

(ii). Local governments should be encouraged and made to adopt the provisions of both the Fiscal Responsibility Law and the Public Procurement Law of their respective states. The higher levels of government should provide the enabling legislations, framework and reforms, policies and environment that would put the three elements of good governance (citizen participation, accountability and transparency) at the Centre piece of governance.

(iii). The Electronic Governance System Popularly referred to as E-Governance has also been identified by Izucke (2007) as a measure towards achieving good governance. In its ability to adopt the E-governance, the local government need to have capacity to change their organizational structure, identify potential areas of revenue generation through the adoption of innovative techniques and methods such as computers, E-mail, Internet, computer networking, Intercom etc.

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