



## Local Government Autonomy in Nigeria: A Pathfinder for Grassroots Development

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### Abstract

Many approaches have been adopted by States to ensure that development and good governance are achieved. Many governments, including Nigeria, adopted decentralization as a way of encouraging democratic participation, efficient service delivery and infusing local content into formulation and implementation of government policies at the grassroots among others. The essence of Local Government is to decentralize power as a way of bringing government closer to the people and enhancing efficient and effective service delivery at the grassroot among others. Sadly, many Local Governments in Nigeria have not lived up to these expectations. Frequent intrusions by State Governments have greatly affected their service delivery. Most of the problems of Local Government stem from the kind of autonomy that it enjoys via the constitution. Though, the constitution clearly postulates that Local Government is a distinct and a third tier government but it is only in theory, in practice, it is tied to the apron string of the State Government. This has affected the efficiency and effectiveness of Local Governments in Nigeria. This paper attempts to highlight the challenges facing local government autonomy in Nigeria. The rationale or relevance of local government autonomy will also be considered. The Efficiency service theory was explored. The paper relies on secondary means of data collection. The secondary means of data employed include journals, magazines, newspapers, textbooks, official bulletin and internet sources. The method of analysis employed were descriptive essay and narrative report. The paper recommends that the Local State Government joint account should be abolished and federal allocation should be transferred directly to the Local Government. The constitution should make provisions to strengthen the State Independent Electoral Commission (SIEC) by removing it from the stronghold of the State Government among others.

**Keywords:** Decentralization, Grass root, Democracy, Service Delivery, National Assemblies

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### Introduction

Local Government could play crucial roles as a result of its position as the nearest Government to the people. Megele (2012) rightly posits that globally local governments endeavour to meet peoples' demands for goods and services in a cost effective manner particularly at the grass root. Ajayi (2000) contends that local government exists, among



other reasons, in order to align with modern administrative practices. These practices include the need for decentralization, democratic participation and speedy socio – economic development at the grassroots. Local government also serves as a link between the citizens and other levels of government, thus, bridging communication gap and also serves as a platform for training future leaders. Local Government is composed to deliver governance and quick service delivery to the grass root. Nigeria practices a federal system of government which is premised on the distribution of governmental powers between the central government and other levels of government which is known as decentralization. The advantages of decentralization includes encourages inclusiveness and responsiveness, efficiency, improved public service delivery and reduction of work load of other levels of government. Amah (2018) rightly maintains that the paradigm shift to decentralization, globally, is due to the premise that if humans are empowered and handed over their destiny through the medium of democratic institutions, they can govern themselves in relative peace and dignity in their aspiration to satisfy their collective goals. The essence of local government is to decentralize power, ignite citizens' interests in governance and efficient and effective service delivery at the grass root among others. Arguing in the same vein, Dalhatu (2006) points out that the reason for local government is inseparably woven around the principle of decentralization.

However, State Governments intrusion into Local Government affairs and their absolute control of the local government through appointed Care Taker committees among other ways has thus provoked research works aimed at identifying and altering such intrusion given the vital roles that can be played by the local government. It has also become an important issue for deliberation at the National Assembly, among scholars, researchers, policy makers, practitioners, politicians as well as the general public. Local Governments are in fact political structures that have progressively become compelling reminders of the standardized oppression that has become the lot of the grassroots in Nigeria. The domineering powers of State Governments over the Local Government Councils have had serious negative impact and have affected service delivery at the Local Government. Since the inception of democratic governance in 1999, the National Assemblies have made many attempts to invigorate the local government system in Nigeria. The 7<sup>th</sup>, 8<sup>th</sup> and the 9<sup>th</sup> National Assemblies moved constitutional amendments authorizing financial autonomy to local governments. The States House of Assemblies, however, refused to accent to the



amendments. There have been serious resistances by many State Governments against local government autonomy, because they see local government as their appendage and as an instrument for exploitation. This has resulted to inefficiency of the Local Government and has also led to high level of poverty, increased crime rate, rural – urban migration and the feeling of indifference to governance and political issues by the locals. The Attorney General of the Federation, Lateef Fagbemi, in May 2024, took the 36 States of the Federation to the Supreme Court on behalf of the Federal Government concerning the issue of Local Government autonomy. The Supreme Court ruled on 11<sup>th</sup> July 2024 that Local Governments are granted financial autonomy and that a democratically elected local government is hallowed and inalienable (Umar, 2024). Following this judgment, any Local Government without democratically elected members will henceforth not receive any fund from the Federal Government. Since then, over 15 States have declared local Government election dates. This paper attempts to highlight the challenges facing local government autonomy in Nigeria. The rationale or relevance of local government autonomy would also be considered.

### **Literature Review**

Local Government has been variously defined by different scholars and organizations depending on their perspectives. Adeyemo (2005) observes that Local Government is a political authority established by the State as a lower authority with the motive of disseminating political power. Local Government is a legal entity, which can sue and be sued and preferably administered by democratically elected representatives and with a level of autonomy to undertake specific functions as determined by the constitution. McLean and McMillian (2009) see Local Government as a governing Institution which has authority over a sub – national territorially defined area. Appadorai (1975) maintains that Local Government is government by accepted designated bodies assigned with administrative and executive duties in matters concerning the residents of a place. Chukwuemeka, Ugwuanyi, Okolo, and Onuoha (2014) outline the characteristics of local government to include: it can sue and be sued, has a specific territory, has a range of powers and functions and has an institutional structure. Agagu (1997) perceive Local Government as government at the grassroots level of management meant for meeting peculiar needs of the people. Doho, Ahmed and Umar (2018) perceive local government as an apparatus used by the Federal Government or State to provide certain basic services that are local in content and could be best controlled locally



because of the close knowledge of the needs, conditions and peculiarities of the areas concerned. It is through local government that the need of a community can be effectively and efficiently satisfied. Emezi (1984) submits that Local Government is a system of local administration under local communities that are organized to protect law and order, distribute some minimal range of social amenities and advance cooperation and participation of citizens towards the advancement of their living condition. The Guideline for Local Government Reform, FGN, (1976 ) sees Local Government as Government at the local level administered through representative councils set up by law to employ determined powers within specific areas. These definitions of Local Government bring to the fore the basic components of Local Government autonomy. This includes, must have definite functions and powers; including power to employ, promote and discipline their staff, must have a legal entity and therefore can sue and be sued, must be able to make its own laws, must be free from the control of other levels of government, must be administered by leaders who came up according to specified law which is through democracy. Local Government autonomy is the privilege given to Local Government to utilize authority within the confines of the constitution.

Ukertor (2009) submits that Local Government autonomy is the yardstick or power granted the third tier of Government pertaining legal, administrative and financial independence within constitutional limits. Agunyai, Ebirim, and Odeyemi (2013) see local government autonomy as the freedom given to the local government to utilize authority inside the confines of the law. This is to give them the freedom to perform their lawful duties without any form of intrusion from the other levels of government so as to enhance good performance. Nwankwo, Nwogbo, Atuluku, Mbamalu, and Barnabas (2021) define autonomy as the extent of power granted to the local government by the State or a central government. This power, according to them, is conveyed in terms of the functions assigned to them, the source of their revenues and expenditure, the supervision of local council deliberations by State representatives, the relation of local councils to extra- legal institutions such as the town improvement unions and the traditional authority etc. Davey (1991) argues that local government autonomy is essentially concerned with the question of responsibilities, resourcefulness and discretion bestowed on the local authorities. As such discretion and responsibility are fundamental to any local government. It is imperative to note that there can



never be total autonomy because according to the arrangement of federalism, there must be inter - governmental relations.

Local Government in Nigeria commenced during the pre – colonial period. Dominant empires and Kingdoms like the Benin, Sokoto, Borno and Oyo Empires were in existence etc. These empires have other wards, towns or villages under them. These wards or towns were administered under managements that provided for their local needs. This could be taken or referred to as local government. The emergence of the British colonial administration towards the end of the seventeenth century brought about the indirect rule system where the British colonialists ruled using the existing traditional rulers and institutions except for the South East where traditional rulers were not in existence. Warrant Chiefs were created in the South East to rule the people using indirect rule system. The indirect rule system encountered much opposition and eventually propelled many reforms. In 1950, the Federal system of Government was introduced. Nigeria had three regions which were the Western, Northern and Eastern regions which embraced different forms of Local Government. It was not until 1976, when the military administration of Olusegun Obasanjo introduced the 1976 local government reforms which introduced a uniform system of Local Government. The 1976 reform marked a defining moment in the history of local government in Nigeria. It was remarkable in many ways and came up as a result of wide consultation involving many stakeholders.

Eze (2016) rightly maintains that the reason for the 1976 reform was to address many problems plaguing local government as at then. The problem, according to him, include States' encroachment on their powers, lack of adequate funds and institutions, excessive politicking and lack of adequate and competent staff. Through this reform, local government was for the first time recognized as a distinct level of government, with defined boundaries and was assigned some specific duties and sources of finance. In order to be viable, according to the 1976 reforms, a local government should have a minimum of 150,000 people and a maximum of 800,000 people residing in it (Eze, 2016). It also introduced a uniform system of local government. The reform also made provision for Local government to have elected representatives and traditional rulers. The traditional rulers were to function as a ceremonial leader of the local government where he resides. These provisions were entrenched in the 1979 and 1999 constitutions. The Second Republic spanned from 1979 – 1983. During this



period, the State Governments abused some aspects of the 1976 reform as entrenched in the 1979 constitution. For instance, all through the Second Republic, no Local Government election was conducted, only Sole Administrators were appointed. The military struck again and took over power in 1983 and later there was another coup in 1984 that announced the Babangida regime (1984 – 1993). This regime undertook some Local Government reforms that were directed at propelling Local Government autonomy such as scrapping of the Ministry of Local Government, introduction of the presidential system of government at the Local Government, direct allocation of Local Government federal allocation etc. In 1999, a democratic government was birth and the problem of Local Government autonomy resurfaced again.

### **Theoretical Underpinning**

The study employed the efficient service delivery school. The major proponents of this theory are William Mackenzie and Sharpe (Ajulor and Ibikunle, 2016). The advocates of this theory see Local Government as a tier of government that is adequately placed near the citizens in order to render services in an efficient manner. The small size of the Local Government makes it possible to provide for their basic needs in an efficient manner. It also encourages flexibility in decision making and implementation. The theory also specifies that Local Government was created so as to express and accumulate the interests and aspirations of the people in order to offer basic services in an efficient manner. The theory is further premised on the believe that because the administrators of the Local Government are indigenes of the place, they are able to identify all the human and material resources available in the locality and how to utilize them for the benefit of all. The proximity of Local Government to the grassroots makes it possible for it to identify local needs and satisfy them in a cost effective manner. Due to these vital functions performed by Local Government, it is imperative that it should be given the autonomy to function effectively. Without granting Local Government autonomy, they will not be able to perform their laudable objectives and this will affect the overall development of the country. Local Government is essentially formulated as a viable political and administrative organ of reformation of all communities and for delivery of essential services to the citizens.



## Discussion of Findings

### The Arguments for or Justifications for Local Government Autonomy

There are many arguments for Local Government autonomy and they include:

- **Decentralization:** the basis for Local Government is to share or distribute power among different levels of Government. This, reduces the workload of the other levels of Government and also put power in the hands of the locals. It also ensures that local government as the nearest government to the people is able to identify local needs and is also able to efficiently and effectively satisfy them. Local Government is able to carry out these, if they are not undermined or manipulated by other levels of government
- **Efficient Service Delivery:** Local Government delivers services that are local in content as a result of their vast knowledge of their terrain and peculiarities. They can only carry this out efficiently and effectively if they enjoy autonomy
- **Promotion of Political Education:** When Local Government enjoys autonomy, it will educate people in their locality on the need to acquire political education and also inspire them to develop interest in politics
- **Improves Overall Standard of Living of the People:** Local Government autonomy encourages all to have the opportunity to contest for elections without the interference of the state government. This also ensures economic empowerment and improved standard of living of the locals
- **Encourages the Recruitment of Competent Staff:** due to lack of Local Government autonomy, their staff salaries and retirement benefits are not prioritized. Some of their funds are not released to them by the State Government. Due to this, they are not able to attract competent staff as Local Government employees. This affects service delivery
- **Ensures Enough Funds are available:** Local Government autonomy will ensure that they have enough funds and that the right money is released to them as at when due. This will enable them to perform their functions efficiently
- **Encourages Inclusion:** It will provide a voice to the minorities, when local governments are not manipulated or oppressed by other levels of government. It will



give the minorities, the privilege to participate in governance despite their small population and thus encouraging all to develop a sense of belonging

- Encourages the Enthronement of Democratic Ethos: autonomy at the Local Government will encourage more power in the hands of the locals and this will encourage them to demand for accountability, transparency and probity from the hands of government
- Ensures that only their local needs are attended to: Without autonomy, the State Governments dictate to them on how to spend their allocations. They therefore, atimes spend money on areas that are important to their State Government and not beneficial to their locality.

### **The Challenge of Local Government Autonomy in Nigeria**

The 1999 Nigerian constitution did not guarantee Local Government autonomy. For instance, According to sections 7 and 8 of the 1999 constitution, apart from recognizing the Local Government as the third tier of Government, it gave the State, the power to dominate the Local Government (1999 Constitution). The Local Government cannot carry out some responsibilities given to it under Section 1 Schedule 4, unless the State House of Assembly passes a law to support or approve it, thus eroding their autonomy. The Nigerian supreme court in affirming the subservient status of the Local Government on the State Government emphasized that the Federal Government has no legislative powers as regards the establishment, structure, composition, finance and functions of Local Government councils rather it is the state government that are given such powers under the constitution. Therefore if state possesses such powers, the Local Government is not autonomous.

The Schedule 4 of the Constitution also specified that the responsibility of the Local Government Council includes the involvement of the Local Council together with the State Government in issues concerning education, health, agricultural material resources and other functions assigned to it by the State (Asaju, 2010). Many State Governments have leveraged on this provision to usurp and take over areas where Local Governments generate income like market rates, tenement rate, vehicle stamps etc. Corroborating this stance, the Ondo State Governorship candidate under New Nigeria Peoples Party (NNPP), for the election slated for November 2024, Hon. Olugbenga Edema, states that if elected as the Governor of Ondo State, he will change the status quo and ensure that all the markets are returned to the Local





Governments. He promised to also ensure that tenement rate, vehicle stamps, market rates and other legitimate rates that are supposed to be collected by Local Governments are returned to them (Esho, 2024). Section 3, Part II of the Third Schedule of the Constitution Provides for the Establishment of the State Independent Electoral Commission (SIEC) and gave it the power to conduct Local Government elections (1999 Constitution). The Constitution, however, failed to make provision for institutional autonomy of the SIEC. According to the constitution, the State is also to make certain that there is a democratically elected local government council. Section 204(1) subjects the power of SIEC to manage its operations and to bestow powers and duties on any officer approved by the Governor (1999 Constitution).

Some Governors have anchored on this, to appoint their party men or stooges as SIEC chairmen so as to rig the election on their behalf. This is one way, the State Government has continued to dominate or manipulate the Local Government Councils. For instance, in Osun State, there is a plan by the Inter – Party Advisory Council (IPAC) to oppose the Local Government election in Osun State, which is slated for February 22<sup>nd</sup> 2025. Their reason is that the incumbent Governor, Mr Adeleke, appointed his aide, Barrister Hashim Adeoye as the Chairman of Osun State Independent Electoral Commission (OSIEC) (Adedeji, 2024). Itodo (2024) rightly observes that some constitutional problems weaken the ability of SIEC to conduct credible elections. This, according to him, includes operational control of SIEC by Governors, lack of financial autonomy, lack of constitutional time frame for Local Government elections and lack of competent staff. Olaniyi (2017) rightly contends that the State Governments do not allow the SIEC to conduct Local Government elections as at when due rather they prefer to impose stooges in the form of Care Taker Committees. Akasike and Tolu – Kolawole (2024) rightly submit that as at June 30<sup>th</sup> 2024, 21 States out of 36 States operate local Governments with Caretaker Committees. On June 28<sup>th</sup> 2024, the Jigawa State Government terminated the appointments of the 27 local Government Chairmen and their Council members and appointed Care taker Committees. In Rivers State, Governor Fubara also displaced the elected Local Government Chairmen and appointed Care taker Committees. On June 20<sup>th</sup> 2024, Governor Soludo of Anambra State, approved the appointment of 21 transition committee Chairmen and Councillors to serve for 3 months in the first instance and in which it is subject to further renewal through the House of Assembly. In Kwara State, Caretaker Committee has been in place since 2020. In Imo State, the last



Local Government Council election was conducted in August 25<sup>th</sup> 2018. In Bauchi, between 2008 and 2020, no Local Government election took place (Ndujihe, 2023). In States where Local Government elections took place, State Governments exploited the electioneering processes and ensured that only their candidates won the election. The Chairmen and members of SIEC are usually card carrying members of the ruling party and are duly appointed to rig the elections in favour of their parties. The 1999 constitution did not specify the independence of the SIEC. This has encouraged calls from citizens to scrap SIEC because it was perceived to be highly inefficient. Itodo (2024) argues that scrapping of SIEC is unproductive as it will place more burdens on the Independent Electoral Commission (INEC) and weaken decentralization. He suggests that instead of abolishing SIEC, resolving the fundamental issues and invigorating SIEC through legal and institutional means is more appropriate. Section 8(13) makes provision for the procedures for the creation of new Local Government Areas and entrusted the power to do so in the hands of the States House of Assembly (1999 Constitution). Section 8(6) of the Constitution however authorizes the members of the National Assembly to approve it (1999 Constitution).

This provision, however, brought about bickering for the control of Local Government between the States and the Federal Government and this affects Local Government autonomy. Some States like Kogi, Niger, Oyo and Lagos States created some Local Governments which the Federal Government refused to recognize. Lagos State under Bola Ahmed Tinubu took the Federal Government to court, regarding this, and secured victory. This is because the Federal Government (FG) seized their federal allocation, so the FG was asked by the Supreme Court to release their funds though their action was seen as unconstitutional and a constitutional blunder by the court (Adujie, 2014). Nwanegbo and Okafor (2005) rightly submit that the constitution gave the State Governments power to create Local Governments which the National Assemblies are to approve thereby eroding Local Government autonomy. The constitution also makes provision for the State to peruse and assent Local Governments budgets and expenditure through the State House of Assembly further eroding their autonomy. Some State Governments have leveraged on this provision to insert budgetary allocations to projects that are not beneficial to the particular Local Government. The constitution also provided for the existence of State Local Government Joint Account where the Federal Government is to transfer 20.60% of Local Government statutory allocation through this account. This is one way the State Governments have



oppressed the Local Governments through with holding their funds and forcing them to embark on projects that are not needed in their locality. Alluding to this fact, Ammani (2020) rightly pin points that State Governments hijack Federal allocations meant for Local Government in their jurisdiction and misappropriate them; leaving the local government weakened. Nwankwo, Nwogbo, Atuluku, Mbamalu, & Barnabas (2021) submit that whether federal government allocation is directly transferred to the local government or is sent through the State Local Government joint account, the State has a way of siphoning Local Government funds. They note that what obtains is that, the Commissioner for Local Government in the Governor's Office would invite relevant officers from the Local Government and State Government to sign already prepared document showing that the Local Government federal allocation has been given to them. They will also at the same time sign prepared expenditure list for retiring the money. This leaves very small amount of money for the Local Government, which they use to pay staff salaries only and nothing more.

The State Government also controls the local government administratively through their Ministry of Local Government and Chieftaincy Matters, with the Commissioner of Local Government issuing policy directives and circulars which they must obey. Also the State Local Government Service Commission recruits, promotes, disciplines and retires senior staff of local governments making them to be loyal to the State and not the local government who they are working for. Their senior staff can be transferred by the State agents without informing or seeking the opinion of the Local Government authority where they work. For instance, the State Government could through the Local Government Civil Service Commission of the State suspend or terminate the appointment of any career senior official of the council and they therefore are loyal to him. Even if they were punished without good reason the State High Court which they can take their matter to, is built, funded and managed by the State Government. The State Auditor General for local government is empowered by law to stop or query any expenses of the local government council he deemed inappropriate. The State Government through some agents will approve any project the Local Government want to embark on. The constitution did not make the Local Government a distinct third tier of government as specified in the constitution as they are practically tied to the State Government who manipulates them by all means.



## **Conclusion**

That Local Governments have very crucial roles to play as agents of development at the grassroots is undisputable. There is need for other levels of government to work with them as partners in progress to see that they realize their objectives. There is also need for Local Government Council members to work on themselves and not see all their problems as emanating from State Government interference in their affairs. In the periods between 1991 – 1992, Local Government federal allocation was increased from 15% to 20% and transferred directly to their account. Sadly, Local Government performance did not improve. Nevertheless, it is time for the Federal Government to map out a road map for the administration of Local Government in line with their constitutionally assigned roles. If the Local Government system in Nigeria is not comprehensively overhauled, it will not be able to achieve rapid development as envisaged or planned by development planners

## **Recommendations**

In order to reposition Local Government to realize their objectives, there is need to do the following

- The Local State Government joint account should be abolished and federal allocation should be transferred directly to the Local Government
- Stiff penalties should be melted out for corrupt Local Government employees
- The constitution should make provisions to strengthen the State Independent Electoral Commission (SIEC) by removing it from the stronghold of the State Government
- The constitution can also give only the Independent Electoral Commission (INEC) power to conduct Local Government election as a way of eliminating State Governments manipulations during Local Government election
- The Federal Government should insist that the State Governments should only put those who are democratically elected in the helm of affairs at the Local Government.



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