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An Assessment of Efficiency of the Nigerian Tax System

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Abstract

Given the negative impact of persistent unsustainable fiscal deficits on the Nigerian economy, there is now a consensus among interested parties on the need to address the problem effectively. The literature suggests three approaches for this purpose: increase in revenue, reduction in expenditure, or a continuation of both. An appraisal of the budgetary process in Nigeria shows that annual expenditure proposals are always anchored on projected revenue, thus the accuracy of revenue projection is a necessary condition for devising an appropriate framework for fiscal deficit management in Nigeria. This study, therefore, evaluates the productivity of the tax system for the specific period, that is, 1990 – 2000; to devise a reasonably accurate estimation of Nigeria's sustainable revenue profile. This will assist in the design of an appropriate expenditure profile as a means of averting the persistent unsustainable fiscal deficit in the country. Overall, the study reports a satisfactory level of productivity of the tax system. Although the advent of the oil boom encouraged some laxity in the management of non-oil revenue sources, this was rectified to a reasonable extent with the commencement of the structural adjustment programme. The study concludes that the current revenue profile is sustainable, with little prospect for significant improvement in the short run. It also suggests that a significant reduction in public expenditure and prudent management of financial resources are the most feasible solutions to the problem of unsustainable fiscal deficit in Nigeria. Finally, the report underscores the urgent need for the improvement of the tax information system to enhance the evaluation of the performance of the Nigerian tax system and facilitate adequate macroeconomic planning and implementation.

Introduction

Tax is a sum of money paid by citizens of a country, state, or community to government for public purposes (Oyegbile, 1996). It should be noted that, the advent of the oil boom in the 1973/1974 fiscal year encouraged over-reliance on oil revenue to the neglect of the traditional revenue sources, which taxation of all types take the largest part. As a result, some non-oil revenue sources were either abandoned or became of less concern to the government, and no attention was paid to assessing the optimal revenue derivable from these non-oil sources. Further, there were episodic jumps in the country's total annual revenue and hence budget deficits (Ariyo and Raheem, 1990). This is a reflection of the vagaries of the oil market whose fortunes fluctuate widely and unpredictably. With this background, this study appraises the productivity and yielding capacity of the Nigerian tax system.

Ordinarily, the citizens of the country ought to contribute by way of payment of taxes to the funding and functioning of government in proportion of their respective abilities, such abilities is measured in terms of the income, consumption or security of lives and properties which they enjoy under the organs of government. Also, payment of taxes should be used as a means of measuring the sense of civic responsibility of citizens for government services.

The magnitude of government surplus or deficit is probably the single most important
statistic measuring the impact of government fiscal policy on an economy (Siegel, 1979). In view of its phenomenal growth, it is now widely accepted that public sector finances and related policies constitute a central aspect of economic management. The quality of this management in no small measure influences overall macroeconomic performance as well as the distribution of resources between the public and private sectors.

Fiscal deficit has become a recurring feature of public sector financing all over the World in which Nigeria is not excluded. Its widespread use is partly influenced by the desire of various governments to respond positively to the ever-increasing demands of the populace and to enhance accelerated economic growth and development (Ariyo, 1997). This tendency toward deficit financing is more pronounced in developing countries where the populace looks to the government for the satisfaction of most needs.

One of the financing options include the running down of government accumulated cash balance, net borrowing from the banking system or from abroad, issuing of new currency as well as drawing down of foreign assets (Ariyo and Raheem, 1990).

This is an issue on which there is as yet no consensus among taxes observers, given the divergent findings of reported studies. Final note on the issues is that, mixed results have also been reported by some other relevant studies (Ariyo and Raheem, 1991).

Of concern to many noble and interested taxes observers in recent times is the rising magnitude of deficits by various governments. There is therefore a growing recognition that the formulation and implementation of macroeconomic management proposals, most especially for economic reforms, should explicitly recognize the implications of fiscal deficit on the economy. These reforms should cover not only the size and financing patterns of government deficits but also the structure of taxation and the level and composition of public expenditure (Chibber and Khalizadeh-Shirazi, 1988).

This study focuses on the determination of a sustainable level of revenue as a basis for evolving a sustainable deficit profile in Nigeria because, the level of fiscal deficit in Nigeria is no longer sustainable and it is not desirable to continue to incur budget deficit for financing public expenditure. Rather, efforts should be made to reduce expenditure or raise additional revenue. Also, it is preferable to focus on revenue enhancement in view of the current situation in Nigeria.

Statement of Problem

Tax is relevant to the development and sustainability of country's finance paradigm. If the country's financial capacity must remain active and match up with global concepts in terms of economic standardisation and citizens' satisfaction then, tax system must be put in proper shape. The findings of some recent studies suggest the need for concern about the problem of fiscal deficit in Nigeria. To take for instance, the findings of studies by some interested tax observers which showed that fiscal deficit has become a recurring feature of Nigeria's fiscal policy. They also note the absence of any identifiable macroeconomic objective to justify this deficit-prone behaviour.

Further reports depicts that the level of fiscal deficit in Nigeria has become unsustainable since 1980 is a course for concern for tax administrators and other concerned parties in Nigeria.

This study is therefore, being put forward to assess the productivity and yielding capacity of tax system in Nigeria with a view to gaining vibrant concepts towards effective tax systemic administration in Nigeria.

Aim

The study is aimed at assessing the efficiency of the Nigerian tax system with a view to giving suggestions on the way forward.

Objectives

1. To examine the structure of the Nigeria Tax base on the years under review.
2. To identify how supportive the legal framework is to the tax system.
3. To assess the challenges associated with tax administration and its reform

Theoretical Issues and Structure of Nigerian Tax System

A country's tax system is a major determinant of other macroeconomic indexes.

Specifically, for both developed and developing economies, there exists a relationship between tax structure and the level of economic growth and development. Indeed, it has been argued that the level of economic development has a very strong impact on a country's tax base (Hinricks, 1996; Musgrave, 1999), and tax policy objectives vary with the stages of development. Similarly, the (economic) criteria by which a tax structure is to be judged and the relative importance of each tax source vary over time (Oyegbile 1996). For example, during the colonial era and immediately after the Nigerian (political) independence in 1960, the sole objective of taxation was to raise revenue. Later on, emphasis shifted to the infant industries protection and income redistribution objectives.

The early period of economic development is, therefore, characterized by the dominance of agricultural taxation, which serves as a proxy for personal income taxation, and in Nigeria the various marketing boards served as effective mechanisms for administering agricultural taxation. Agricultural taxation substituted for personal income tax given the difficulty in reaching individual farmers and the inability to measure their tax liability accurately. Further, the large percentage of self-employment to total employment makes effective personal income tax unworkable (Musgrave, 1999). This problem thereby necessitates the use of the ability-to-pay principle, effectively limiting personal income taxation to the wage income of civil servants and employees of large firms both of which account for an insignificant proportion of the total working population. During the early period of economic development, direct taxes in form of company income taxes cannot be important because there are few home-based industries. The same principle applies to excise tax (an indirect tax) on locally manufactured goods. Both will increase in relative importance as economic development progresses, however, due to growth or non-static nature of the bases of these taxes. Several retail outlets also make a sales tax system difficult to implement, and a multiple-stage sales tax system even more so (Musgrave, 1999). Further, the rudimentary nature of the economy precludes retail form of taxes.

At this stage also, taxes are difficult to collect because of the lack of skills and facilities for tax administration (Hinricks, 1996). Given this, a complicated tax structure is not feasible and the amount of revenue from personal income tax will depend on taxpayers' compliance and the efficiency of the tax collector.

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An important source of government revenue during the early stage of economic development is the foreign trade sector because exports and imports are readily identifiable and they pass through few ports. However, revenue from export and custom duties is not stable because of periodic fluctuations in the prices of primary products.

This tends to complicate plan implementation in many developing countries (Massel *et al.*, 1972). Economic development brings with it an increase in the share of direct taxes in total revenue. This is consistent with the experience of developed economies in which direct trades yield more revenue than indirect taxes. For example, personal income tax becomes important as the share of employment in the industrial sector increases. Also, as the dominance of the agricultural sector decreases, sales tax may be broadened because a great deal of output and income will go through the formal market as the economy becomes more monetized. Musgrave (1999) noted that at this stage, taxes may be imposed on firms or individuals, on expenditures or receipts, and on factor inputs or products, among others. He further argued that there would be a tendency to shift from indirect to direct taxes. His theory relates to a normal development process, however. It does not consider a situation where the sudden emergence of an oil boom provides an unanticipated source of huge revenue. Hence, this stereotype may not be applicable to an oil-based economy like Nigeria. Nevertheless, the theory still represents a benchmark against which country specific empirical evidence may be compared.

This study is therefore carried out to assess the extent to which the Nigerian tax system match up with the expected result in order to enhance accurate tax revenue projection and targeting of specific tax revenue sources given an ascertained profile of economic development. It will also assist in estimating sustainable revenue profile thereby facilitating effective management of a country's fiscal policy, among others.

Table 1: The Structure of Nigeria Tax-Based Revenue; 1990 – 2000 (N Billion)

Year	Total Government Duty (Total Tax Revenue	Import Duties	Excise Duties	Petroleum Income Tax	Company Domestics	Gross Products
1990	10, 974.6	1,407.2	406.2	8,564.3	579.2	49,755
1991	9,362.8	1,880.9	654.6	6,325.8	483.0	52,255
1993	8,090.7	1,808.7	680.7	4,846.4	734.0	53,679
1994	6,316.1	1,114.8	868.3	3,746.9	561.5	552,760
1995	7,197.0	924.0	690.8	4,761.4	787.2	55,676
1996	85,973.3	1,199.0	978.9	6,711.0	1,004.3	65,467
1997	8,227.8	1,298.0	1,041.4	4,811.1	1,019.3	82,929
1998	17,315.9	2,722.9	814.4	12,405.0	1,235.2	107.040
1999	18,354.6	3,283.4	980.7	12,496.5	1,372.4	138,081
2000	32,110.0	4,581.7	1,368.5	24,161.7	1,977.42	258,212
2001	50,200.0	6,717.9	2,006.7	26,909.0	3,408.70	408,275

Source: Central Bank of Nigeria Annual Report and Statement of Account (2009 Various Issues)

Legal Basis of Taxation

In Nigeria, by the provision of section 4 sub section 2 and item 5 of part I of the second schedule of the constitution of the Federal Republic of Nigeria, 1999, only the Federal Government can make laws imposing any form of taxation. In addition, the Federal Government can under item D of part II of the second schedule of the same 1999 constitution make law for collection of taxes. The only power granted to the state government by the constitution is in item D9 to make provision for the collection of any tax, fee or rate or for the administration of the law providing for such collection by a local government council.

Currently, the legal provisions of the various types of taxes have been codified, although they have been subjected to several revisions. Some of the major pieces of legislation are:

- The Income Tax Management Tax (1961) - This act regulates personal income tax throughout the federation. It lays down the procedures for estimating personal income, as well as the various reliefs and allowances to which individuals are entitled. In essence, it explains the basis for personal income tax assessment throughout the country.
- Companies Income Tax (1979) - This act prescribes tax assessment and collection procedures for all corporate bodies in the country. Activities relating to crude oil and natural gas are excluded, however; these are covered by a separate act.
- Capital Gains Tax (CGT) (1967) - The CGT provides guidelines for the calculation of profits on the sale of fixed assets and shareholding in corporate entities.
- The Petroleum Profits Tax (PPT) Act (1959) - This act specifically addresses the operators in the oil industry. It is believed that oil prospecting and the nature of operations of oil producing organizations are uniquely different from the normal operations of other corporate organizations and thus warrant a special provision. The frequency of amendments to the various acts or decrees makes it very difficult to keep track of the various legislative reforms. The worrisome frequency led interested tax observers to advise the FGN to ensure the stability of each tax regulation for at least five years. This is meant to encourage purposeful planning and investment decisions especially by corporate agencies and foreign investors. For the purpose of this study, however, we are interested in the net effect of the legion of reforms on tax yield.

Nigeria's major taxes

Table 2 Types of tax Jurisdiction

	Legislation	Administration and Collection
1. Import duties	Federal	Federal
2. Excise duties	Federal	Federal
3. Export duties*	Federal	Federal
4. Mining rents and royalties	Federal	Federal
5. Petroleum profit tax	Federal	Federal
6. Companies income tax	Federal	Federal
7. Personal income tax		
Armed forces, external affairs officers and Federal Capital Territory	Federal	Federal
8. Capital gains tax	Federal	States
9. Personal income tax	Federal	States
10. License fees on television and wireless radio	Federal	States
11. Stamp duties	Federal	States
12. Estate duties	Federal	States
13. Gift tax	Federal	States
14. Sales or purchase tax	Federal	States
15. Football pools and other betting taxes	States	States
16. Motor vehicle tax and drivers' license fees	States	States
17. Entertainment tax	States	States
18. Land registration and survey fees	States	States
19. Property tax	States	Local
20. Market and trading license and fees	States	Local

Source: Oyegbile O.S. (1996)

The above analysis shows that the federal government exercises legislative control over the first 14 tax sources, while the states are in charge of the remaining 6 sources. It is noteworthy that the local government has no legislative power over any revenue source, although it can initiate bylaws subject to the approval of the state government. The FGN also dominates tax administration and collection. For example, it directly collects revenue for the first 7 items, which account for over 80% of total tax-based revenue in the country. The state government is responsible for the collection of revenue for items 8 to 18, which cumulatively account for an insignificant proportion of the total tax-based revenue. The local government controls only two items.

It does appear that administrative efficiency is the overriding criterion guiding the assignment of tax sources to the different tiers of government. Consequently, all the major tax sources have been assigned to the federal government. This observation provides a valuable guide as to the appropriate focus for this study, in two respects. First, it is cost-effective to focus on tax sources that are both legislatively and administratively under the control of the FGN. Second, as will be shown later, only four or five of these sources account for about 80% of total tax-based revenue: these are customs and excise duties, mining and royalties, petroleum profits tax, and companies' income tax.

Consequently, the study focuses on these major tax sources. It is believed that the findings emanating from the study are validly generalizable to the Nigerian environment within the context of this study's objectives.

Methodology

Secondary data was used for the study, it was difficult to distinguish between (1) exogenous and non-exogenous tax policies, or (2) major versus minor tax changes, and the study could not use the various measures of productivity of the tax system. The study therefore, assessed the buoyancy of the Nigerian tax system as a whole and of the various tax sources for the period covered by the study (1990 – 2001).

The analysis is severely limited by non-availability of required data. In particular, efforts to identify the major tax reforms or discretionary tax policies did not yield fruitful results. Further, information available suggests that adjustments to existing tax rates and reliefs are usually influenced by group pressures. It therefore appears that many tax reforms are not anchored on any identifiable macroeconomic or widely-based public policy objective.

Efforts were also made to quantify the net effect of tax reforms on tax yield. This also proved an impossible task, given the absence of a benchmark for classifying any change as significant or otherwise. There was no materiality threshold for assessing the net effect of any tax reform.

Tax Administration a and Reforms

Taxation has been in existence even before the amalgamation of Nigeria as a political entity in 1914. Direct taxes, which were first introduced into the northern part of Nigeria, were successfully administered because the citizens were already used to one form of tax or another before the formalization of direct taxes. The effectiveness of the administrative arrangement under the emirate system was the major factor. With the amalgamation of the north and the south in 1914, direct taxation was introduced into the western territory in 1916, and into the eastern provinces around 1927. The enabling laws and regulations were fashioned after those of Britain. (The legislation and nature of administration of each tax source by each tier of government was discussed earlier.)

Tax Rate and Reliefs

Table 3. Personal Income Tax Rate

	Chargeable Income (N)	Rate % (N)	Tax (N)	Cumulative Income (N)	Cumulative Tax (N)
1st	2,000	10	200	2,000	200
Next	2,000	15	300	4,000	500
Next	2,000	20	400	6,000	900
Next	2,000	25	500	8,000	1,400
Next	2,000	30	600	10,000	2,000
Next	5,000	40	2,000	15,000	4,000
Next	5,000	45	2,250	20,000	6,250
Next	10,000	55	5,500	30,000	11,750
	30,000				
Over	30,000	70			

Source: Federal Office of Statistics. (Applicable 1 April 1989 to 31 December 1998)

Table 4. Personal Income Tax Rate

	Chargeable Income (N)	Rate % (N)	Tax (N)	Cumulative Income (N)	Cumulative Tax (N)
1st	2,000	10	200	2,000	200
Next	2,000	15	300	4,000	500
Next	2,000	20	400	6,000	900
Next	2,000	25	500	8,000	1,400
Next	2,000	30	600	10,000	2,000
Next	5,000	35	1,750	15,000	3,750
Next	5,000	40	2,000	20,000	5,750
Next	10,000	45	4,500	30,000	10,250
Next	10,000	50	5,000	40,000	15,250
	40,000				
Over	40,000	55			

Source: Federal Office of Statistics (Applicable 1 January 1998 to Date)

Capital Transfer Tax Rates

Table 5: The capital transfer tax is assessed according to the following scale

	Net value of the estate or property transferred(N)	Rate of capital transfer tax (N)
1st	100,000	Nil
Next	150,000	10%
Next	150,000	20%
Next	250,000	30%
Next	500,000	40%
Next	1,000,000	50%
Thereafter		60%

Source: Federal Office of Statistics: Annual Digest of Statistics (various years).

Company Income Tax Rate

1 April 1989 – December 1996	45%
1 January 1999 – Date	40%

Small and medium – sized companies (turnover N500,000 and below) engaged in manufacturing, agricultural production and mining of solid minerals are assessed at the rate of 20% for three years from the commencement of business. Existing companies in same category are also entitled to the same relief effective from 1 January 1989 for there years i.e., 1998, 1990 and 1991

Capital gain Tax

	Tax Rate
1 April 1997 to date	35%

Personal income tax allowance reliefs
Up to 31 December 1999
Personal allowance

Earned income level (N)	Allowance (N)
0 – 5,500	600
Above 5,500	Higher 2,400 or 10% of earned income plus N1,200
Wife allowance	500
Children allowance	450 per child up to Maximum of four children
Dependent relative relief	800
Life assurance relief	4,000

1 January 2000 to date
Personal allowance

Earned income level (N)	Allowance (N)
0 – 10,000	5,500

Over 12,000	5,200 plus 25.5% of excess of earned income over 8,000
Wife allowance	500
Children allowance	450 per child up to
maximum of four children	
Dependent relative relief	600
Life assurance relief	5,000 maximum

Source Federal Inland Revenue Services

Discussions of Findings

The analysis has thrown some light on the efficiency of tax administration in Nigeria over the period covered by the study. In general, the results reflect the effect of administrative lags and lapses in the implementation of tax-related policies.

Consequently, there was a lag in the collection as well as remittance of tax proceeds into government coffers. Interestingly, this lapse also applies to import duties where in practice the collection of duties on imports is instantaneous. However, it properly reflects the grace periods allowed for the remittance of company income tax and on petroleum tax and royalties.

The quality of information currently available on tax reforms is constraining in at least two respects. First, it is not possible to assess objectively the net effect of tax burden over time. It was noted that, government's stated intention to move towards a lower tax regime especially on company income tax .work against tax effectiveness. Nevertheless, an objective determination of the net effect of these tax-rule changes and reforms still awaits in-depth research. Second, it is not possible to separate discretionary from non-discretionary tax changes.

The information shown under the structure of tax merely covers some specific periods without any information about the underlying reasons for the changes. Also, the observed stability in tax rates is more apparent than real given the frequent changes experienced in practice.

However, most of the tax reforms focused on tax structure rather than on tax administration geared towards generating more revenue from existing tax sources

Conclusion

Taxation as one of the prominent channels of generating revenue possesses ample advantages and potentials for revenue for Federal, State and Local government councils. Its full potentials have not been realised in the country owing to the haphazard application, profuse change in its structure to mention but a view.

The study concludes that the current revenue profile is sustainable, with little prospect for significant improvement in the short run. It also suggests that a significant reduction in public expenditure and prudent management of financial resources are the most feasible solutions to the problem of unsustainable fiscal deficit in Nigeria.

Various short-comings and constraints relating to the social, political, economic, legal and organisational state of national development have stunted its efficient operational development and growth.

These problems are not insurmountable and a lot can be achieved given the political strong will and embark on effective administration.

Recommendations

Based on the findings of the study the following recommendations are made:

There should be a comprehensive updating of the legal framework for property-based taxes which must provide for:

- An enabling law for the state and each local authority
- Clear definition and allocation of assessment responsibility to the state or local councils.

There should be vigorous public enlightenment. The people who are expected to pay tax must be well informed. They should be educated on what they stand to gain in paying taxes.

Taxes collected, as well as the land-based taxes and any other taxes collected, at any point in time should be judiciously used in providing the expected amenities and infrastructure for the populace

The tax reforms should be intensively focused on tax structure rather than on tax administration as this will gears towards generating more revenue from existing tax sources

A more comprehensive and up-to-date codification of the changes in the tax structure underlying causes would be highly desirable to facilitate applied research on the impact of tax policies on the Nigerian economy.

Also, tax evasion and tax avoidance should be forcefully dispossessed from the tax administration in order to have smooth tax system in Nigeria.

The government should initiate a strategic exercise for identification of property sites and ownership, record-keeping, valuation, assessment, billing and collection, and enforcement as proper documentation provides the headway to the success of property tax system.

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