

Enthroning Autonomous Local Government System in Nigeria Interrogating the Salience of the Supreme Court Verdict of July 11 2024

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DOI: <https://dx.doi.org/10.47772/IJRISS.2024.8120263>

Received: 10 December 2024; Accepted: 16 December 2024; Published: 17 January 2025

ABSTRACT

This paper critically assessed the obstacles and prospects of local government autonomy in Nigeria. Emphasis is on the 2024 Supreme Court judgement under the administration of President Bola Ahmed Tinubu. To evaluate the constitutional and legal frameworks impacting local governments in Nigeria, the study used secondary sources, which include judicial judgements, legal documents, and scholarly publications, guided by the governance theory. The paper examined important constitutional clauses such as the State and Local Government Joint Account (Section 162(6)), the State Assembly's legislative authority over local councils (Section 7(1)), and the lack of express acknowledgement of local governments as a third level of government. Findings of this study revealed that these provisions erode the fiscal and operational revenue self-sufficiency of local governments to a very large extent, thus re-echoing their subordination to the state governments. While the Supreme Court's judgement did clear certain misinterpretation on the status of local governments, it failed to address the root cause of the restrictions that continue to place a cap on their decision-making authority. The paper recommended areas of constitutional changes needed, including amendment to the restrictive provisions of the constitution, and capacity building of local governments as prerequisites to actual decentralization and effective functionality of local councils in Nigeria, particularly as it relates to enthroning autonomous system of the local councils.

Keywords: Autonomy, Constitutional Provisions, Federalism, Governance Theory, Local Government, Nigeria, Supreme Court Verdict

INTRODUCTION

The issue of decentralization of Nigerian local government has been a topic of debate as far back as the introduction of modern democracy in Nigeria. The controversy has, however, gained momentum in the recent past due to the Supreme Court ruling on the autonomy of local councils. This ruling has led to debate on the issue of the constitution and its provisions on the state and local governments. The Nigerian Constitution of 1999 is fundamental to this discussion since it forms the legal framework for the running of local governments. However, analyzing the Constitution, one will come across certain sections that still hold local governments to the state system, thus thwarting the attempt at getting independence. Another important feature within this context is the State and Local Government Joint Account within the framework of Sections 162(5) and 162(6) of the Constitution of the Federal Republic of Nigeria, 1999. These provisions require that all the income received from the Federation Account be paid into an account controlled by the state government. In other words, the local governments have become financially dependent on the states, thus restraining their autonomy. Critics have observed that this arrangement compromises the concept of fiscal decentralization as local governments continue to rely on state governments who exercise large degree of control over the release of funds (Sanusi, Tabi'u and Mohammed, 2013; Amah, 2018). This financial subordination has remained one of the biggest hurdles in the autonomy of local government in Nigeria.

Also, the law-making powers of the state houses of assembly over the local governments cement the subordination of the local governments to states. By section 7(1) of the 1999 constitution of the Federal

Republic of Nigeria, the State Houses of Assembly have the power to make laws on the establishment, composition and funding of the local government. This constitutional provision gives state governments great levels of supervision and management powers over the local governments. Thus, the local governments themselves, with their legislative councilors, do not have the autonomy to make decisions, formulate their policies or even to govern their affairs without intervention from the state. As shown in this paper, the state legislative control is viewed by critics as undermining the ability of local governments to function as a tier of government that is capable of meeting local needs adequately (Amah, 2018).

Worsening these challenges is the failure of the Nigerian constitution to acknowledge local government as the third tier of the Nigerian government. Based on the 1999 Constitution, there are only two tiers of government, these are the Federal and State governments, and there is no express provision to unambiguously indicate the autonomous status of local government. This exclusion has created a lot of confusion as to the preservation and powers of subnational governments in the over-arching political framework. Notwithstanding, their existence is provided for, by the Constitution in various sections, but there is no mentioning of the local government as a separate and equal branch of government. This poor recognition has elicited concerns regarding the actualization of demands for local government autonomy, especially given the constitutional authority invested in State governments to restrain their operations (Okorie et al., 2023).

There has been a lot of criticisms to the Supreme Court's July 2024 decision on local government autonomy, which maintained the constitutional clauses binding local governments to the states. Local government autonomy proponents contend that the decision ignores the basic problems of legislative and budgetary independence, which are necessary for local governments to operate as independent autonomous body. They argue that real autonomy will remain elusive as long as local governments are still financially and legislatively subservient to state governments (Odo, 2014). The decision has also drawn criticism for maintaining a system in which state governors have undue control over local government management, hindering democratic governance and grassroots growth. In addition to the autonomy of local governments, constitutional measures that would acknowledge local governments as the third branch of government have been a topic of recent conversation. Reformers contend that to resolve the structural disparities that now exist between the federal, state, and local governments, this kind of acknowledgement is necessary. They suggest removing state governments' stifling power and giving local governments more authority over their budgets and legislative affairs would encourage more efficient service provision at the community level. The ruling of Nigeria's Supreme Court of July 11 2024 on local government autonomy is quite important as it was aimed at ensuring that funds earmarked for the 774 local councils from the federation account are utilized for the wellbeing of the local populace. However, given that it raises important questions regarding the functions and standing of local governments in Nigeria's 1999 Constitution (as amended), the ruling deserves closer examination. Is this ruling consistent with the different sections of the 1999 Constitution on local government system in Nigeria? Does it promote goals of federalism who include non-centralization of funding powers? Or does it throw-up more issues and questions of state influence over local governments as well as their diminishing ability to act independently?

Given Nigeria's desire for democracy and the necessity of efficient local service delivery, these considerations are crucial. Though their continuous subservience to state governments goes against the idea that local governments should be the closest form of government to the people, but this is not the case in practice based on the seldom relationship and contacts between the local councils and the local people as well as their needs/collaborations. The seldom relationship stemmed from the inability of the local councils to meet the local peoples' needs and their involvement in community governance. Notwithstanding its legal soundness, the Supreme Court's ruling is likely not to solve the more general concerns of responsible municipal administration, democratic governance, and fiscal restraint of the local councils. The main issue this study aims to examine is the discrepancy between the prescriptions of the constitution and the actualities of local administration in Nigeria.

LITERATURE REVIEW

At the grassroots level of governance, local government is perceived as the third tier and is "meant for meeting the peculiar grassroots need of the people" (Agagu, 1997:18). Additionally, it denotes "government by the

bodies elected by the people and tasked with carrying out executive and administrative functions pertaining to the residents of a specific district or place" (Appadorai, 1975:287). A country or state may establish local government as a subordinate authority to decentralise or spread political power (Awa, 1991).

Mawhood (1983) described local government as an organisation that works within predetermined boundaries, serving the people and putting local requirements into practice through policy implementation. He emphasizes how crucial local government is to grassroots growth since it acts as a link between the general public and higher governmental echelons. According to Stoker (1991), local government is a decentralized system of government in which elected officials are in charge of providing services and managing public resources. He contends that ensuring that public services like infrastructure, health, education, and sanitation are adapted to the unique demands of the local populace is the main responsibility of local governments. For Pratchett (2004), local accountability requires the involvement of local government.

He stresses that local government agencies are in a better position to comprehend community needs and preferences and can provide services in a manner that is more flexible and sensitive to local circumstances. In the views of Humes and Martin (1969), local government is the apparatus that helps people run their municipalities. They contend that to successfully meet the particular requirements of their citizens, local governments must possess the capacity to raise and distribute funds in addition to the ability to manage services. For Ademolekun and Rowland (1979:1), local government (LG) is a level of government that has formalized and unambiguously acknowledged its status as a separate entity with clearly defined limits, powers, and provisions. According to McLean and McMillan (2009), local government is viewed as a governing body with jurisdiction over a territory that is designated as a sub-national region or, in federal systems, a sub-state area.

In the opinion of Ezeani (2006), one of the major reasons for the creation of the local government councils is the sensitization and mobilization of the various communities in their areas of authority in order to get involved in the overall development of these areas, hence the essence of bringing government closer to the people to ensure the provision and the deliverables of democratic dividends of government and services that would enhance the quality of lives of the rural populace.

As enshrined in the 1999 constitution of the Federal Republic of Nigeria (FRN), there are 774 local government councils, and their functions, as contained in the fourth schedule, include: collection of rates, radio and television licenses; establishment, maintenance and regulation of markets, motor parks and public conveniences; construction and maintenance of roads, streets, street lightings, drains and other public highways; refuse disposal; registration of all births, deaths and marriages; participation of such council in the Government of a State on the provision and maintenance of primary, adult and vocational education; the development of agriculture and natural resources, other than the exploitation of materials; provision and maintenance of health services; and such other functions as may be prescribed and conferred on a local government council by the House of Assembly of the State from time to time.

Federalism as it exists in the Nigerian federation is the source of LG autonomy. The delegation of powers, duties, and jurisdiction to lower tiers of government is known as federalism. In compliance with the constitutional duties of all governmental levels, it also has to do with how tax powers are allocated, money is retained, and strategies for distributing centrally acquired revenue are implemented (Osakwe, 1999:524). The degree to which local governments are free from the state and federal government's authority over how they conduct their local issues is implied by the LG's autonomy (Adeyemo, 2005). According to Nwabueze (1983), each level of government in the federal system has autonomy as it is free from the influence of other levels of government and has its own life.

Shah and Thompson (2004) emphasized that for local governments to be fully independent, they must be able to generate and oversee their income to lessen their reliance on funding from the federal government. Long-term viability and efficient service delivery depend on this financial independence. Sienkiewicz (2002) focused on local government autonomy in post-communist nations, saying that political and administrative decentralization has been crucial for democratization. He highlighted that local autonomy involves improving accountability and transparency in local government in addition to being independent of federal authority.

The history of local government in Nigeria traces back to the colonial era when the system of indirect rule and native authority was established. During the 1940s, this system evolved to include more administrative responsibilities such as native police forces and prisons. By the 1950s, regional governments had introduced representative bodies, though these varied by region. For instance, the Eastern Region implemented a three-tier council system, while the Western Region introduced elections, both direct and indirect. In the Northern Region, elected positions were gradually incorporated into the traditional native authority system. However, despite these reforms, the First Republic's local governments were plagued by inefficiency, corruption, politicization, and undue interference from regional governments. These issues led to significant reforms, such as the replacement of elected local councils with appointed administrators in the Western Region by 1965 (Suberu, 2024). The military takeover in 1966 led to further changes, where appointed sole administrators replaced regional local governments. Following the establishment of 12 states in 1967, a uniform two-tier administrative system was adopted across the country, standardizing local government structures. By the early 1970s, some states began experimenting with local governance models to promote post-war integration and support national development efforts. In 1976, a landmark reform introduced by the Federal Military Government sought to further standardize the system, creating a single-tier local government structure for all councils, ensuring uniformity in personnel, pay, and governance practices. Despite the uniform framework, this led to fragmentation in large cities where multiple Local Government Areas (LGAs) existed without cohesive city-wide governance (Gboyega, 1987; Suberu, 2024).

The 1979 Constitution formalized the relationship between the federal and state governments regarding local government affairs, with the federal government handling the allocation of funds. Legal tensions between states and the federal government over control of local governments were frequent, with the creation of new LGAs often causing disputes. For instance, Lagos State's attempts to create additional LGAs during the Second Republic led to a legal case deeming these councils illegal due to procedural lapses. Although states continued to create new councils, these were dissolved after the military returned to power in 1984 (Gboyega, 1981). In subsequent years, attempts to regulate local government structures continued. The Dasuki Committee of 1985 introduced guidelines for creating new local councils, while military regimes between 1989 and 1996 saw the creation of hundreds of new LGAs, culminating in the current total of 774 LGAs. The Fourth Republic was marked by continued struggles between state and federal authorities over local government control, with the most prominent case being the Supreme Court ruling of 2004, which prohibited the federal government from withholding funds meant for LGAs in Lagos State.

However, the same ruling also established that new local councils created by states were not valid until ratified by the National Assembly (Suberu, 2024). Most recently, a Supreme Court ruling in 2024 shifted the balance of power by mandating that local government allocations be paid directly to the LGAs, bypassing state governments. This decision aimed to curb the diversion of funds by state governors and to protect the autonomy of local councils. While this ruling represents a significant judicial intervention, local government in Nigeria continues to face structural challenges such as funding shortages, corruption, and unclear roles for traditional institutions (Suberu, 2024). These historical challenges, in addition to the state legislative oversight hampering effective functioning of the local councils and the state government peculiar diversionary interest, point to the need for a comprehensive reform of Nigeria's local government system to promote greater autonomy, accountability, and governance efficiency.

Theoretical Framework

Renowned academics including James Rosenau, Rod Rhodes, and Gerry Stoker have established governance theory, emphasizing the transition from conventional government to governance. According to them, governance involves a variety of players in the decision-making process, including private organizations and civil society, and goes beyond government institutions (Rhodes, 1996; Stoker, 1998). This strategy emphasizes how crucial decentralization, alliances, and networks are to attaining efficient governance. The Nigerian local government autonomy question is especially pertinent to governance theory. The theory's focus on decentralization is consistent with the notion that local governments need to have more autonomy over their budgets, decision-making processes, and service provision. Nigerian local governments now have little financial autonomy due to their strong reliance on state governments, especially through the State and Local Government Joint Account. To ensure that local governments can better serve their populations without undue

state intervention, governance theory supports giving them the freedom to act autonomously. The contribution of non-state players to the governance process is also highlighted by governance theory. Communities may collaborate with local authorities to provide services and make decisions more actively when local governments are empowered. Underpinned by governance theory, this participatory method guarantees more inclusive governance that adapts to the various requirements of the populace (Stoker, 1998). Applying governance theory makes it evident that greater autonomy for Nigerian local governments is necessary to improve their responsiveness, accountability, and community involvement. By guaranteeing that choices are made at the level closest to the people they impact, the idea offers a framework for understanding why giving local governments more authority is crucial for fostering efficient governance (Stoker, 1998).

Constitutional Provisions Affecting Local Government Autonomy in Nigeria

In Nigeria, local governments' autonomy is essential to efficient governance and the provision of public goods and services. The degree of this autonomy is, nonetheless, influenced by several constitutional clauses. The independence of local governments across the nation has been weakened by two important constitutional provisions: the State and Local Government Joint Account (Section 162(6)) and the State Legislature's Power to Legislate for Local Governments (Section 7(1)). These clauses are examined to determine how they affect the legislative and financial independence of Nigerian local governments.

State and Local Government Joint Account (Section 162(6) of the Constitution)

The Federal Republic of Nigeria's 1999 Constitution, Section 162(6), creates a common account that facilitates financial ties between the federal, state, and local administrations. This clause requires a certain portion of the Federation Account's income to be deposited into state accounts, where funds are thereafter disbursed to local governments. According to the Nigeria Constitution of 1999, the joint account is a structure that guarantees local governments a fair part of national earnings, which include taxes and other federal income sources. It is the goal of the joint account to give local governments a consistent and reliable stream of funding so they may efficiently perform their duties. The clause seeks to guarantee that local governments have access to the financial resources they need to fulfil their responsibilities by promoting fiscal federalism through the pooling of federal resources and their distribution to lower tiers. The joint account clause unintentionally reduces local governments' economic autonomy even if its goal is to guarantee financial assistance for them. Local governments have little influence over their revenue streams and budgeting procedures due to their reliance on state-controlled allocations (Sanusi et al., 2013). Due to this reliance, local governments may experience delays in receiving funding, which may hinder their capacity to act quickly in response to community needs and priorities (Dibal, Uthman & Abdullah, 2020). Not only that, but the set percentage distribution fails to take into consideration the fact that various local governments have diverse budgetary demands and capacities. Compared to less developed places, local governments in densely populated or economically active areas would need greater resources. Political meddling in the affairs of local governments might result from the centralized control over funds. State governments have the power to direct funding and expenditures, causing local governments' budgets to reflect state objectives rather than the peculiar requirements of their areas. According to Anayochukwu and Ani (2021), this involvement might lead to an inefficient and misaligned distribution of resources, undermining the notion of local government autonomy.

State Legislature's Power to Legislate for Local Government (Section 7(1))

The Nigerian Constitution's Section 7(1) gives state legislatures the power to enact laws about local governments. This clause gives state legislatures the authority to adopt laws that directly affect the composition, administration, and activities of local governments by placing them under their legislative jurisdiction (Nigeria Constitution, 1999). This legislative power covers a wide range of topics, including the general governing structure of local governments, public service delivery methods, administrative processes, and financial management of local governments. Rather than acknowledging local governments as independent institutions with legislative powers, the constitution essentially centralizes legislative control over them at the state level by giving state legislatures this responsibility (Idoko and Obidimma, 2020). This clause gives state legislatures the authority to enact, modify or abolish laws that control local government operations; as result,

depending on the goals and governing philosophies of state lawmakers, the legislative landscape for local governments might differ greatly between states.

The ability of state legislatures to enact laws for local governments seriously compromises the independence of these local organizations. The constitution restricts local governments' capacity to create policies and procedures that are specific to their needs and particular settings by granting states the authority to set the rules under which local governments must function. First of all, local administrations are unable to pass laws or regulations without the state's permission since they lack autonomous legislative capacity in practice, even though they have elected councillors saddled reasonably with the power to do so. Occasioned by the lack of legislative independence, the local councils are less able to innovate and adapt at the grassroots level to changing conditions, which limits their ability to effectively handle local concerns.

Once more, the hierarchical legislative structure created by Section 7(1) frequently leads to homogenous policies that might not be appropriate in every community. The state governors' continuous manipulation of local government matters is based on clause 7(1) of the constitution (as modified). For example, in a desperate and unlawful move, the former governor of Osun State, Mr Rauf Aregbesola, altered the official coat of arms of the local governments in Osun State to a sign of "Owolabi," which occurs nowhere in the constitution. He went on to amend the constitution to designate "Executive Secretary" instead of "Executive Chairman." Thus, under his eight-year rule in Osun State, Local Government was administered as a unit under his oversight. During his eight years in office (November 18, 2010 to November 18, 2018), there was not a single municipal election held in the State. Not only were the esteemed Executive Secretaries of the Local Governments exempted from direct reporting to the Governor, they also reported to the Commissioner of the Ministry of Chieftaincy and Local Government (Jannah, 2017). Nearly all the state governments in Nigeria undermines the autonomy of local government councils in different ways, thus, is not peculiar to any state as it has become a norm. For years, local governments have struggled under the dominance of state governors who wield significant control over local councils often undermining their autonomy. This control is manifested in various ways, including the dissolution of elected councils, the appointment of caretaker committees, and the manipulation of local government funds through the State Joint Local Government Account. These practices have stifled local governance, inhibited development, and disenfranchised citizens at the grassroots level. The over-centralization of power perpetuated inefficiencies and corruption (Adepegba, 2024). Even with the supreme court verdict, states have continued to legislate and formulate policies for local government operations including financial administration, Anambra State House of Assembly as a typical example, relying on section 7(1) of the 1999 Constitution (Michael Ovat, 2024).

In addition, local governments may feel pressured to support state interests above the true needs of their citizens due to the state-controlled legislative process, which can result in favouritism and patronage (Page and Wando, 2022). Political goals may take precedence over the provision of public services as a result of this alignment, which may lead to biased resource allocation and governance practices. Moreover, democratic local government may be impeded by the state's concentration of legislative authority. As the level of government nearest to the people, local governments are supposed to offer a forum for public accountability and involvement. On the other hand, local governments might not have the power or means to interact with their people and hold state officials responsible if legislative power is centralized in the hands of state lawmakers (Odo, 2014; Egwuagu, Nnamani, and Okolie, 2024). Additionally, because state rules controlling municipal governments, may clash with federal laws or not be consistent across state lines, this clause may result in legal and administrative problems. For local governments, this variation complicates operations and makes it challenging to develop standardized procedures and guidelines that support efficient governance and service delivery.

Local Government as an Administrative Structure and not a Third Tier

There is no specific recognition of local governments as a separate third level of government in the Nigerian Constitution. Rather, local governments are frequently seen as nothing more than the state government's administrative branches, devoid of the constitutional authority granted to the federal and state governments. The lack of expressed recognition of the local governments in the 1999 Constitution as a separate tier of government results in subjugating the authorities and duties of local governments to the State. Put differently,

the 1999 Constitution under Section 3(6) did not create Nigeria's local government system as a third level of government administration. It only acknowledges the makeup of every State that makes up the Federation (Piate and Ukere, 2024). The independence of local governments as administrative entities is significantly impacted by the absence of clear constitutional recognition. Local governments mostly rely on laws passed by state legislatures, which can differ greatly and be inconsistent throughout the states of the federation. This reliance limits their capacity to operate consistently and efficiently throughout the nation. Furthermore, the public's and other government levels' perceptions of local governments as nothing more than administrative departments undermine their legitimacy and power (Egwuagu et al., 2024). As a result, local governments encounter difficulties in promoting their concerns, obtaining sufficient funding, and putting into practice laws that truly address the needs of their constituents. Additionally impeded by the administrative uncertainty are attempts to bring local governments up to par with their potential contribution to grassroots democratic growth and governance.

Due to the perception of local councils as mere administrative outlets to the states, it is not surprising to see a practice among all the states of the federation where the governing political party must produce councils' chairmen either by appointments or makeshift elections conducted by the governors' appointed State Independent Electoral Commissions (SIECs). Against democratic culture, most of the appointed or elected chairmen are the choices of the governors, the political godfathers or other primordial interests. In this case, competitive elections are hardly conducted to reflect the wishes of majority of party members, and by extension the local populace. This can be summed up by the saying - he who pays the piper calls the tune.

A Critical Analysis of the Supreme Court Verdict on Local Government Autonomy

There has been a long-standing dispute in Nigeria about local government autonomy that dates back to earlier administrations, including the administration of former President Muhammadu Buhari. The Nigerian Financial Intelligence Unit (NFIU) implemented rules in 2019 that limited the authority of state governments to manage combined state-local government accounts. However, the laws were mostly ineffectual due to objections from state governors. When the Attorney-General of the Federation, Lateef Fagbemi (SAN), filed a lawsuit (SC/CV/343/2024) at the Supreme Court, the disagreement came to a head in court in 2024. This lawsuit contested the practice of state governors appointing caretaker committees in place of democratically elected local government councils, which was seen to be a breach of the local governance requirements of the constitution (Musa, Angbulu and Tolu-Kolawole, 2024; Ojo, 2024).

The core of the federal government's argument was upholding the constitutional requirement that local governments be chosen democratically and receive funding directly from the Federation Account. This measure was deemed essential to stop state governors from diverting local government funding and guarantee that local councils have the financial capacity to lead efficiently (Shotayo, 2024). Based on the supreme court verdict, the Federal Government declared that only state with democratically elected local government councils will have their federal monthly allocation paid to them, commencing from October 2024. As a result of the supreme court verdict and the declaration by the Federal Government on democratic local government system, many of the states, who hitherto operated caretaker committees prior to the verdict are rushing to conduct local government election.

The ruling of the Supreme Court was announced on July 11, 2024, and it was widely celebrated as a triumph for local government authority. A panel of seven judges unanimously decided that local governments should get their allotments directly from the councils, without going via state governments at all. Governors' authority over local government money and their meddling in local council administrations are unlawful, according to Justice Emmanuel Agim, the main judge. The court further issued an injunction prohibiting state governments from accepting or using monies allotted to local governments in the absence of the establishment of democratically elected councils (Musa et al., 2024). In addition to guaranteeing that local councils would henceforth have authority over their budgets, the ruling reiterated the necessity of direct financial accountability at the local level. This decision essentially put a stop to the widespread practice of state governors embezzling local government monies under the pretence of "joint accounts," which had long hampered grassroots development (Shotayo, 2024).

The Nigerian Constitution's Section 162 mandates that both levels of government keep a single account for the collection and disbursement of cash, which meant that local governments were frequently financially dependent on the states before this verdict. This arrangement made it possible for state governors to control local government funding, which frequently made it impossible for local councils to carry out their duties expected of them. However, the decision from the Supreme Court mandates that local governments independently oversee their financial matters, guaranteeing more responsibility and independence (Daily Trust, 2024). While the ruling has been lauded as a positive step towards boosting local government efficiency, it also poses issues about how local governments might manage these expanded financial powers without proper monitoring. Numerous analysts contend that achieving financial independence might not be sufficient to address the more significant structural problems confronting Nigerian local governments.

The interpretation of Sections 7 and 162 of the 1999 Nigerian Constitution by the Supreme Court was a major factor in its conclusion. While Section 162 describes the revenue-sharing formula and the joint account method between states and local governments, Section 7 ensures the development of a democratically elected local government system. In interpreting these clauses, the Court recognised that while states and local governments share financial obligations, the sovereignty of local governments should not be undermined by undue state intrusion. In a progressive move, the Court ruled that local councils have to have the authority to independently oversee their budgets and create policies that promote grassroots development (Agbo, 2024). The judgment aligns with earlier constitutional provisions supporting local government autonomy, notably Section 7, which requires the existence of democratically elected local councils.

Although most people view the Supreme Court's decision as a win for decentralization, there is ongoing discussion over how it will affect local government. Any true attempt at local government autonomy, according to the ruling's detractors, needs to happen through a formal constitutional change. The State and Local Government Joint Account's constitutional foundation is one of the main objections to the Supreme Court's ruling. The 1999 Constitution's Section 162(6) requires each state to have a joint account to receive funds intended for local governments from the Federation Account. This clause has historically given state governments the authority to decide how much money to provide local councils, frequently at their discretion, which has led to claims that state executives have manipulated the finances.

The joint account is still protected by the constitution, notwithstanding the Supreme Court's decision to circumvent it to give local governments more financial autonomy (Apalando, 2024). The Supreme Court may be going beyond its judicial authority, according to critics, if it overrides the joint account mechanism without a constitutional modification. E.M.D. Umukoro, a legal scholar, for example, argued that the Court committed “judicial legislation” when it overreached in interpreting the Constitution and essentially rewrote Section 162(5), which requires states and local governments to keep joint accounts (Daily Trust, 2024). Though mishandled, the joint account is explicitly positioned by the Constitution as a safeguard for the equal allocation of resources among state and municipal governments. The Court's decision aims to combat fiscal mismanagement, but it ignores the need for a constitutional revision to eliminate or modify the joint account system going forward (Chibu, 2024). Therefore, if state governments appeal the decision on the basis that the joint account is a constitutional construct that cannot be circumvented by judicial interpretation alone, the decision may result in constitutional problems. Even though local governments currently receive funding directly from the federal government, the absence of a formal system for local fiscal oversight could exacerbate corruption and inefficiencies because local councils may lack the institutional resources to handle their financial matters. Owing to the decision's inability to tackle this issue, there exists a significant void in the safeguarding of accountability within local government. According to Adio (2024), strengthening the systems for holding local government officials accountable must go hand in hand with giving LGAs financial autonomy.

Local governments now have the poorest accountability structures and mechanisms. Local governments seldomly have the operational controls and procedures - financial audits, restraining institutions, opposition parties, and judicial and parliamentary oversight that serve as the checks and balances on the power of the state. Most locals have little interest in or involvement in local affairs. At the federal level, the media and civil society are more visible and engaged than ever before, shining a light on the use of power and amplifying the concerns of the public. The legislative authority given to State Houses of Assembly by Section 7(1) of the

1999 Constitution is the subject of a second significant criticism of the Supreme Court's ruling. This clause empowers state legislatures to enact laws governing the creation, organisation, makeup, funding, and duties of local governments. While upholding municipal financial autonomy, the Supreme Court's decision does not change state governments' legislative authority over local councils, particularly in the fields of public finance, infrastructure development, and governance. This constitutional clause gives state governments considerable authority over the activities of local governments.

The Supreme Court exposed local governments to legislative overreach by state governments by upholding local governments' financial autonomy while ignoring the state assembly's much more expansive legislative authority over local government affairs. For example, a state legislature may still enact legislation restricting local governments' autonomy, especially when it comes to raising money and managing local council budgets (Michael Ovat, 2024). Anambra State is a critical example of this, which despite the supreme court verdict, has gone ahead to further amend and legislate on the local government councils' operation. This leads to a paradoxical scenario in which state governments maintain political authority over local authorities in other crucial areas of administration, while simultaneously not to exercise financial control over the local government councils.

According to scholars like Anah (2018), Okorie et al. (2023) and Nwobashi (2024), constitutional change is the only way to attain real local government autonomy. This would include reducing the authority of State Houses of Assembly over local councils. Otherwise, the state governments would continue to have significant impacts on local government through their legislatures, making the Supreme Court's decision on financial autonomy non-impacting or unmeaningful. The third criticism is on the 1999 Constitution's omission of local governments' express recognition as the third branch of government. Even though Section 7 ensures the creation of locally elected democratic councils, the Constitution makes no mention of placing local governments on an equal footing with the federal and state agencies. Rather than being autonomous political institutions with inherent rights and duties guaranteed by the constitution, local governments are more generally thought of as administrative branches of state governments. The Supreme Court's verdict appears to elevate the status of the local governments to a third tier of government without the constitutional backing to do so. This lack of explicit constitutional recognition undermines the autonomy the Court aims to enforce, as local governments remain subject to the overarching authority of state governments. The absence of constitutional provisions defining local governments as a third tier means that they continue to operate at the discretion of state governments, particularly in areas like governance structure, resource allocation, and administrative oversight (Daily Trust, 2024). As the Supreme Court has correctly determined, governors cannot dissolve democratically elected LGA administrations, and federal allocations cannot be given to LGAs that lack democratically elected officials. Moreover, elected officials must constitutionally lead LGA administrations, not the caretaker committees that the governors favour. The majority of the impacted states have rushed to conduct local government elections, while others already did follow the Supreme Court's verdict on local council autonomy, particularly financial autonomy. Adio (2024) contended that, it is not however a matter of holding elections to fulfil righteousness, there must be a major improvement in the calibre of local elections - free, fair and transparent elections. Effective local government is more likely when there is a real possibility of dismissing underperforming politicians in the next election.

Local politics and decision-making ought to resemble Athens' kind of democracy. Residents ought to have the power to co-govern and set the priorities for that level of governance. Local politics should be particularly sensitive to the adage "all politics are local." Local politics are also supposed to act as a democratic school. However, there are rarely any opportunity for involvement, education, or improving democratic practice. Electoral democracy is the only remaining alternative, and it is obviously unfortunate that local government elections in Nigeria are a complete scam. The governing political party at the state level consistently has a 100% victory percentage in council elections, regardless the plurality of political parties in the state (Adio, 2024).

The Supreme Court's decision and the real constitutional structure controlling local governments are now significantly at odds with one another. Their autonomy is nevertheless shaky in the absence of a clear constitutional mandate that acknowledges local governments as a third level of government. Critics of the verdict believe that the federal government, through a constitutional amendment, must establish a better

description of local governments' position and activities within the Nigerian federal system to guarantee that their autonomy is not only theoretical but actual, enforceable and result-oriented councils. Former Delta State governor Chief James Ibori denounced the decision, saying the Supreme Court had severely damaged the concept of federalism as outlined in section 162(3) of the 1999 Constitution as amended. Ibori contends that under no circumstances may the federal government meddle in the management of local governments (Enumah, 2024), reiterating that a federal system of governance consists of only two levels of government; he remarked:

The ruling potentially shifts the balance of power between the federal government and states. By allowing federal intervention in local government finances, it arguably centralizes more power at the federal level, contrary to the principles of federalism (quoted in Emunah, 2024). The former Delta State governor went on to say that the decision would affect state and local government's ability to manage their budgets independently, stating that "if the federal government can directly intervene in local government finances, it could potentially use this as a tool for political leverage" (Enumah, 2024). Others, such as Professor Auwalu Yadudu, disagree, arguing that the ruling clarifies the murky connection between municipal and state administrations. The ruling discourages the use of state-appointed caretaker committees by upholding the constitutional requirement that federal agencies only interact with locally elected democratic administrations (Daily Trust, 2024).

CONCLUSION

It is clear that while the Nigerian Supreme Court's 2024 ruling on local government autonomy sought to address important concerns, more extensive structural and legal reforms are necessary for the ruling to be successful in the long run. True autonomy for local governments would need to take into account certain recommendations in areas like administrative capability, legal reorganization, and budgetary independence. Modifying Section 162(6) of the 1999 Constitution, which creates the State and Local Government Joint Account, is a crucial first step towards enhancing local government sovereignty. Despite the Supreme Court's decision to circumvent the joint account, this clause is nevertheless firmly rooted in the Constitution. Removing or amending this clause would guarantee that local governments have no influence over state finances and that funds meant for local councils comes straight from the Federation Account to them.

The aforementioned change would impede state governments from misappropriating monies intended for regional development. The power of local governments to independently develop and implement budgets would promote accountability at the local level. The implementation of this reform necessitates the enhancement of local financial supervision procedures in order to prevent corruption, as local governments may still be institutionally incapable of properly managing substantial budgets. Since Section 7(1) of the 1999 Constitution still recognized the State Houses of Assembly as having legislative authority over local governments, particularly about public financing and governance frameworks, the state governments frequently utilize this legislative power to stifle local governments' initiatives or regulate their financial operations thereby impairing the capacity of local governments to act freely. To limit the excessive power of State Houses of Assembly, a constitutional amendment is required. It is time for state legislatures to step back and allow local governments more autonomy over their governing frameworks. This would enable them to function as fully independent bodies inside the federal structure of Nigeria, able to create local policies, oversee resources, and cater for the peculiar requirements of their areas. Currently, local governments are not specifically defined under the 1999 Constitution as an equal level of government with the federal and state governments, instead, their independence is severely curtailed since they are viewed as administrative extensions of states.

A clear legal standing and operational independence for local governments would come from an explicit constitutional change that acknowledges them as a tier of government. With autonomy over governance, money, and service delivery, this move will strengthen their position within Nigeria's federal framework. By guaranteeing that local governments have the constitutional right to decide what's best for their local constituents, this recognition would also shield them from arbitrary meddling by state governments. Effective autonomy for local governments depends on local councils having the financial and administrative skills necessary to effectively manage their resources. Poor financial management systems, a lack of competent workers, and poor infrastructure are now plaguing many local governments in Nigeria. Even with more

financial freedom, these obstacles make it difficult for them to carry out their mandated responsibilities. Capacity-building initiatives that enhance local council governance institutions are required to solve this. It is crucial to provide local government personnel with training in areas like financial management, budget planning, and project implementation. Local governments should also use contemporary technologies: e-governance/e-administration and procedures to enhance accountability and transparency as well as service delivery efficiency in their daily operations.

Increased capacity will allow local governments to properly manage their budgets and provide basic services. The intention of the State-Local Government Joint Account (SLGJA) is an aspect of intergovernmental relations, to ensure the overall best for all the local councils that make up a state. However, the will of the state should not be having overbearing influence over the operation of the joint account, rather should be transparently and fairly operated with the local councils being part of the decision-makers and to jointly implement the decisions transparently and creditably on the use of the funds therein, and the democratic dividends therefrom made manifest to all with accountability.

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