

Supreme Court judgment and Local Government Autonomy: Utility of Local Government Autonomy in redressing Inordinate Usurpation of Powers of Local Government by the State Government in Nigeria

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Corresponding Author Dr Tyodzer Patrick PILLAH Department of Public Administration, Faculty of Management Sciences, Veritas University of Nigeria, Bwari- Abuja Email: pillahp@veritas.edu.ng Tell: 08036275160 Article History Received: 18 / 04 / 2025 Accepted: 05 / 05 / 2025 Published: 08 / 05 / 2025	Abstract: The quest for local government autonomy in Nigeria has been a recurring issue, which pre-date the country's political independence. The struggle has thrown up various reforms including the 1976 landmark reforms of the local government system in the country aimed at democratizing the local government administration. Despite the reform measures, the states have continued to maintain strong grip of control over local governments including arbitrary dissolution of elected local government councils by state fiat for varying political reasons. This unhealthy development has provoked the concern of this paper to examine the challenges of local government autonomy in the country and the implications for improved performance of local governments at the grassroots. The paper noted that state governments have exploited certain loopholes in the constitutional provisions regarding inter-governmental relations to undermine the autonomy of local governments. Thus, the paper recommended a review of the constitution to address the contradictions that gave room for the abuses by the state governments. This is to guarantee meaningful autonomy for the local governments in the conduct of their affairs through which they could be strengthened to respond effectively to the demands of effective and efficient services delivery at the local level. The thrust of the paper is that autonomy of the councils will ensure the local governments provide people-oriented programmes, which will enable the people at the grassroots to feel the impact of governance. Keywords: Supreme court, judgment, Local Government, Autonomy
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INTRODUCTION

The political necessity to extend the power and presence of government throughout a political system is the primary justification for the establishment of local government. In Nigeria, this compulsive need has inevitably led the government to accept the principle of power sharing and distribution in the country's federal structure. Thus, local government in Nigeria evolved in order to bring into effect the extension and distribution of power within the Nigerian federation. In other words, the basis of local government is inextricably woven around the principles of decentralization. According to Dalhatu (2006), this is an arrangement by which the management of public affairs of a country is shared by the centre and the lower levels of government in a manner that the local government is given reasonable scope to raise funds and use its resources to provide a range of socio-economic services and establish programmes and projects that enhance the wellbeing of those resident within its area of authority.

Decentralization involves the transfer of authority on a geographical basis or devolution. Most countries today, avoid centralization because it inhibits the active political participation of the citizens in the running of their own affairs. Centralization of government may strengthen its power and grip over the people but could also weaken its ability to use that power and possibly erode

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the basis of its legitimacy. It becomes imperative therefore, for an appropriate mechanism for dispersal and at the same time conservation of political power. This underscores the need for decentralization and by extension the justification for the existence of local government. Gboyega (1987) argued that the existence or need for local government can be justified on the basis of its being essential to democratic governance or administrative purposes such as responsiveness, accountability and control. Ola (1984) cited in Adeyemo (2005) amplified this position into different schools of thought with emphasis on the functional responsibilities of local government. These schools are democratic participatory school; the efficient service delivery school; and the developmental school.

The democratic participatory school holds that local government functions to bring about democracy and to afford the citizenry opportunities for political participation as well as to educate and socialize them politically. The efficient service delivery school of thought, on the other hand, stresses that what is important and central to the local government is not the bringing about of democracy perse but rather its ability and capability to provide efficient and effective basic services to the people at the grassroots. The developmental school of thought lays emphasis on how local government in a developing country can be an effective

agent of a better life, an improved means of living socially and economically, and as a means to better share of the national wealth.

Local governments symbolize catalyst of socio-economic and political development in every country of the world. They provide the foundation upon which other structures of governance (state and federal) are created. Local governments are closer than other levels of government to the vast majority of people who inhabit the rural areas. They are thus, in a better position than the state and federal governments to appreciate the real problems of the people and serve as the most effective agents for mobilizing the people for collective energy and resources towards engineering positive social, economic and political development of the country. It is the realization of the importance of local government as a catalyst of development and engine of progress that the paper advocates the autonomy of this tier of government in the conduct of their internal affairs in order to enhance the performance of their traditional role as vehicles of socio-economic and political development at the grassroots.

The history of Nigerian local government system has been characterized by yearnings for democratization and autonomy to enable the local governments assume their socio-economic and political functions of transforming their local communities. This thinking accelerated the demands for the right to participate in local politics. Before the adoption of a uniform local government system in Nigeria following the 1976 Local Government Reforms, issues and problems of local governments were entirely left to the whims and caprices of the regional and later state governments. The regional or state governments, without exception, modified and manipulated local government systems and institutions as they considered expedient. These situations whittle down the power and autonomy of the local government authorities.

With the 1976 Local Government Reforms, there has been improvement in the degree of autonomy granted to the local governments in principle. The government guarantees the statutory nature of local government by embodying it in the 1979 constitution wherein Section 7(1) of the constitution states that: The system of democratically elected local government councils is under this constitution guaranteed (FGN, 1979). According to Adeyemo (2005), despite the inclusion of this provision in the constitution, successive administrations in the country have undermined the so-called autonomy of the local governments. This paper is thus, an interrogation of the challenges of practicing an enduring autonomy in the Nigerian local government system vis-à-vis concerted efforts since the 1976 Local Government Reforms to concretize some degrees of autonomy in the local government administration. The paper is divided into four parts. Part one is a theoretical consideration of the two key concepts in the paper – local government and local government autonomy. Part two discusses the inherent contradictions in the stated intentions of the 1976 local government reforms and constitutional provisions, which posed challenges for local government autonomy in the country. Part three contains some observations and broad recommendations on the way forward towards evolving an autonomous result-oriented local government system in Nigeria. Part four and last, is the conclusion, which states the position taken by the paper, bordering essentially on the need to thrash out all obstacles to local government autonomy in order to enhance the performance of local governments in effective and efficient services delivery at the grassroots level.

OPERATIONAL CLARIFICATION OF TERMS

A research work of this nature cannot successfully be dealt with, without an adequate definition of the key concepts adopted. Because of this, we shall operationalize the following concepts:

- **Autonomy:** The concept of autonomy within the context of local government administration is the elbowroom and freedom of the local government to make decisions within the powers and functions to it by law within its sphere of influence. This simply implies the enjoyment of self-governing status. In other words, it refers to the right or freedom of a body to set the parameters of its operations.
- **Constitution:** A constitution is a body of rules and regulations that regulates the activities of the government of a state, an institution, or an organization. It is an agreed set of rules prescribing the organization of the government of a country.
- **Democracy:** The word “democracy” when translated means people’s power giving to the people. Consequently, when one talks of democracy in government, he refers to a system, which gives the power of governing the people to the people concerned. By extension, therefore, a democratic local government system is that which transfers the powers of governing the local people from any higher tier of external government to the local people themselves through their representative in the local councils.
- **Local government autonomy:** Local government autonomy loosely refers to the degree of freedom accorded the third tier of government concerning legal, administrative, and financial independence within constitutional limits. That is, the freedom to perform specific functions without reference, from the legal point of view to any other level of government.
- **Tier:** This is one of the several levels in an organization or system of government. In this context, it refers to the third tier of government (local government).

SCOPE OF THE STUDY

Abuja Municipal Area Council (AMAC), an urban area and Abaji Area Council, a rural area of Federal Capital Territory of Nigeria are chosen as the scope of study for this research. This is to make a comparative study of revenue generation and service delivery between urban and rural area councils. The justification for the timeframe 2008-2013, was as a result of increases in Nigeria local government revenue to enhance local government services. To what extent has the revenue sources affected service delivery in AMAC and Abaji area councils? Specifically, the study examined internal and external sources of revenue generation and aspects of the services delivery such as: Primary Health Care (PHC) and environmental sanitation services of both municipalities. The researcher decided to use the two area councils for this study because physically, the pace and level of positive transformation in Abuja Municipal is high to compare with any other area council within the Federal Capital Territory. Moreover, limitation of the study was having access to secondary data in Abaji area council, interview with the chairmen of AMAC and Abaji Area Councils and financial constraint to carry out the study.

REVIEW OF RELATED LITERATURES

Conceptual clarification

LOCAL GOVERNMENT

There exist some degrees of consensus among scholars on the meaning of local government, though few definitions differ based on different socio-cultural and political environments of scholars. According to Okunade (1985), local government is essentially a form of devolution as opposed to deconcentration, both being types of decentralization. Local government as a form of devolution involves the legal conferring of powers to discharge specified or residual functions upon formally constituted authorities. The United Nations Office (UNO) for Public Administration cited in Okunade (1985), defined local government as: ... a political sub-division of a nation (or in a federal system a state), which is constituted by law and has substantial control of local affairs including the power to impose taxes or to exert labour for prescribed purposes. The governing body of such an entity is elected or otherwise locally selected.

Robson (1949) defines local government as a territorial non-sovereign community possessing the legal rights and the necessary organization to regulate its own affairs. Awa (1981) sees local government as a political authority setup by a nation or state as a subordinate authority for the purpose of dispersing or decentralizing political power. Wraith (1984) defines local government as the act of decentralizing power, which may take the form of deconcentration or devolution. Deconcentration involves delegation of authority to field units of the same department and devolution on the other hand refers to a transfer of authority to local government units or statutory bodies e.g. Commission, Board, etc. From this perspective, Wraith (1984) stressed that local government is a lesser power in the national polity. It is an administrative agency through which control and authority relate to the people at the grassroots level or periphery.

According to Emezi (1984), local government is a system of local administration under local communities that are organized to maintain law and order, provide some limited range of social amenities, and encourage co-operation and participation of inhabitants towards the improvement of their conditions of living. Local governments provide their communities with formal organizational framework, which enables them to conduct their affairs effectively for the general good. In essence, the conceptual view of local government is basically a function of space and time. For instance, during the colonial period, native administration was primarily established for the maintenance of law and order. With the emergence of independence, the emphasis shifted from enforcement of law and order to provision of social services.

Thus, the Guidelines for the 1976 Local Government Reforms defined local government as: Government at local level exercised through representative councils established by law to exercise specific powers within defined areas. These powers should give the council substantial control over local affairs as well as the staff and institutional and financial power to initiate and direct the provision of services and to determine and implement projects so as to complement the activities of the state and federal governments in their areas, and to ensure through devolution of functions to these councils and through the active participation of the people and their traditional institutions, that local initiatives and responses to local needs and conditions are maximized (FGN, 1976).

Arising from these conceptual views, the 1976 Local Government Reforms stated the primary objectives of local government as follows:

- To make appropriate services and development activities responsive to local wishes and initiatives by devolving or delegating them to local representative body;
- To facilitate the exercise of democratic self-government close to the grassroots level of our society, and to encourage initiatives and leadership potentials;
- To mobilize human and material resources through the involvement of members of the public in their local development; and
- To provide a two-way channel of communication between local communities and government (both state and federal) (FGN, 1976).

The 1976 Local Government Reforms sought to make local government in Nigeria the bedrock of national politics. In this wise, H. V. Akpan in Adeyemo (2005) sees local government as the breaking down of a country into smaller units or localities for the purpose of administration in which the inhabitants of the different units or localities concerned play a direct and full part through their elected representatives, who exercise power or undertake functions under the general authority of the national government. This presupposes that local government exists in such a place where elections take place as and when due to enable the people have a direct or indirect participation in matters that concern them. It also commutes decentralization of power or authority. Thus, local government has some defining characteristics, which include operating in a restricted area within a nation or state; elected or non-elected representatives; and a measure of autonomy, including the power of taxation. This means that local government is a system of local authority created by law having a defined territory, and a reasonable degree of autonomy for carrying out its functions. It is the closest level of government to the people at the local level.

LOCAL GOVERNMENT AUTONOMY

The conceptual interpretation of the term “local government autonomy” is perceived as local selfgovernment or grassroots democracy (Adeyemo, 2005). Grassroots democracy is primarily aimed at giving the vast majority of the people the fullest opportunity to participate in determining their own destiny. Nwabueze (1983) noted that autonomy under a federal system means that each government enjoys a separate existence and independence from the control of the other governments. In other words, it is an autonomy, which requires not just the legal and physical existence of an apparatus of government like a legislative assembly, the executive, the judiciary, etc but each tier of government must exist not as an appendage of another. Every level of government, federal, state and local government, must exist as an autonomous entity in the sense of being able to exercise its own will in the conduct of its affairs free from direction of another level of government. Nwabueze (1983) asserted that autonomy would only be meaningful in a situation where each level of government is not constitutionally bound to accept dictates or directives from another. He stressed that the autonomy of local government under a federal system means that:

Each government enjoys a separate existence and independence from the control of the other governments. It is an autonomy, which requires not just the legal and physical existence of an apparatus of government like a legislative assembly, governor or court, but that each government must exist not as an appendage of another government but as autonomous entity in the

sense of being able to exercise its own will in the conduct of local affairs.

This means that autonomy would only be meaningful if and where each level of government is not bound by the constitution to accept dictates or directives from another. According to the Centre for Democratic Studies, Abuja in Adeyemo (2005), local government autonomy refers to the relative discretion, which local governments enjoy in regulating their own affairs. That is, the extent to which local governments is free from the control of state and federal governments in the management of local affairs.

Davey (1991) argued that local government autonomy is primarily concerned with the question of responsibilities, resources and discretion conferred on the local authorities. It is thus, presumed that local government must possess the power to take decisions over its internal affairs independent of external control within the limits of power laid down by the law. Similarly, local governments must garner sufficient resources particularly of finance to meet their responsibilities. However, it is obvious that there cannot be absolute autonomy or absolute local self-government within a sovereign state. If local governments were completely autonomous, they would be sovereign states. Thus, local government autonomy in the context of the Nigerian state simply means the relative independence of local government from control by both the state and federal governments.

Odoh (1991) defines autonomy in the context of local government administration as the ability and capacity of local governments to act towards defined goals. Indeed, local government autonomy refers to the relative discretion, which local governments enjoy in regulating their own affairs. The goal-value of local self-government is to give the majority of the people the opportunity to participate in the political process in which they determine their own development. However, there cannot be absolute local government autonomy due to the interdependence of the three tiers of government. Thus, local government autonomy connotes relative independence of local government from state and federal governments control over matters of grassroots governance. Though, local government is said to be non-sovereign that does not preclude autonomy in its sphere of authority. The issue of autonomy is therefore, fundamental to the efficiency and effectiveness of the local government in its service delivery functions at the grassroots.

Financial autonomy

Another finding from our study is that finance is a major problem confronting local governments especially in developing countries like Nigeria. There is a doubt that the ability of the local governments to perform their constitutionally assigned functions depends on the funds available to them.

The view that section (1) sub-section (8, 9, and 10) of the Decree subordinated the financial fortunes of the local government to the full glare and, sometimes scrutiny of the state government. Even though the statutory allocations due to the local government councils were paid to them directly, the mere fact that both the National and State Assemblies should by the provisions of section 1 (8a and B), make provisions for statutory allocations of public revenue to the local government councils within the state, was limiting factor.

Section 1 (a) of the Decree, as well as section 34A, as amended provided for an Auditor-General for the local government of a state, who should be appointed by the Governor of the state, to

audit annually the accounts of the local government, and the report thereof should be laid before the House of Assembly of the state. Section 1 (a) stated that "subject to the provisions of part I to IV of this Decree, the House of Assembly of state, shall enact a law providing for the structure, composition, revenue, expenditure and other financial matters, staff meeting and other relevant matters for the local governments in the state. From the stipulations of this constitution oral provision, local government councils cannot claim to be autonomous, especially in the area of finance.

However, going back to item No 12 in respect to state interference in the local government autonomy. The mean score is 3.52. So we accept that state interference in local affairs contributes to a lack of local government autonomy.

Personnel autonomy

An institution claims to be autonomous where it can hire and fire its personnel. In the case of the local government, it is the state government that sets up the local government service commission and appoints its members.

Sections 29 to 33 provided for the existence and functions of a local government service commission. The main functions of the commission included the following:

- To set up general and uniform guidelines for appointments, promotions, and discipline,
- To monitor the activities of each local government to ensure that the guidelines are strictly and uniformly adhered to, and
- To serve as a review body for all petitions from local governments in respect of appointments, promotions, and discipline.

In addition to the personnel functions of the local government service commission, there were also the provisions of sections 34 and 34A, as amended by Decree No 25 of 1990, on the removal of the chairman or vice-chairman of a local government council.

It is obvious that local governments, especially in developing countries such as Nigeria, face several personnel problems, which militate against the effective performance of their functions. One such problem is the politicization of recruitment, selection, and placement. This problem has been noted by for instance, that at the inception of the democratic local government system in the former Eastern region of Nigeria in 1950, early recruits into the local government service were mainly "sons -of-the -soil", party stalwarts, or relations of counselors. As rightly stated, recruitment practices based on patronage, have created problems and redundancy in local governments where stern measures like termination of appointment and suspension of staff are rarely contemplated.

Furthermore, most chairman, caretaker committee members, and sole Administrators recruit and place their relations, friends, and political sympathizers or party members without due regard to rules and regulation or in keeping with manpower requirements.

Another important personnel problem of local governments is with regards to staff training; it is observable that most staff sent for training were hand-picked by members of the local government service commission (LGSC) without any training need assessment. The politicians select their chums and make them benefit from the training the local government does not need. This also applies to

workshops and seminars. A seminar for local governments is always turned into a jamboree.

CONCEPTUAL FRAMEWORK

LOCAL GOVERNMENT AUTONOMY IN HISTORICAL PERSPECTIVE

The struggle for local government autonomy in Nigeria has been a perennial problem, way back to the colonial period. In the 1950s for example, various reforms such as the Northern Nigeria local government law; the Western and Eastern Nigeria local government laws of 1954 respectively, predicated at democratizing local government administration were initiated by the regional governments. However, despite these attempts, the regions had overwhelming control over local governments. This had remained the pattern up to 1976 when the nation-wide local government reforms was introduced. Thus, in the forward to the Federal Government Guidelines for the 1976 Local Government Reforms, it was remarked that the state governments had continued to encroach upon what would have been the exclusive preserve of local governments. The 1976 Local Government Reforms bestowed on the local governments the power of grassroots governance and local governments were formally recognized as the third tier of government in Nigeria. This was subsequently embodied in the 1979 constitution. Despite this statutory provision, successive administrations in the country have continued to undermine the autonomy of the local governments.

Paradoxically, military regimes have tried more to give local governments their rightful position through the revitalization and restructuring of the local government system in the country. For instance, the scrapping of the state ministries of local government throughout the country consequent upon the recommendation of the 1988 Dasuki Report on local government under Babangida Military government, led to the removal of the political control and bureaucratic red-tapism created by the ministries in the functional performance of local governments. Also, the election into the local government councils in December, 1987 was an attempt to restore democracy to the grassroots since the last election into the local councils in 1976 expired in December, 1979. Other efforts made by the Military towards local government autonomy were the approved scheme of service for local government employees in 1988; the direct disbursement of funds to local governments to forestall the hijacking of funds of local governments by state governments; as well as the increased statutory allocation to local governments from 10-15% in 1990; and from 15-20% in 1992(Otu, 2001).

These measures were to enhance financial autonomy and regular sources of revenue and by implication, the viability of local governments in Nigeria. To address the executive capacity of the local governments, three federal universities were designated for the training of middle and upper level manpower for the local governments. The three Universities were Ahmadu Bello University, Zaria; Obafemi Awolowo University, Ile-Ife; and University of Nigeria, Nsukka. The Federal Government made substantial amount of money as grants to these universities. This was to improve the performance of local government councils across the country through human capacity building for enhanced autonomy of the local governments.

ISSUES FOR DISCUSSION IN LOCAL GOVERNMENT AUTONOMY SUPREME COURT DECISIONS

SYNOPSIS OF THE SUPREME COURT'S DECISION

In a landmark decision delivered by the Supreme Court of Nigeria (the "Court") on July 11, 2024, in the case of **Attorney General of the Federation v. Attorney General of Abia State & 35 Ors** (the "Decision"), the Court reinforced the autonomy of Local Governments in Nigeria, affirming their status as a distinct third tier of government. This significant judgment addressed crucial constitutional issues surrounding the financial independence of Local Governments.

The Decision arose from an Originating Summons filed by the Federal Government of Nigeria ("FGN") through the Attorney General of the Federation ("AGF"). The Originating Summons sought to determine several key questions, including whether it was constitutional for State Governors to withhold funds allocated to Local Governments from the Federation Account, and whether Local Governments are entitled to direct payments from the Federation Account given the persistent failure of State Governments to disburse these funds. The Decision upheld the principle that Local Governments are constitutionally entitled to receive their share of funds directly, reinforcing their financial autonomy and independent role within Nigeria's federal structure.

In its considered and purposive decision, the Court upheld the arguments presented by the AGF and concluded that:

- The retention and use of funds allocated to Local Governments from the Federation Account by State Governments is both unconstitutional and illegal and contravenes the principles intended to ensure that these funds benefit the Local Governments directly;
- The FGN has the authority to make direct payments of allocations to Local Governments from the Federation Account, but these payments can also be made through State Governments, provided that the funds are fully and promptly transferred to the Local Governments;
- Under Section 7(1) of the Constitution, Local Governments are recognized as the third tier of Government and the leadership of Local Governments must be independent and democratically elected.

In response to the Defendants' argument—presented by the Attorneys General of the States—that Section 162(5) of the Constitution mandates that funds from the Federation Account be paid to States for the benefit of Local Governments, the Court applied a purposive interpretation of this provision. The Court reasoned that the fundamental aim of the law is to ensure that funds allocated to Local Governments reach them. By applying the mischief rule of interpretation, the Court considered historical constitutional provisions that allowed direct payments to Local Governments from the Federation Account. It also noted that the shift in practice, as seen in the current Constitution, was intended to address logistical challenges and reduce the costs associated with Local Government officials traveling to Abuja for fund collection.

In light of its reasoning, the Court directed the FGN to ensure that funds allocated to Local Governments are paid directly into the accounts of democratically elected Local Government Councils. The Decision underscores the necessity of preserving the financial autonomy and operational effectiveness of Local Governments within Nigeria's federal structure.

FISCAL IMPLICATIONS OF THE DECISION FOR LOCAL GOVERNMENTS

Direct Payment from the Federal Account Allocation Committee (“FAAC”)

The Revenue Mobilization Allocation and Fiscal Commission (“RMAFC”) is the federal agency responsible for overseeing the revenues accruing to the Federation Account and ensuring their equitable distribution. RMAFC, through FAAC, manages the allocation of federal revenue to various levels of government. According to the Decision, RMAFC will now be responsible for directly distributing federal revenue to all 36 States and 774 Local Governments in Nigeria each month.

The Decision marks a significant shift with several important implications. First, the direct payment mechanism will reinforce government policies at the local level, allowing Local Governments to have greater control over their financial resources. This change is expected to foster the development of more effective structures within the Local Governments for managing and utilizing the funds allocated to them.

Additionally, the Decision will facilitate the delivery of essential services and infrastructure, such as healthcare and public utilities, directly benefiting local communities. By bypassing State Governments in the disbursement process, Local Governments will be better positioned to ensure that the benefits of federal allocations reach their intended recipients promptly and efficiently.

Furthermore, the Decision will reduce the reliance of Local Governments on State Governments, thus promoting greater financial autonomy. This shift is likely to enhance the operational independence of Local Governments, enabling them to function more effectively and respond more directly to the needs of their communities.

Revenue Generation

As a distinct third tier of government, Local Governments are empowered to collect various types of taxes to fund their operations and provide services to their communities. The specific taxes that Local Governments are authorized to collect are detailed in Part III of the Schedule to the Taxes and Levies (Approved List for Collection) Act, LFN 2004. These include:

- Shops and Kiosks Rates
- Tenement Rates
- Slaughter Slab Fees
- Marriage, Birth, and Death Registration Fees
- Naming of Street Registration Fees
- Right of Occupancy Fees on Lands in Rural Areas
- Market Taxes and Levies
- Motor Park Levies
- Wrong Parking Charges
- Signboard and Advertisement Permit Fees, etc.

In light of the Decision, Local Governments will now have the authority to collect and manage these taxes independently, without having to remit them to State coffers. This newfound autonomy means that Local Governments can directly utilize the funds they generate to address local needs and implement community projects. Additionally, this change will reduce undue interference from State Governments, allowing Local Governments to operate with greater financial independence and efficiency. This increased control over revenue generation and expenditure will enable Local Governments to better serve their communities and enhance local development.

THE FUTURE HOLD ON THE ACTUALIZATION OF “TRUE AUTONOMY”

With the Supreme Court Decision in the above case, the 774 Local Governments in Nigeria are now better positioned to enjoy the benefits of fiscal autonomy. This would allow the Local Governments to generate and manage their own revenue, which has the multiplier effect of enhancing their financial independence and reducing reliance on State allocations. That said, as laudable as the Decision clearly is, unless Local Governments urgently put in place clear-cut and functional mechanisms for the generation and management of their revenue, the actualization of true fiscal autonomy may remain a mirage. To that end, it may be useful for the Local Governments to entrench strengthened legal frameworks and governance policies in their practices and procedures to reduce the instances of abuse and ensure that the benefits of a truly fiscally autonomous third tier of government are attained. If Local Governments can effectively manage their finances, they would have strategically positioned themselves to effectively fulfill their constitutional responsibilities and improve the quality of life of their constituents.

Be that as it may, there still exists the lingering issue of how these Local Governments would repay any debts that may have accrued to various State Governments. In order not to stifle their new-found fiscal autonomy, it would be useful for the Local Governments that are indebted to their respective State Governments to devise pragmatic approaches to repay any debt owed to the State Government. To address the issue of owed funds, Local Governments may need to engage in negotiations with their respective State Governments to establish clear repayment schedules and mechanisms. This may entail the affected Local Governments authorizing the RMAFC to deduct a percentage of their monthly allocation as a first line charge and remitting same to the State Governments until the liquidation of the indebtedness of the affected Local Government. Furthermore, the indebted Local Governments may devise a collection mechanism wherein a percentage of the taxes and rates collected by the Local Governments are directly remitted to the coffers of the State Governments in satisfaction of their indebtedness to the State Governments.

It is also necessary to comment on the discontentment that some State Governments and interest groups have expressed with regard to the Decision. In Oyo State for example, the 33 Local Government Chairmen have withdrawn from the Association of Local Governments of Nigeria (“ALGON”) in protest of the Decision. This withdrawal from ALGON, is ostensibly in support of the Oyo State governor, Governor Seyi Makinde, who had previously rejected the Decision. While it is conceded that it is within the realm of freedom of expression as enshrined in the Constitution, for individuals and interest groups to comment on the decisions of the courts, the stance of the 33 council chairmen of Oyo State in rejecting the Decision is a flagrant disregard to the Constitution. Rejecting the Decision undermines the lawful authority established by the Constitution. No Nigerian (whether as an individual or an association) has the prerogative to reject any decision of the Supreme Court of Nigeria. The decisions of the Court remain sacrosanct and final. This challenge of the Court’s authority must be seen as an affront to the nation and resisted through all legal means. Allowing such actions to persist would set a dangerous precedent and jeopardize our progress in strengthening democratic institutions.

For the past two decades, funds allocated to States of the Federation ("States") and Local Governments from the Federation Account are deposited into a joint account intended for both levels of government. According to Section 162 of the Constitution of the Federal Republic of Nigeria 1999 (the "Constitution"), each Local Government is supposed to receive its rightful share from this account. However, many State Governors have deviated from this system by either withholding these funds entirely or disbursing only a portion. This practice has caused significant hardship for citizens who are deprived of the benefits and services that democracy at the grassroots level should provide.

In addition to withholding funds, some State Governors have unconstitutionally removed democratically elected Local Government Chairmen and replaced them with "Caretaker Committee Chairmen" who are often more accountable to the Governors than to the local populace. This undermines democratic governance and severely disrupts the functioning of Local Governments. Consequently, many of Nigeria's 774 Local Governments have been rendered ineffective, failing to serve their communities and fulfill their intended roles.

THE SEARCH FOR AUTONOMY AND LOCAL GOVERNMENTS OPERATIONS IN NIGERIA

As earlier highlighted, the concept of autonomy and its application has been a subject of debate among scholars (Awortu, 2013; Obikeze & Obi, 2004; Obikeze & Nnamdi, 2010:58). Three contending perspectives have emerged on local government autonomy as: the perspective interprets local government autonomy to mean independence from the interference of state government in the activities of local government; the Second perspective perceives local government autonomy as the non-interference of the federal government in the activities of local governments; and the third perspective maintains that local government autonomy means independence from both state and federal governments interference in the activities of local councils (Akpan & Ekanem, 2013).

On the same note, Nchuchuwe (2014:13-18) observes that the connotations underpin of the term autonomy are a major source of confusion which scholars of local government administration have severally attempted to clarify. Just as Nwabueze (1983) opines that autonomy in a federal system means that each government enjoys a separate existence and independence from the control of another government. For clarity, local government autonomy means the supremacy of bye-laws made by a local body within a framework determined by the central and state government. The will of the local government as expressed by the bye-laws is supreme of national guideline. In line with the provision above, section 7(3) maintains that „it shall be a duty of local government council within the state to participate in economic planning and development of the area referred to in subsection (2) of this Section and to this end and economic planning board shall be established by a law enacted by the House of Assembly of the State.“

The search for autonomy and the efforts of local governments to free themselves from different forms of undue control has been one of the major problems facing local government in Nigeria to date. There has been controversy over the years on the issue of autonomy and how it affects local governments in Nigeria. This struggle for autonomy by the local governments" dates back to the colonial period when local government administration was exclusively in the hands of the colonial administration. It was the issue of autonomy and control,

which was seen as one of the greatest problems of local administration in Nigeria, which necessitated the various reforms carried out in Nigeria (Aworawo & Akpan, 2003). Throughout Nigeria's postcolonial political history, local governments never operated independent of both the state and federal governments, this is the crux of local government autonomy.

The search for this kind of local government system has been a mirage (Ali & Mohammed, 2018:115; Amah, 2018). In understanding local government autonomy there are three historical perspectives of: the first will be the period from 1950-1983; from 1983-1999; and from mid-1999 to date (2024). In the 1950's local government became a mere appendage of the three (North, East and West) and later four (East, West, North and the Mid-West from August, 1963) Regional Governments. Even though, the 1976 Local Government Reforms recognized local government as a separate tier of government in the country, local governments during this period were left to the whims and caprices of their respective states" governments. Earlier between 1950 and 1952, the Regional Governments, through their respective Houses of Assembly enacted the Local Government Ordinance, which formerly abolished the hitherto antiquated Native Authority (NA) System and subsequently instituted a radically different local government system in the Regions.

The period between 1950 and 1983 witnessed the abandonment of the promotion of local autonomy. In the 1950s, local government recognized local governance as mere appendage of the central government. Though, local government used to exercise limitless powers over their budgets, expenditure and personnel. However, the Ministry of Local Governments enacted bye-laws to regulate and control their operations. Later, their relative autonomy was further eroded through the ruling party at the centre, which determines the membership composition of the councils. By 1966 when the military took over the reins of power, a more centralized (unitary) command structure characteristic of the military further worsened the struggles of local governments for autonomy until 1976 when the Reforms gave local governments a new lease of life. Precisely, between 1960 and 1975, local governments were mere administrative extensions of the central government (Oladoyin, 2008).

It was after the 1976 Local Government Reforms that some dominant issues in local government autonomy could be easily appreciated. These include the setting up of Representative Councils, determination of population size of local governments, and direct allocation of funds to local governments. As a result, local government became very prominent in political discourse of Nigeria since 1976. As noted by Bello-Imam and Uga (2004), two critical factors were responsible for this development. First, the 1976 nationwide Local Government Reforms unequivocally recognized the tier of government as a distinct level of government with defined boundaries, clearly stated functions and provisions for ensuring adequate human and financial resources and at the same time imposed a nation-wide uniformity for all the units of local government within practical limits.

Second and related to the above, by deciding to recognize local government as the third tier of government activity in the nation and allowing (at least theoretically) that local governments should do precisely what the word government implies - that is governing at the grass root or local level. The year 1976 became the first time in the history of Nigeria that local government units were regarded as separate unit of government with constitutional status, power and financial standing, irrespective of the fact that the

state governments were to ensure their existence and provide for their structure, composition, finance and functions. In addition, the 1976 Local Government Reforms provided some dominant issues in local government autonomy, including setting up of Representative Councils, determination of population size of local governments, direct allocation of funds to local governments and review of personnel administration.

However, all the efforts in 1976 to practically recognize local government as a tier of government were futile; local governments' administration still practically remained appendages of states and federal governments. Despite the constitutional elasticity provided for local government system beginning with the 1979 Constitution and the subsequent ones that defined their functions and sources of funding, local governments have not been able to extricate themselves from the strings of state and federal governments in Nigeria (Osaghae cited in Nchuchuwe, 2014:13-18). The higher levels (states and the federal) of government interfere in their operations in ways that undermine their true autonomy. It is important to note that with the exception of the General Babangida's administration (1985-1993), all other Reforms were made with respect to local government system over the years consistently decreased local government autonomy and increased the interferences of both federal and state governments in their activities. The Babangida administration as earlier stated,

Introduced direct federal allocation to local government, abolished the Ministry of local government and established executive and legislative arms in local government. Another area of interest in local government autonomy has to do with finances (Adedeji, 2023).

The Constitution empowers the states to scrutinise and approve local government budgets and expenditure through the States Houses of Assembly (Ogunnubi, 2016; Nwogwugwu & Olusesi, 2015). The issue of State Local government Joint Account has been a thorny issue in local government state relationship in the post 1999 political era. This situation also brought to the fore the question of whether the Nigerian local government are truly autonomous. The experience with many local governments was their starvation of funds from their statutory allocation by their respective states. Thus, denying them of rendering essential services as required (Asaju, 2010). The issue of autonomy has to do with the local government, beyond mere constitutional provision that would be organised as the third tier of government, with power to regulate, to spend and provide services. However, experience and empirical evidences have shown that financial autonomy of local government is non-existent in Nigeria (Mohammed & Aisha, 2020; Amah, 2018; Ali & Mohammed, 2018; Asaju, 2010; Umezurike & Ogunnubi, 2016; Nwogwugwu & Olusesi, 2015).

The practically non-autonomous status of the local government as a third tier of government is further buttressed by the fact there are no express constitutional provisions restricting the powers of the State House of Assembly to prescribe the organizational structure of a local government in terms of its functionaries to with respect to the Chairman, Deputy Chairman, Secretary, Treasurer and Supervisory Councillors, among others etc. These officers and their offices, qualifications and tenure are not established or prescribed by the Constitution, but are created and manipulated by the laws of the States Governments.

FINANCIAL AUTONOMY: EXAMINING THE FUNCTIONS OF LOCAL GOVERNMENT COUNCILS UNDER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (AS AMENDED)

In the governance structure, local governments are often seen as the closest link between government and its citizens, acting as the primary interface for essential public services. Section 7 of the 1999 Constitution of the Federal Republic of Nigeria (as amended) guarantees the existence of the local government. It prescribes the structure, composition, finance and functions of local government councils. However, their effectiveness hinges significantly on one crucial factor: financial autonomy. The financial autonomy of local governments is more of a myth than a reality in Nigeria. It is anticipated that the recent Supreme Court judgement in the case brought by the Attorney General of the Federation against the 36 states of Nigeria will reinforce the principles of true fiscal federalism, which emphasises that power and resources should be equitably distributed across various government levels, to ensure that governance is both efficient and effective. The Supreme Court in its judgement of Thursday, 11th July 2024 in **AG Federation v AG Abia State and Ors** decided that the LGAs can now directly receive their allocations from the federation account.

Going by the functions of the local government set out in the fourth schedule of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), it becomes evident that the local government councils were typically created to be responsive, accountable and serve as engines of economic growth and social development. To examine how the various functions of the local government contribute to economic growth at the grassroots and national levels, each provision will be analysed in the context of local government financial autonomy.

Functions:

Consideration and making of recommendations to State commission on economic planning or similar body:

Paragraph 1(a) of the fourth schedule to the 1999 Constitution underscores the role of local governments in contributing to economic development within their jurisdictions. Local governments are tasked with making recommendations to the State Commission on Economic Planning regarding the state's economic growth, particularly in areas where the council and the state intersect. This responsibility necessitates local governments having the financial capacity to contribute meaningfully to such discussions and initiatives as they are positioned to understand better local needs and priorities, such as investing in infrastructure projects, supporting local businesses, and promoting employment opportunities tailored to local conditions. This can lead to effective and responsive economic planning, ultimately contributing to overall economic growth.

Collection of rates, radio and television licenses:

Paragraph 1(b) of the fourth schedule to the 1999 Constitution provides that local governments are responsible for collecting rates and fees such as radio and television licenses. Effective collection and management of these revenues require financial autonomy, enabling local governments to design and implement efficient collection systems. This will further enable local governments to fund their operations and deliver essential services without undue reliance on state or federal allocations. Efficient revenue collection and management leads to development in rural areas and more so, ensuring fiscal discipline and accountability at the local level.

Establishment and maintenance of cemeteries, burial grounds, and homes for the destitute or infirm:

Paragraph 1(c) of the fourth schedule to the 1999 Constitution provides for the establishment and maintenance of cemeteries, burial grounds, and homes for the destitute or infirm are also listed as part of the functions of local government. Local governments can now allocate resources adequately and maintain these services without undue delay or dependency on state allocations. By extension, their functions could include improving healthcare facilities, providing social housing, and ensuring dignified burials, thereby enhancing the quality of life for residents and promoting social stability.

Licensing of bicycles, trucks (other than mechanically propelled trucks), canoes, wheel barrows, and carts:

Paragraph 1(d) of the fourth schedule to the 1999 Constitution places the responsibility of licensing non-mechanically propelled vehicles like bicycles, canoes, wheelbarrows, and carts falls within the purview of local governments. Licensing fees generated from these modes of transportation and equipment represent a potential revenue source for local governments. While the revenue generated from these facets can be reinvested into transportation infrastructure, improving mobility and facilitating trade and commerce at the local level, the administrators must ease the licensing framework to ensure citizens are adequately served.

Establishment, maintenance, and regulation of slaughterhouses, slaughter slabs, markets, motor parks, and public conveniences:

Going by the provisions of paragraph 1(e) of the fourth schedule to the 1999 Constitution, local governments play a crucial role in regulating public amenities and markets to ensure health, safety, and environmental standards. With financial autonomy, local governments will be better positioned to invest in modernising facilities, enforcing regulations, and improving sanitation standards. This will improve public health outcomes, attract investment in local markets, and promote tourism and trade activities. Strengthening these sectors can lead to economic growth by creating a conducive environment for business activities and improving the overall quality of life for residents.

Construction and Maintenance of Roads, Streets, and Public Highways

Paragraph 1 (f) of the fourth schedule to the 1999 Constitution empowers LGAs to construct and maintain roads, streets, street lighting, drains, parks, gardens, open spaces, and other public facilities as the House of Assembly of a State prescribes. LGAs can prioritise and execute these infrastructural projects without the delays typically caused by state-level bureaucracy. Direct access to funds will enable timely and efficient completion of projects, ensuring that roads, streets, and other public highways are well-constructed and maintained. Enhanced infrastructure will facilitate smoother logistics and transportation, boosting local commerce and economic activities.

Naming of Roads and Streets and Numbering of Houses

Paragraph 1 (g) of the fourth schedule to the 1999 Constitution empowers Local Government Areas (LGAs) to name roads and streets and the numbering of houses. LGAs can efficiently manage rural and urban planning activities, crucial for navigation, delivery services, and emergency response. We can compare the system to the UK, where local councils manage street naming and numbering, supporting effective urban management. Also, the local councils can ensure that naming conventions reflect

local heritage and preferences, fostering a sense of community identity. This local control over urban planning can significantly enhance the functionality of towns and cities, contributing to a more organised and cohesive environment.

Provision and Maintenance of Public Conveniences, Sewage, and Refuse Disposal:

Paragraph 1 (h) of the fourth schedule to the 1999 Constitution mandates LGAs to provide and maintain public conveniences, sewage, and refuse disposal services.

Waste disposal has been a concern in Nigeria and while the states have been managing this through their various Waste Management Agencies, there has been little improvement. It is crucial for LGAs to recognise their role and invest in and improve sanitation services, leading to healthier and cleaner communities. A decentralised approach to sanitation services, where local authorities have significant control, has resulted in high public health standards and environmental sustainability in developed countries. Efficient sewage and waste management reduce the incidence of communicable diseases, improving public health outcomes. Financial autonomy would provide LGAs access to resources for implementation of sustainable waste management practices, such as recycling programmes. These improvements can significantly enhance the quality of life for residents.

Registration of Births, Deaths, and Marriages

Paragraph 1 (I) of the fourth schedule to the 1999 Constitution includes the responsibility of LGAs to register births, deaths, and marriages.

The LGAs would now be better positioned to document births, deaths and marriages which would support effective governance and planning. Reliable registration data is crucial for demographic planning, resource allocation, and the provision of social services. Proper registration supports individual access to services, such as education and healthcare and there is no better authority to handle this than the grassroots government. With this, key government bodies including the Nigeria Population Commission and Nigerian Bureau of Statistics should be able to obtain reliable data to drive growth and development.

Assessment and Levying of Rates on Privately Owned Houses or Tenements

Paragraph 1 (j) of the fourth schedule to the 1999 Constitution permits LGAs to assess privately owned houses or tenements for the purpose of levying rates.

This would enable the LGAs to effectively assess and levy property rates and increase their revenue base. Increased revenue would enable LGAs to fund local development projects. A stable revenue stream from property rates supports consistent funding for essential services and infrastructure, promoting long-term economic stability and growth. LGAs independence would empower them to make strategic investments that can lead to local economic development and improve the quality of life for residents.

Regulatory and Control Functions of Local Governments

Paragraph 1(K) provides for the functions of Local Governments to include control and regulation of:

- out-door advertising and hoarding;

- movement and keeping of pets of all description;
- shops and kiosks;
- restaurants, bakeries and other places for sale of food to public
- laundries; and
- licensing, regulations and control of the sale of liquor.

Effective regulation and control of the above items would promote public well-being, ensure public safety, and maintain an orderly community, further enhancing development. The availability of financial resources at the Local Government level would also ensure safe food for all and prevent health hazards.

LGAs' Licensing and regulatory functions can generate revenue through fees and taxes. The funds generated can be used to improve infrastructural development and community services. It is worthy of note that LGAs, in exercising their powers, must enable the ease of doing business to foster business growth.

Paragraph 2 of the Fourth Schedule of the Constitution of the Federal Republic of Nigeria, 1999, provides additional functions for Local Government Councils, which include the participation of such council in the Government of a State concerning the following matters:

Provision and maintenance of primary, adult and vocational education;

In 2023, UNICEF reported that 75% of children aged 7-14 lack basic literacy and numeracy skills. Local Government Councils play a significant role in improving education, and the availability of resources at the third tier of government can be deployed to promote literacy and numeracy, train teachers, and provide adult education to advance educational development.

Development of agriculture and natural resources, other than the exploitation of minerals;

A joint news release by Cadre Harmonisé covering 26 states and the FCT and published by the United Nations Office for Humanitarian Affairs (UNOCHA) reveals that 26.5 million Nigerians are projected to be food insecure in 2024. Local Government Councils have a significant role to play in addressing food insecurity by promoting good agricultural practices at the grass-roots level and eliminating the factors that hinder the food value chain from farm to fork. Available financial resources at LGAs will ensure the provision of the necessary tools to improve agricultural growth and development.

Provision and maintenance of health services;

Primary healthcare has become a significant concern globally as a result of the global pandemic and the recent epidemics that occur in vulnerable communities. Citizens are often left vulnerable due to the lack of healthcare infrastructure, the non-availability of healthcare workers, and the poor conditions of their environment. Local Government Councils can strengthen healthcare services in their communities through effective collaboration with state government, utilisation of resources to meet the specific needs of the community, and training of healthcare workers, among other things.

- Such other functions as may be conferred on a local government council by the House of Assembly of the State.

It is important to mention that Local Government Councils must collaborate with State governments to achieve the functions listed in Paragraph 2(a) to (d) of the fourth schedule to the Constitution.

Also, adequate frameworks that enable the ease of doing business, promote citizens well-being and the enhancement of economic growth and development must be put in place. LGAs should collaborate with State Governments to streamline bureaucratic bottlenecks and encourage economic growth and prosperity.

RATIONAL FOR LOCAL GOVERNMENT AUTONOMY IN NIGERIA

Several reasons have been advanced for the quest for local government autonomy in Nigeria. The essence is to allow the local government specific powers to perform a range of functions assigned it by law and to perform array of functions, plan, formulate and execute its own policies, programmes and projects, and its own rules and regulations as deemed for its local needs. This autonomy includes power to control its finance, recruit and discipline its staff. It is premised on the ground that when local government has power to take decisions on its own as regarding its finance, service to the local people in grassroots politics then, a sense of belonging is likely to be evoked from the local people. It is also sought for, and designed to lessen, if not avert, the belligerent state encroachment and the use of unelected leaders (care-taker committee) to govern the local government that has characterised Nigeria's democratic systems. This is well laid out as one of the issues to be address in the on-going constitutional amendment/adjustment in the country (A.B. Olabisi, personal communication, July 20, 2013).

However it is imperative to state that a close look at the local government autonomy as articulated in the different legal documents reveals that it is not foreseen to have under its realm total removal of state control over local government and its finance as the constitution specifically gave the power to create local government according to established laws to the state. This is accentuated by the fact that the issue of allowing unelected leaders to govern the local government, for the purpose of relegating to the background the utility of local government autonomy, has always been on such areas as "finance", "corruption" and "conflicting sources of revenue between state and local government". It is further reinforced by the fact that, in its implementation, some of these form the basis of the objections and oppositions to the approval of local government autonomy in on-going constitutional amendment at the National Assembly Olabisi (in personal interview July 20, 2013)

One other reason for local government autonomy is rural development, local government is closer to the people at the grassroots and when local councils have the powers of their own without any overbearing interference from the state, they could implement decisions or policies that will enhance rural transformation without having to wait for the state which in most cases focus mainly on the state development and neglecting the grassroots areas. In Nigeria, there are conspicuous cases by observations and News reports (see the National Dailies) that the money meant for rural development and provision of social services for people at the grassroots have been diverted and mis-managed by the State Governors. Local government autonomy will make local councils to have direct access to their finance with which to implement

policies and decisions that will promote grassroots development in Nigeria.

Thus, even though the local government autonomy is, in part, designed to deal with the problem of state's excessive control and encroachment in local politics, it is not focused on absolute and total autonomy for the local councils. The question then arises as to whether the autonomy of local councils can be rightly used to address the problem of excessive politicking by the state in local politics. The paper shall first examine this and later the utility of local government autonomy in Nigeria.

OVERBEARING POWERS OF STATE GOVERNMENTS OVER LOCAL GOVERNMENTS IN NIGERIA

The 1999 constitution by its provisions in section 7 and 8 recognise the local government as a third tier of government and also guarantee it, but gives the state the autonomy to lord over the local government. Section 7 reads jointly with Section 8 provides that there shall be: The system of local government by democratically elected councils (which) is by this Constitution guaranteed and accordingly, the government of every State shall, subject to section 8 of this Constitution.... ensure their existence under a law which provides for the establishment; structure, composition, finance and functions of such councils.

The implication of these provisions is that local government cannot exercise the functions assigned to it in section 1 schedule 4 of the Constitution until the State House of Assembly had passed a law. The same Fourth Schedule of the Constitution also provides for "the functions of the Local government Council to also include participation of such Council in government of a state as in respect of the following matters, education, agricultural materials resources, healthcare and any other function assigned to it by the State House of Assembly Asaju (2010).

Contrary to Sections 7 and 8 of the 1999 Constitution which guarantee a system of local government with democratically elected officials in the country, state governors have retained the tradition of controlling the affairs of the third tier government through caretaker committees. This practice of running the affairs of local governments through appointed committees which remains operational in about 24 of the 36 states of the federation has been largely blamed for lack of sustainable development at the grassroots level in the country. The only reason dividends of democracy and development have not trickled down to the grassroots level in Nigeria is due to the way the leadership and resources of local governments are hijacked by the state governors, (C. Akpa, personal communication, July 6 2013). It is imperative to note that some states in Nigeria have overbearing powers over local governments. In explaining the extent of state encroachment in Nigeria Obeche (n.d.) contends that:

From Anambra where council election has not been held since 1998 to Nasarawa where the governor is empowered by a state law to appoint caretaker committees in place of democratically elected officials to Imo where sacked elected council officials are still locked in a legal battle for their reinstatement, the story has remained the same: hijack of council resources. Even in Lagos State where elected officials are at the helm of affairs, the ruling party Action Congress of Nigeria

(ACN) has been accused of imposing its own candidates in a bid to tele-guide the activities of the councils.

Obviously the statement above shows that local governments in Nigeria are nothing but mere stooge of the state governments who have adopted every trick to stop the local governments from having democratically elected leaders selected by the people rather than care-taker committees who are rather appointees of the state Davey (1991) . To buttress this fact, Nwabueze (1983) in Ugwu (2001), had observed that the Constitutional power to establish local government, define its structure, composition and functions, belong to the State governments. To them, as far as it is so, the local government is a mere state agency or a creation of the state government. It would therefore be erroneous to see it as an independent third tier of government. As such, the issue of autonomy of local government becomes a myth and not a reality. But it is important to note that there have been growing demands from the members of the public to free the local councils from the shackles chains of the state governments and grant them autonomy (Awotokun & Adeyemo, 1999). This view was corroborated by Obeche (n.d.) when he argued that:

Reacting to the growing public outcry over the hijack of local government administration in many states across the country, the House of Representatives in a unanimous decision on May 17, 2012 proscribed the practice, declaring it as illegal and in its place in recent time has approved local government autonomy.

It is important to note from the above statement that the lawmakers had resolved that the caretaker system of governance is alien and unknown to the 1999 Constitution (as amended) and directed the governors of the affected states to promptly conduct council polls and transfer power to elected chairmen and councillors (Channel News on National Assembly sessions). Obeche (n.d.) reveals that twenty five of the thirty six states in the country have openly used inordinate tricks and unlawful schemes to avoid conducting local government election in their state and such states include: Abia, Adamawa, Akwa Ibom, Anambra, Bauchi, Benue, Borno, Delta, Edo, and Ekiti, Gombe, Imo, Kano, Kaduna, Katsina, Kebbi, Kogi, Nasarawa, Ondo, Osun, Oyo, Plateau, Yobe and Zamfara.

The resolution followed a motion sponsored by Hon Friday Itulah (Edo/PDP). While drawing the attention of the House to the matter, Itulah (in Obeche, n.d.) argued that state governments have been breaching Section 7 (1) of the constitution, adding that If this trend by state governments is not checked, it may bring the country to a lawless state. This paper notes that few of the affected states have since begun preparation for the conduct of council polls, other governors are still foot-dragging. It is believe that the reason is due to the financial straits plaguing many states in the country, as most governors' resorted to council allocations as crucial in funding their wage bills and development projects. Besides, the control of council funds enables them to wield power to secure their future political ambitions Obeche (n.d.).

The usurpation of Local Government functions and revenue sources by State Government is another serious area of eroding the autonomy of the Local Government. More often than not, parallel revenue boards, through the states unwittingly usurp and erode the revenue yielding areas of the Local Government. It is not uncommon to see such Boards to

include market, motor parks, building plan approvals and forest royalty collection fund Adeyemo (2005).

Moreover, political instability that strongly manifested in the polity is among the militating factors against autonomy of the Local Government. This is due to the changing and swinging of political pendulum that oscillates between Sole-Administratorship to Caretaker Committee System and the elected government Adeyemo (2005). This was however scuttled in quick succession arising from the fact that there was no stable political system that could endure political socialization and actualization to germinate, and nurture the orientation for global acceptance. The most favoured system was the Sole-Administratorship that further ceded the Local Government to state control and erodes its autonomy (Oyelakin, 1992 in Adeyemo, 2005). It is important to point out that the drive towards local government autonomy has gained more momentum and force in the House of Representatives. Not only do the issue now occupy top agenda in their sessions of meetings, the issue has also been bolstered over the media. This suggests some gains in the effort to achieve greater local government autonomy. The greatest obstacle to this move is the state government (Hon. Itulah, personal communication at one of the sessions of House of Representative in Channel News July 12, 2013).

Military regimes according to Adeyemo (2005) did not fare better than their civilian counterparts on the issue of local government autonomy. Indeed, evidence supports the position that military regimes relegated local government autonomy through promulgation of various decrees, for instance, Section 34 of the "Local Government (Basic Constitutional and Transitional provisions) Decree"(Decree No. 15) of 1989 empowers the President, Commander in Chief of the Armed Forces to "if he is satisfied that the affairs of a local government are not being managed in the best interest of the community or in a way to strengthen the unity of the people of Nigeria or for any good cause" in doing the followings:

- (a) Remove the chairman, vice-chairman of the local government council from office or (b) Dissolve the local government council and appoint an Administrator to manage the affairs of the local government until an election to the offices of chairman, vice chairman and councillors for the local government council has been held, Adeyemo (2005). Moreover, section 4(5) (3) (b) of the 1989 constitution provides that the local government Chairmen... executive power shall be so exercised as not to impede or prejudice the exercise of the executive powers of the federation or of state in which the local government area concerned is situated or to endanger the asset or investment of the government of the federation or of the state government in the local government area Adeyemo (2005). It may be argued that the nature of Local Government politics, particularly in the past and under the military, has been labelled as very corrupt and wasteful this in no small way has undermine the autonomy of the local government. Corruption has been a noticeable feature of local government politics. It is also argued that politics at this level of government involves so much money which is squandered by the elected chairmen at the expense of the masses. It is, therefore, reasoned that given these facts, local government autonomy in the political process is bound to be negligible especially when chairmen and councillors positions are regarded as political goods meant for faithful

supporters of the ruling political parties in the state (caretaker committee). In the same vein, corruption as evidenced in grassroots politics is not peculiar to only Local governments but other higher tiers of government also indulge in it (Adeyemo, 1996).

Finance is the bedrock of any meaningful development. Most of the Local Governments exist only for payment of salaries, as they depended both on the 10% state's internally generated revenue that is either delayed or not forthcoming at all and federal allocation, which in most cases are deducted from sources for the payment of Primary School Teachers Salaries. The implication of this is that the local governments are grossly deficient in implementing their statutory duties to local people. Similarly, the continuous overbearing roles of the states over local government affairs possess a tremendous threat to the autonomy of Local Government. These can be seen within the realm of various contradictory rules, instructions, supervisory powers passed down to the local councils, some of which are outside the constitutional jurisdictions of the Local Governments Adeyemo (2005).

Also, Local government autonomy is thwarted and misplaced in Nigeria because of poor practice of federalism as stipulated in the constitution. Constitutional practices of federalism in Nigeria have been very difficult and unrealistic because of selfish interest of the political elites. Federalism is the constitutional division of powers between and among the tiers of governments (federal, state and local government) in a country, this goes to show that each of the tiers of government has its own power and functions bequeathed to each of them by the constitution, but is the constitution followed and adhered to in this regard? Observations have shown that the powers of the local governments in Nigeria are subject to the approval of the state. In the same vein; Adeyemo (2005) opined that the Nigerian Federalism remains a formidable problem is evident in the various contradictions of military rule and the decrees they have spurned. Taking a critical look at Nigeria's case, it can be inferred that it has been difficult to practice an enduring autonomy in Nigerian Local Government. Despite growing demand for an autonomous local government system that could speed up development at the grassroots level across the country, state governments have employed dishonest tricks to ensure that the third tier government remains under their apron strings and largely underdeveloped. This inordinate usurpation of powers of local governments by state governments has become a thorny issue requiring an urgent attention for the final unequivocal approval and inclusion of Local government autonomy in Nigeria's constitution (M.B Adoke, personal communication July 5, 2013).

Thus, while the aforementioned factors might have inhibited the approval of local government autonomy in Nigeria, they do not provide all the explanatory variables. The perception of the nature of the utility of local government autonomy in the society is prejudiced against local governments and redefining that perception in a manner favourable to local governments in becoming an autonomous entity, is therefore, a significant step to addressing the problems of local government in Nigeria. In the next section, the paper addresses the utility of the Local Government Autonomy in redressing Local Government Dominance by the State.

UTILITY OF LOCAL GOVERNMENT AUTONOMY IN REDRESSING INORDINATE USURPATION OF

POWERS OF LOCAL GOVERNMENTS BY THE STATE GOVERNMENTS IN NIGERIA

Local government autonomy has some utility to offer Nigeria's political system and specifically the local councils, if approved and enshrined in the constitution. For instance with autonomy of local councils in place, the local governments across the country will be proud of elected and democratic leaders instead of the usual control of the councils by the state government through appointed care-taker committees.

At the heart of the local government autonomy, as the paper has rightly pointed out, is the attempt to eschew the overbearing powers of the state over local governments in grassroots politics in Nigeria. The definition of "autonomy" does not include absolute and total autonomous local government system both in the conception and implementation because of inter-governmental relations that emphasises interdependency among the levels of government in Nigeria. In this same vein Adeyemo (2005) argued that:

In essence, when one talks of local government autonomy in Nigerian's polity, we refer to the relative independence of local government control by both the state and federal governments. Therefore, it is the nature and structure of transactions or interactions between the three levels of government that reveals the degree of local government autonomy.

He also stressed further that: The federal, state and local governments rule over the same population. If they are to achieve the purpose of their creation and not to waste the meagre resources at their disposal, there must be a definition of the boundaries or arena of operation of each of them. We can argue that there can never be an absolute autonomy because of the interdependence of the three levels of government and this bring into focus the inter-governmental context of local government autonomy. Understandably, there are legal provisions which tend to guarantee the autonomous powers of all the tiers of governments including the local councils. But there is no explicit legally backed affirmative action to promote local government autonomy except that in the past, autonomy to elected chairmen and councillors is contained in chapter 8 part 1 section 283 - 307 of the 1989 constitution and in recent time it has been partly discussed and deliberated upon by the lower house of the National Assembly waiting for further debate at the upper house before it can be included as approved and practicable in the country's constitution.

Conceptually, the local government autonomy can be broadened to include provisions, which encapsulate clear-cut definitions of duties and powers of the local government. This could be by way of a clause stipulating area of jurisdiction and powers that can be fully exercise by the councils without any further interference from the state. However, some are wont to point to problems that may be associated with this constitutional/legal provisions. The fact of rigidity of constitutional provisions is not lost on this paper. To constitutionalize a guaranteed level of political autonomy for Nigerian local governments in certain political sphere may make such provision rigid. Rigidity in itself is not necessarily evil. The need for strict adherence to certain provisions may justify the rigidity of such provisions.

Furthermore, it may also be argued that allowing local government autonomy in Nigeria may imply sacrificing

political stability, peace, rural development and good governance at the grassroots for crops of power intoxicated chairmen who may be at loggerhead with the state government over issue of tax collection jurisdiction, financial resources among other things. These and some other problems are likely to be thrown up. The paper noted the need to point out emphatically, that the whole idea for suggesting a legally or constitutionally guaranteed autonomy level for the local governments considering the fact that even sovereign nations are not autonomous since they are bounded by inter-national co-operation, commitment, laws and treaties.

Also, within the domestic political environment, governments are guided by some bodies of organic laws, norms and convention etc. which regulates their relations / interaction with the polity in certain political sphere is not to place local government in equal power strength with other higher levels of governments. Rather, it is meant to give responsibility and power to take decisions, governs and run the local governments by the democratically elected leaders rather than administrators or committee of care-takers.

To this end, such a provision could merely provide for autonomous local governments in, say, every state. In this way, even in states where Governors seem to play politics through different tricks by undermining the local government election, powers of the councils and their financial autonomy such provision will ensure the demise of such practices. In addition, it will facilitate the acceptance, by the generality of people that autonomous local councils can enhance grassroots development and the people at the local area will begin to earn the dividends of democracy. Administration's transition programme should include, the popular participation and political control of the grassroots, injection of new breed, into the nations body politics, introduction of multi (more) grassroots based political parties, creation of more local governments, allowing presidential system of local government and the introduction of open voting system. These changes will give local governments throughout the country some degree of autonomy in achieving the basic objectives of their creation.

This provision can also be made transitional in which case it will operate for a specified period of time on probation so as to ascertain if it will be retained or discarded. These strategies will promote discipline, honesty and accountability among the local government leaders for fear of losing their powers and autonomy if they abused or mis-used it and it will enhance societal acceptability of the local government autonomy.

The paper also noted that while the suggestion for the broadening of the constitution to permit local government autonomy remains a valid and feasible option, promoting autonomous local government in a rapid and effective manner demands a multidimensional approach. In addition to the constitutional amendment/adjustment approach, greater emphasis should be laid on discouraging, by a combination of legislation and awareness, those beliefs and practices that are inimical to local government self-reliance and freedom from state government overbearing powers over them. The ultimate implication of these is that it will contribute to the elimination of the unfair treatment and mishandling of the local governments and inordinate usurpation of powers of Local Governments by the State Governments in Nigeria.

CHALLENGES OF LOCAL GOVERNMENT AUTONOMY

The Nigerian constitution established local government autonomy by recognizing local government as the third tier of government separate and distinct from the state and federal governments under the nation's federal system. The implication of this is that the local community ought to enjoy local self-government, have liberty to make bye-laws to enable them perform specific functions; control their finances; and formulate policies that enhance grassroots development. However, in practice, the full realization of local government autonomy has over the years been unsuccessful whether under military or civilian administration.

One of the major defects of the pre-1976 local government system in Nigeria was the whittling down of their powers by the state governments that continued to encroach upon what would have normally been the exclusive preserve of local governments. Others were lack of adequate funds, in-appropriate institutions, inadequate staffing arrangement and excessive politicking, which together made the emergence of a virile local government impossible. There was also the problem of disconnect between the people and government at the local level. The 1976 Local Government Reforms was therefore, introduced to address these problems. Local government, it was argued, must have defined and precise functions designed to promote the development of local government areas; they must have assured finance to enable them plan their budget and carry out their functions; and they must have adequate staff. These were indications that the reforms sought to bring about the evolution of a local government system capable of internally evolving policies among alternatives without extraneous control in the interest of its citizens.

Lack of autonomy is a central problem of the Nigerian local government system. There is a need for a local government that is truly autonomous vis-à-vis state and federal governments. The state governments exploited the ambiguities in the provisions of the 1979 constitution and subsequent reviewed constitutions to suit their selfish desires. They neglected aspects of the 1976 local government reforms that they were displeased with and distorted those that were merely convenient. For example, throughout the Second Republic, 1979-1983, no election was held into the local government councils, only sole administrators and caretaker committees were appointed. This was at variance with the 1976 reforms and the 1979 constitution, which in section 7 provided for democratically elected local government councils.

The re-emergence of the military into the political scene in 1983 brought about a shift of local government control from the state to the federal government. There were deliberate and conscious efforts at a radical transformation of the status of local government with greater powers and resources been transferred to the local government through various reforms such as the 1988 reforms. However, the exit of the military and the enthronement of democratic government in 1999 brought to the fore again, the problem of the local government autonomy. The provisions regarding local government administration in the 1999 constitution created a lot of confusion. For instance, the 1999 constitution in Sections 7 and 8 recognized local government as a third tier of government and at the same time give the state government the power to lord it over the local government thus:

There shall be the system of local government by democratically elected councils, (which) is by this constitution guaranteed and accordingly, the government of every state shall, subject to section 8 of this constitution... ensure their existence under a law, which provides for the establishment; structure; finance; and functions of such councils (FGN, 1999).

The implication of these provisions is that local government cannot exercise the functions assigned to it in schedule 4(1) of the constitution unless the state House of Assembly had passed a law in that respect. Another area of contradiction is in respect of the tenure of the local government councils. While the constitution provided for four years tenure for federal and state political office holders, it was silent on the tenure of local government political office holders. Furthermore, the constitution in the concurrent legislative list gives the National Assembly the power to make laws with respect to the registration of voters and the procedures regulating elections into local government councils. The same constitution gave powers to state Houses of Assembly to make laws in respect of election into local government councils. This became source of friction between the states and federal government as witnessed between Lagos state and the Federal Government during the Second Republic.

Another dimension of the contradictory provisions of the 1999 constitution, which has impaired local government autonomy, was the provision that empowered the state governments to determine and create new local government areas. However, Section 8(6) of the same constitution vested on the National Assembly the power to ratify such newly created local government areas before they become legal entities. This provision brought about tussle for the control of local government administration between the state and federal governments. For example, in the Second Republic, states like Lagos, Niger, Oyo, Kogi amongst others, which created new local government areas in keeping with this constitutional provision were denied recognition by the federal government.

Indeed, Nwabueze (1983) and Ugwu (2003) in Asaju (2010) argued that the constitutional power to create local government, define its structure, composition and functions belong to the state governments,

However, while the 1976 Local Government Reforms recognized local government as a third tier of government after the federal and state governments, some provisions in the reform Guidelines and constitution are self-contradictory and ambiguous to guarantee the intended status of local government. For instance, the Guidelines in its paragraph 2 distinguished between local government and the state and federal governments by considering local government as a body created by and deriving its powers from state government. But in paragraph 7 of the same Guidelines the term third tier refers to:

A set of local governments with their own identity, powers and sources of revenue established under state legislation and functions for which they are responsible to the state (Government Guidelines, 1976).

This provision negated the whole idea of local government being an autonomous entity by reason of its recognition as third tier of government, since state government shall have an overriding influence over it. Also, section 7 of the constitution is self-contradictory as it talks of autonomous identity, powers, revenue and functions for local governments, while at the same time making them to be responsible to the state governments. Other provisions in the constitution militating against the emergence of a truly autonomous local government include the power of the state government to appoint chairmen of local government councils and to dissolve same at any time if after due enquiry, it was determined that the council was incapable of discharging its functions effectively. The creation of some state government institutions such as the Local Government Service

Board or Commission and Ministry of Local Government in each state further provided basis for the erosion of local government autonomy. The activities of these institutions promoted certain political control over the operations of the local governments thereby whittling down their power and autonomy.

The much-touted autonomy granted local government in their own affairs by the 1976 local government reforms and embodied in the 1979 constitution, lacked the legal power that would have conferred the force of law or legitimacy on the local government's individual initiatives, policies and programmes. Many of the state governments capitalized on these constitutional lapses and the sweeping powers conferred on them over local government to dictate the tune always on matters of local government administration. Local governments thus suffered from continued whittling down of their powers functionally and financially. According to Brigadier Tunde Idagbon in Otu (2001), there was excessive control by the state governments to such an extent that there were no more local governments but local administrations or more precisely, local arms of state administrations.

This development informed the setting up of the Dasuki Committee, which reaffirmed in its report the autonomous status of local governments but stressed that such autonomy must be backed with authority if local governments were to function effectively as the third tier of government. Indeed, for any local government to be effective, productive and efficient, and accountable for whatever her agencies are doing, it must be given full power and authority coupled with responsibilities. Although Sections 7 and 8 of the 1999 constitution recognized the existence of local governments, and the Fourth Schedule, their functions, no provisions were made for their structures, qualifications of members and tenure of the elected councils. The seventh schedule provides for oath of allegiance and oath of office of all public officers at the federal and state levels but silent on those of local government officials. Even the exercise of the functions listed in the Fourth Schedule is at the behest of the state governments and the state Houses of Assembly. These anomalies no doubt, constrain the local government from truly operating as an autonomous third level of government in the Nigerian federal system.

Hence local government is no more than mere state agency or a creation of the state government. To them, it would be erroneous to consider local government as an independent third level of government, which implies that the issue of autonomy of local government becomes a myth rather than a reality.

Local government autonomy has also to do with finance. The constitution empowers the state governments to scrutinize and approve local government budgets and expenditures through the state Houses of Assembly. Many state governments have exploited this constitutional provision to exercise arbitrary and undue control over local government finances through the establishment of the state- local government joint account, which has been a thorny issue in the state-local government relations. Through this arrangement, many state governments have starved the local governments of statutory grants thereby denying the local governments of funds to render essential services, which could impact on the lives of the people at the grassroots. Besides, apart from arbitrary deductions from local government allocations through the Joint Account, some state governments compelled local governments to embark on ridiculous projects that have no direct bearing on the local communities under the pretext of ensuring uniformity in development (Asaju, 2010).

It has been difficult to practice an enduring autonomy in the local government system. This is in spite of the various institutional structures put in place since the 1976 local government reforms to concretize autonomy in the local government administration such as human capacity building through the designation of some universities for local government manpower training; increase in the local government share of the federation account from 10 to 20%; abolition of state ministries of local government; etc. The obstacles are constitutional provisions, political instability, financial problems, etc. The continuous overbearing role exercised by states over local government affairs poses serious threat to the autonomy of local governments. This can be seen within the realm of various contradictory rules, instructions, supervisory powers passed down to the local governments, some of which are outside the constitutional jurisdiction of the local governments (Odoh, 2010).

Political instability in Nigeria militates against the autonomy of local governments. This is because of the constant swinging of political pendulum oscillating between sole administratorship; caretaker committee system; and the elected councils. The sole administratorship and caretaker committee system often ceded the local government to state control thereby eroding its autonomy. Also the usurping of local government functions and revenue sources by the state governments constitute erosion of the autonomy of the local governments. For instance, it is not uncommon to see state authorities interfering in the collection of revenue and royalties from markets, motor parks, building plans and approvals, forest royalty and so on.

Odoh (1991) argued that internal revenue is the backbone of local government autonomy yet, most local governments are heavily dependent on the federal allocation to meet their statutory responsibilities. This tends to compromise their autonomy as "he who pays the piper dictates the tune". The autonomy of local governments is thus closely related to their financial viability. The present unhealthy financial conditions of the local government should be therefore, rescued. The federal and state governments should ensure that they do not infringe on the revenue yielding areas of local governments. The local governments need to increase their internally generated revenue base rather than relying on the federal allocation. The local governments should also re-order their priorities and block all avenues of wastage and leakages. It is appreciated that finance is the bedrock of any meaningful development, hence the compelling need for the local governments to strengthen their revenue base.

Also militating against meaningful autonomy of the local government is the class structure of the Nigerian society. Elaigwu (1980) noted that often, elites at the centre become so suspicious of local elites, as alternative political leaders, that devolution of power to grassroots level is de-emphasized. The elites in the central government will not permit any substantial devolution of power, which will make local governments to enjoy meaningful autonomy. The elites at the centre are in perpetual struggle to centralize authority at the centre. They would normally want to feel secured before permitting local governments to effectively operate. The dilemma between control and participation often gets resolved in favour of control and whatever minimal forms of participation are permitted, are geared towards "bringing government closer to the people" than "bringing the people closer to the government" (Elaigwu, 1980). The unwillingness of state government officials to devolve authority to the local government without stern control inhibits efforts in the direction of participatory democracy. It is hardly realized by many Nigerian leaders that democracy at the

local government level is an important aspect of the development of democratic political culture, which underwrites national politics.

THEORETICAL FRAMEWORK

The theory which informs our discussion of LG autonomy in Nigeria is the general systems theory. It is a theory that has been contributed to by a number of writers, such as Almond (1960); Easton (1965); Adamolekun (1983) and Offiong (1996). A synthesis of the definitions of a system given by various writers, some of whom are listed above, can be stated as follows. It is a phenomenon of whatever type, including physical, biological, social, political, etc., which is an organized whole with identifiable, interrelated structures delineating it from the environment (supra system) in which it is located and with which it interacts, processing the inputs from it into outputs for it.

The general systems theory seeks to argue that every system, including political system, has subsystems which make up the entire system. They are assigned functions and provided with enabling empowerment, including resources, appropriate authority, etc. to enable them discharge their responsibilities optimally. Where this is the case, there is said to be homeostasis (stability) in the political system. On the other hand, instability reigns in the political system where the contrary is the case and the subsystems and entire system are also unable to function optimally.

Input and output analysis of a political system is very important. A political system is said to obtain its inputs (demands, supports, liberty or autonomy, cooperation, criticisms, resources, information, direct labour, etc.) from the environment. It may be pointed out that some of these inputs, such as liberty or autonomy, cooperation, and direct labour, were not specified in the original or earlier analysis of the general systems theory, but they are considered important for this paper. These inputs are what the subsystems employ to discharge their responsibilities, so that the political system can send out its outputs into the environment and obtain further inputs for its operations.

Applying this brief exposition of the political systems analysis to the Nigerian LG system, the LGs in the country constitute the subsystems. They must be well handled in terms of being fed with adequate inputs, so that they can contribute appropriately to the optimality of the Nigerian political system, as well as its homeostasis. If the reverse is the case, that is, if the LGs do not have the required inputs to operate, two important things may happen. First is that there might be instability and the second is that there might be discontent amongst the citizenry. The two are intertwined.

It is therefore very useful to realize the importance of the systems theory in the handling of LG autonomy in Nigeria. This means the realization of the sub-systemic nature of LGs

There exists an array of eminent theorists that produced extensive interaction in the field of local government in plural societies/ states. The Nigerian state is a plural state and given the focus of this study, which is to examine the extent of local government autonomy, the Marxist theory has been adopted as the theoretical framework.

The Marxist analysis sees local government as an instrument of the federal and state government, which works either as a direct means of securing legitimacy for the ruling class or securing praetorian compliance through suppression. The theory argues that local government is a key part of the capitalist society. Being part of the whole capitalist state which is a relatively

autonomous instrument of class domination helps the state in performing its primary role. succinctly put it, the state is a product of society at a certain stage of development, it is the admission that this society has become entangled in an insoluble contradiction with itself, that it has split into irreconcilable antagonism which it is powerless to dispel. But so that these antagonisms, these classes with conflicting economic interests might not consume themselves and society in fruitless struggles, it becomes necessary to have power, seemingly standing above society, that would alleviate the conflict and keep it within the bounds of "order" and this power, arise out of society but placing itself more and more from it, is the state. Using Marxist theory attempts to demonstrate in his book that even an initially left inclined local authority, is obliged by the nature of capital to suppress agitation for more egalitarian policies. The analysis of the autonomy of local government in Nigeria in terms of the interest of capital and pushing this argument, draw greatly on the studies of Marxist orientation. The local government autonomy in this class society is, therefore, more apparent than real for the local government remains the instrument of the dominant classes for exploitation and suppressing the subordinate classes.

It is within the context of the specific character or nature of the neo-colonial state of Nigeria that one can understand and explain the ugly incidence whereby the state uses local government as one of its agents of suppression. It is based on this context that the realization of the objectives for the guidelines for local government reforms in Nigeria has been constrained by several factors such as personnel problems, the problem of corruption, the loss of autonomy, financial problems, etc.

The relevance of this theory to the study on local government autonomy in Nigeria. A case study of Nkanu west local Government can best be appreciated by its focus or emphasis to serve as an instrument for rural development. The primary purpose of local government is to bring government to the local communities so that the local people can participate fully in the process of government to provide essential local services.

The establishment of local government fosters local democracy. As the government is grassroots-based consisting of small units of local communities upon which political powers are developed to cater for their needs, it engenders greater participation of the people in the process of government. This includes the election of councilors by the electorate, serving as councilor, and campaigning for local government elections. With this greater involvement in the process of local government, the people develop a keen interest in the conduct of local affairs and politics generally; local government activities generate political consciousness and awareness and further enhance the incidence of political participation. The local inhabitants take interest in the discussion of the affairs of government and sometimes make valuable inputs into the process of government. The councilors have a face-to-face relationship with the people and hence through regular and constant interaction and informal discussion with them, identify their interests, needs, problems, and priorities which are channeled to the appropriate level of government (local, state, or federal) for consideration. As the government is nearer to the people, they are fully aware of its policies and activities. Hence the people can react against bad policies, corruption, and mal-administration. Moreover, local government engenders public accountability as the councilors and officers are responsible and accountable to the local people.

Local government is designed to serve as a viable instrument for the rapid and even development of local

communities. Therefore, it seeks to exploit, tap, mobilize and harness the available human and material resources of local communities and local leadership potentials for rapid community development. Local communities are fully involved in the identification of their priority needs and the evolution of effective strategies for their efficient execution. As local initiative responses to local needs and conditions are maximized, and healthy competition among various governments is promoted, socio-economic development is highly accelerated. Moreover, local government areas serve as centers of social and economic development. Local government headquarters attracts increased and diversified economic, commercial and political activities. Thus the local government is designed to lay a solid political and economic foundation for grassroots socio-economic and political development. As president Babangida put it: "Growth points must emerge from local government areas and provide the much-needed push to activate and energize productive activities in rural Nigeria and to reverse the phenomenon of rural-urban drift".

The local government ensures even development as their areas serve as units for sharing local government amenities and offices, e.g. sitting of industries, schools, medical establishments, appointments of ministers, commissioners, members of boards and commissions, and so on. It is also used for sharing state or national government scholarships and for giving financial grants to various areas. In Nigeria, it is additionally used as a basis for the sharing of the federation accounts. By this measure, it ensures that development is not concentrated in few areas.

METHODOLOGY

Based on this research topic and the contextual nature of the paper, this study is based on qualitative method of inquiry in social sciences with fluidity, diversity and narrative/explorative and stretchy characters and predispositions (Stake, 2005; Patton, 1990; Neuman, 2000; Morgan, 1998). The data were collected from secondary sources, including books, journal articles and periodicals, and Constitution of the Federal Republic of Nigeria, 1999 (Mohammed & Ahmed, 2018; Marshall & Rossman, 2006; Kothari, 2004; Kim, 2015). The paper reviewed literature on local governments, their origin, autonomy, constitutional and other related issues in Nigerian context.

SCIENTIFIC RESEARCH ANALYSIS

- In this study, quantitative method of data analysis was used for data collected
- through questionnaire and narrative of qualitative data (interview). This is to reduce
- the large amount of data from primary and secondary sources into sizes for easy
- analysis. The descriptive statistic is used for analysing frequency tables and simple
- percentage followed by brief discussion, while inferential statistic tool of chi-square
- is used for testing the two hypothetical statements.

CONCLUSION

In conclusion, the move towards financial autonomy for Local Governments in Nigeria is not merely an administrative change but a vital step towards strengthening democratic governance and local development. By empowering Local Governments with the financial resources and authority to manage their own affairs, Nigeria can foster more resilient, responsive, and accountable local institutions. This will enhance the quality of

public services, drive sustainable development, and promote greater citizen engagement and satisfaction in local governance.

The concern of this paper is in enhancing the service delivery capacity of local governments in Nigeria through meaningful autonomy and improved funding. In pursuance of this, the paper discussed the major challenges of local government autonomy in the country and argued that the extent to which the local governments have been able to cope with the challenges in practical terms determines their level of efficiency and effectiveness in services delivery at the grassroots. The view taken in the paper is that the singular most important factor responsible for the non-performance of local governments in Nigeria is lack of autonomy, which has whittled down their powers and subjects them to the whims and caprices of the state governments.

The local governments should be made truly autonomous so as to rightfully lay claim to the status of a third tier of government. For meaningful development at the grassroots level, the states must recognize local governments as partners in progress rather than a servant-master relationship. The two must partner in enhancing grassroots development through the provision of essential services to improve the standard and living conditions of the local populace. The problem of local governments in Nigeria as Oyeyipo (1985) rightly observed, lies in not giving them a chance to grow, to make their own mistakes, to correct such mistakes, and to become respectable, responsible and trusted institutions of governance at the local level.

Financial autonomy for Local Governments in Nigeria is crucial for enhancing their effectiveness and responsiveness to community needs. With greater control over their own revenue, Local Governments can better address local priorities and invest in essential services such as education, healthcare, and infrastructure. This autonomy enables them to tailor their initiatives to the specific needs of their communities, fostering more targeted and impactful development efforts. By reducing dependence on Federal and State allocations through enhanced internally generated revenue, Local Governments can achieve a higher level of self-sufficiency and sustainability in their operations.

The paper in the main argues that if Nigeria requires to evolve a virile and result-oriented local government system, the anomalies in the constitution as it affects local government autonomy should be rectified to give meaningful autonomy to the local governments on matters of finance, personnel, among others as any measure taken short-of thrashing out the issue of autonomy is to a large extent bound to lead nowhere. However, this recommendation does not suggest sovereign government at the local level. The recommendation is that limitations on local government like any other level of government should be constitutional and only on grounds that are reasonably justified in a democratic dispensation. With autonomy assured, local governments could then play their statutory role of providing effective and efficient services to meet the basic needs of the people, which would enhance sustainable development at the local level; and by extension, serving as catalyst of social and economic development of the country.

RECOMMENDATIONS

Local government autonomy especially financial independence will go a long way in bringing development to the grassroots. This would in turn reduce the suffering and underdevelopment being experienced by the local populace, which

forms the larger segment of the Nigerian society. The living conditions in most rural areas in Nigeria are barely tolerable by any standard. This has resulted in the increasing influx of the rural population into the cosmopolitan city centres thereby overstraining and out-stretching the available social services in the cities. The people at the grassroots must be involved in the national drive towards sustainable growth and development of the country. This is predicated on the degree of autonomy enjoyed by the local governments to play their statutory role as veritable agents of grassroots development.

Local governments must be strengthened, autonomous and made accountable to the people rather than the stifling control the states have on them. There must be a symbiotic relationship between the state and local governments to promote mutual interdependence and engender development of the grassroots and by extension national development. Most often, local governments are deliberately rendered impotent in discharging their primary responsibilities and portrayed as inefficient, corrupt and unnecessary tier of government. They are made scapegoats for the lapses that are even more pronounced in other levels of government such as corruption, in-efficiency, and lack of visionary leadership. Concerted efforts should be made to reconcile participation of people in their own administration with the need for an efficient delivery of basic services at the grassroots level. With the autonomy of local government, its objective expectations and goal-values would be effectively realized. The centrality of local government as an agent of grassroots development implied that any future reforms of the system must focus on the enhancement of the service delivery capacity of the institution anchored on meaningful autonomy.

The contradictions in the constitution in relation to local government administration, discussed in the paper made it difficult to locate constitutionally the locus of power as it affects state- local government relations. The states have often exploited such constitutional ambiguity to usurp the powers and functions of local governments. This needs to be reversed through constitutional review to grant the local government's meaningful autonomy over their own affairs in order to enhance the service delivery capacity of the third tier of government in Nigeria.

Local governments must be autonomous to increase in competence and resource base and accordingly, reduce congestion of responsibility in the central government. This will enable national agencies to concentrate on overall development measures. The local governments should be granted autonomy to enable them accelerate the pace of development at the local level. They are closest to the people at the grassroots and as such, possess intimate knowledge of people's needs, problems and potentials. There is thus, a close relationship between local government autonomy and socio-economic development at both local and national levels.

Lack of dependable revenue base remains a critical factor in the erosion of local government autonomy. Even though one of the criteria for creating local governments as provided in the 1976 reforms was the issue of viability, most local governments created since then have been largely dependent on the Federation Account to run their affairs. Besides, most of the state governments do not remit the statutory 10% of their internally generated revenue to the local governments as required. Instead, they have continued to hijack most of local governments' sources of revenue as listed in the Fourth schedule of the 1999 constitution (FGN, 1999). Local governments have thus come to depend almost exclusively on the federally allocated revenue for survival and meeting constitutional

responsibilities such as staff salaries, which are often in arrears of many months.

The usurpation of local government functions and revenue sources by the state governments, which had continued to erode the autonomy of local government, must be stopped in order to ameliorate the unhealthy financial conditions of the local councils. The local governments should also intensify efforts at internally generated revenue to reduce their dependence on Federation Account while the state governments should be made to honour their statutory contribution of 10% of their internally generated revenue to the local councils. This would improve the ability of the local governments to meet the finances of their constitutional responsibilities and enhance their autonomy.

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