

# LOCAL GOVERNMENT AUTONOMY AS AN INSTRUMENT FOR NATIONAL DEVELOPMENT IN NIGERIA

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## ABSTRACT

State government encroachment into local government affairs and their total control of the local council's financial allocation and appointed committees who are loyalist to the State Governors has thus triggered the agitation for local government financial autonomy aimed at reversing such encroachment given the immense role that can be played in grassroots politics by the local government. This study therefore ascertains local government autonomy as an instrument for national development in Nigeria. Consequently, the Supreme Court of Nigeria on July 2024, made some far-reaching decisions to reposition local government administration in the country. These include; the declaration of the appointment of caretaker committees illegal to replace elected local government executives; ensuring democratic governance at the local government level in the 36 states of the federation; monthly disbursement of federal allocations to the local governments directly to them by the federation account; as well as the restraining of the state governors from collecting funds belonging to the local government councils when no democratically elected local government

## Introduction

State government encroachment into local government affairs and their total control of the local council's financial allocation and appointed committees who are loyalist to the State Governors has thus triggered the agitation for local government financial autonomy aimed at reversing such encroachment given the immense role that can be played in grassroots politics by the local government. The local government reforms have been articulated in a bid to correct excessive state encroachment, abuse of powers and the use of undemocratic leaders and caretaker committee to run the local governments by the state governments in Nigeria. Of all local government reforms deliberately executive to address this anomalies, the 1976

councils are in place. The study concluded that autonomy for local government in Nigeria remains very critical for effective local government system which will help to ensure national development at the local level. Events and evidences show that the continued control, suffocation and strangulation of local government administration by the state governments have hampered the performance of the local government in Nigeria. The study recommended among others that in supporting the pronouncement by the Supreme Court of Nigeria of ensuring democratic governance at the local government level in the 36 states of the federation, there should equally be implementation of Fiscal Responsibility Act 2007 across all the States of the Federation.

**Keywords:** Local Government, National Development, Financial Allocation, Governors, Federal Government

Local government reform which recognized local government as a third tier, accords autonomous powers to the local councils and reduced excessive politicking of state over local government occupies an enviable place in Nigeria's political system. Irrespective of the nature and extent of flaws that may characterize local government financial autonomy in principle and practice in Nigeria, it has, for fairly some time, become an important issue for considerations at the National Assembly; it has been subjected to various critical discourse. The foregoing nevertheless, not much intellectual efforts have been deployed in examining the local government financial autonomy as a vehicle for redressing inordinate usurpation of power and adequate finance of local governments by state governments at grassroots politics in the country (Cyriacus, Ibrahim, Sada & Charity, 2024).

Local government autonomy has to do with the area of finance. The constitution empowers the State to scrutinize and approve Local government budgets, and expenditure through the State House of Assembly, States here exercise arbitrary and undue control over Local government finance through establishment of the State local Joint Account. The issue of State Local government Joint Account has been a thorny issue in Local government State relationship in the Fourth Republic. This situation also brought to the fore the question of Local government autonomy. The experience with many Local government areas was that their states starve them of the statutory grants thus denying them of rendering essential services as required. As asserted by Dalhatu (2006) "the issue of autonomy has to do with the Local government, beyond mere constitutional provision that would be organized as the third tier of government, with power to regulate, to spend and powers to provide services". But experience and empirical evidences have shown that financial autonomy of local government is non-existent in Nigeria (Osakede & Ijimakinwa, 2014). The former president, Olusegun Obasanjo in a meeting with the 774 Local governments Council Chairmen in Nigeria,

acknowledge the thwarting of local government revenue by some State governments. He promised that the then proposed Technical Committee will look into the matter. Through the Local Government State Joint Account, some states apart from arbitrary deduction also forced the local government to embark on some ridiculous projects that are not in congruence with the needs of the local people under the pretext of ensuring uniformity in development (Ahmed, Abdulkadir & Ado, 2018).

Local governments were created as a subordinate system of government to federal, central, or state governments with subordinate characteristics. It is charged with powers to perform legislative, administrative, and quasi-judicial functions to mobilize development for rural people, which is not only seen but felt in the lives of the rural populace or dwellers. It also has the responsibility to initiate policies, prepare local budgets, and have a measurable means of control over its own personnel, with a view to bringing about unhindered development and efficient service delivery to the rural dwellers or populace.

### Methodology

This research work explores primary and secondary sources of materials in sample random which implies local government autonomy as an instrument for national development in Nigeria. Data from textbooks, journals, newspapers, magazines, internet and libraries were made use of.

### Concept of Local Government

Akpan and Ekanem (2013) defined 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 role through their elected representatives who exercise power and undertake functions under the general authority of the national or state government”. Barber (2014) defined local government as authority to determine and execute matters within a restricted area. It becomes clear from the above that the purpose of establishing a local government is to ensure appropriate services and development activities responsible to local wishes and initiatives. Local government operates at the lowest level of society.

On the other hand, the United Nations Office for Public Administration sees Local Government as: A political subdivision of a nation (in a federal system) state, which is constituted by law and has substantial control of local affairs including the powers to impose taxes or to exact labour for prescribed purposes. The governing body of such an entity is elected. Similarly, the Guideline for Local Government Reform defines local government as: Government at local level exercised through representative councils established by law to exercise specific powers 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 government in their areas, and to ensure, through devolution of functions to these councils and through the active participation of the people and their traditional institutes, that local initiative and responses to local head and conditions are maximized.

### **Local Government Autonomy**

The concept of autonomy refers to the ability of individuals or groups to make decisions and take actions independently, without external control or influence. According to Christman (2024), autonomy is a fundamental human right, essential for personal growth, self-expression, and dignity. It involves the capacity to make choices, set goals, and pursue one's own interests, free from coercion or manipulation. Autonomy is also closely linked to the concept of self-determination, which involves the right of individuals or groups to determine their own destiny, free from external interference. As argued by Kymlicka (2019), autonomy is essential for the preservation of cultural identity and the promotion of social justice. It allows individuals and groups to maintain their unique cultural practices, languages, and traditions, and to participate fully in the decision-making process that affects their lives.

In the context of politics, autonomy is often associated with decentralization and federalism, where power is devolved to local authorities or regional governments. Autonomy can promote democratic participation, accountability, and responsiveness to local needs. It can also reduce conflict and promote stability by allowing different groups to manage their own affairs and resolve their own disputes. In effect, autonomy is a vital concept that underpins many aspects of human life, from personal growth and self-expression to political participation and social justice. Autonomy is essential for human flourishing, as it allows individuals to pursue their own goals and values, and to live a life that is meaningful and fulfilling. Autonomy is essential for the promotion of diversity and pluralism, as it allows different groups to maintain their unique identities and to contribute to the richness of human culture.

The concept of local government autonomy is a crucial aspect of decentralization and democratic governance. Local government autonomy is essential for promoting democratic participation, accountability, and responsiveness to local needs. It involves the devolution of power and resources from the central government to local authorities, allowing them to make decisions and take actions that are tailored to the specific needs of their communities. One of the major challenges facing local government autonomy is the issue of funding and resource allocation. As noted by Ahmed (2024), local governments often lack the financial resources and capacity to deliver services effectively, which can undermine their autonomy and ability to respond to local needs. Moreover, the central government's control over funding can limit the autonomy of local

governments and create dependencies that can undermine their ability to make independent decisions.

### **The Constitutional Limit to Local Government Autonomy in Nigeria**

It can be gleaned from the various constitutional provisions that it was not the intendment by the makers of the constitution to provide for an autonomous local government system in the sense of government free from control or interference from the other levels of government. For example section 88 of the Constitution confers on the National Assembly power by resolution published in the official gazette to carry out an investigation into any matter or thing with respect to which it has power to make laws; and the conduct of affairs of any person, authority, ministry or government department charged or intended to be charged with the duty of or responsibility for executing or administering laws enacted by the National Assembly and disbursing or administering moneys appropriated or to be appropriated by the National Assembly. A similar power is conferred on the House of Assembly of a state under section 128 of the Constitution. Thus both the National Assembly and the House of Assembly of a state of the federation may investigate affairs of the local government council, for instance in respect of the use of statutory allocation of revenue to it or to expose corruption, inefficiency, or waste in the management of local government (Inah & Ekpang, 2024).

Further the responsibility of organizing, undertaking and supervising local government council's election within the state is vested in the states independent electoral commission. SIEC shall fix the date for the conduct of election and ensure the conduct of same according to schedule. Also the constitutional provision for joint account whereby fund meant for local government in a state are paid first into a joint account from where the state transmits funds meant for local government also deprives the local government council of their autonomy. Thus in *Attorney General of Ogun State v. Attorney General of the Federation* the Supreme Court of Nigeria upheld the contention that the federal government has no power to pay the amount standing to the credit of the local government councils in the federation account directly to the councils. Such manner of payment according to the Supreme Court is illegal and unconstitutional (Inah & Ekpang, 2024).

It is further the duty of the state to apportion the local government shares among local government councils in the state under a law made by the State House of Assembly of the state. The Supreme Court has however held that neither the federal government nor the states has constitutional power to withheld allocation meant for the constitutionally recognized local government councils. In *Attorney General of Lagos State v. Attorney General of the Federation*<sup>49</sup> the Supreme Court of Nigeria stated "the right and title of a state government to the amount payable to it pursuant to section 162(5) of the Constitution is indisputable". The subsection confers the legal title to the amount in

question on the states subject to a trust in favour of their local government councils (Wehner, 2024).

### **2024 Supreme Court Judgement: A Breath of Hope**

Over the past decades, local governments have been almost crippled in most states, where the governors seize their federal allocation and only release funds to them on piecemeal, a practice which barely keeps them going. As a result of this, former President Muhammadu Buhari in one of the interviews with Arise Television during his tenure expressed his indignation about the state of local government system in the country, where he narrowed down the question about restructuring to the treatment of Local government. To that effect, the then President in May 2020 signed Executive Order 10 granting financial autonomy to local governments in Nigeria, together with state judiciary and House of Assembly. Interestingly, the particular Executive Order was met with strong resistance as it fell apart due to the governors' objection to it (Wale, 2022). Thus, the Supreme Court nullified the Executive Order 10 by declaring that the then Nigerian President overstepped his powers by promulgating such a rule (Cyriacus, Ibrahim, Sada & Charity, 2024).

However, on July 11th, 2024, the Supreme Court of the Nigeria being an Apex court of the country in a suit brought by the Federal Government of Nigeria through its unanimous judgment affirmed the financial autonomy of the Nigeria's 774 local government to strengthen their independence in the country. In addition, the Supreme Court made some other far reaching decisions to reposition local government administration in the country. They are:

- The declaration of the appointment of caretaker committees to replace elected local government executives.
- Ensuring democratic governance at the local government level in the 36 states of the federation
- Monthly disbursement of federal allocations to the local governments directly to them by the federation account, and
- The restraining the state governors from collecting funds belonging to the local government councils when no democratically elected local government councils are in place.

### **Local Government Autonomy and National Development**

Local government autonomy is a crucial aspect of decentralization and democratic governance, and it has been argued to be a key factor in promoting national development. According to Inah and Ekpang (2024), local government autonomy can bring about national development by promoting democratic participation, accountability, and responsiveness to local needs. When local governments are



autonomous, they are better able to respond to the specific needs of their communities, which can lead to more effective and efficient service delivery.

One of the ways in which local government autonomy can promote national development is by increasing citizen participation and engagement. As noted by Smoke (2024), citizen participation is essential for promoting accountability, transparency, and responsiveness in local government. When citizens are involved in the decision-making process, they are more likely to feel invested in the outcomes, which can lead to increased civic engagement and a sense of ownership. This, in turn, can lead to more effective and sustainable development outcomes.

Local government autonomy is meant promote national development by promoting economic growth and development. According to Ahmed (2024), local governments that are autonomous are better able to attract investment and promote economic growth, as they are able to respond to the specific needs of their communities and create a more business-friendly environment. This can lead to increased economic growth and development, which can have positive impacts on the national economy as a whole. In addition, local government autonomy can also promote national development by improving service delivery and reducing poverty. Local governments that are autonomous are better able to deliver services that are tailored to the specific needs of their communities, which can lead to improved health, education, and infrastructure outcomes. This, in turn, can lead to reduced poverty and improved living standards, which can have positive impacts on national development.

Therefore, local government autonomy can promote national development by promoting good governance and reducing corruption. According to Erk (2024), local governments that are autonomous are more likely to be transparent and accountable, which can reduce the risk of corruption and promote good governance. This, in turn, can lead to increased trust in government and more effective and sustainable development outcomes.

### **Justification for Local Government Autonomy and National Development**

Several reasons have been advocated for local government financial autonomy in Nigeria. The essence is to pave the local government specific powers to perform a range of financial functions assigned it by law to implement its functions, plan, formulate and execute its own policies, programmes and projects, and its own rules and regulations as deemed for its local needs. The financial autonomy includes power to control its finance, manage it, and allocate the resources to strategic place. Its premised on the ground that when local government has power to take decisions on its own as regarding its finance, services to the local people in grassroots politics then a sense of belonging is likely to be evoked from the local people (Opara, 2016). It 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 characterized Nigeria's democratic systems. This was deliberated in the last year constitutional amendment/adjustment in the country (Opara, 2016). However it is imperative at this juncture to state that local government financial autonomy is speculated in the various legal documents reveals that it is not foreseen to have under its realm total removal of state control over local government finance as the constitution specifically gave the power to create local government according to established laws to the state. This 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 financial autonomy in past constitutional amendment at the National Assembly (Osakede & Ijimakinwa, 2014). Though a number of reasons have been adduced by the proponents of local government autonomy (such as Association of Local Government of Nigeria (ALGON), Nigerian Union of Local Government Employees (NULGE)), but the generally agreed reasons can be stated as follows:

- a. It will help to strengthen democratic decentralization of power and placing power in the hands of citizens at the grassroots level governance, thereby entrench development in rural area.
- b. Political education – Local government autonomy will develop the system, and help in educating the people in the rural areas to gain knowledge of the political system.
- c. Autonomy of local government will help to deliver even development to each and every Nigerian since each person resides in a local council located in either the rural, semirural or urban area.
- d. 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 will engender 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 and enhance political participation.
- e. It will guarantee more money at the disposal of local government in order to provide basic amenities, infrastructures and deliver services to citizens as the state has been removed from tampering with local government fund.
- f. Local contractors may rely on the local government instead of the state and federal, and this may develop their capacity to handle bigger project in the future.



### Problems 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.

1. **Political Instability:** 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 (Eme & Ewuim, 2017).
2. **Revenue Generation:** 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 (Asaju, 2010).
3. **Class Structure of the Nigerian society:** Also militating against meaningful autonomy of the local government is the class structure of the Nigerian society. 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.
4. **Constitutional issues:** The 1999 constitution of the Federal Republic of Nigeria (as amended) made it difficult for local governments in the country to operate as an autonomous tier because of its provisions that relates to that level of government in the federal arrangement. Financially, the constitution provides for a joint state – local government account which all revenues accrued are

pooled there, and this gives the state governors an opportunity to deny local governments what is due to them.

5. **Appointment of Caretaker Committees:** As a result of the constitutional lapses, caretaker committees are mostly appointed in most of the states instead of elected council members. This undemocratic practice disenfranchises the citizens at the grassroots, and made the leadership subservient to the state governors instead of the electorates. This creates political apathy in the minds of the citizenry, and denying them their civic rights. The governors are using this platform for their political gains, and making it difficult for local autonomy.
6. **Poor Manpower Planning:** The local governments in the country are faced with over – populated staff because they have little or no control over staffing as such increasing the wage bill and creating redundancy. The political elites in the state are using this to employ their followers and thugs whom ideally cannot be employed in the state service. The consequences of this are spending all resources on payment of salaries instead of services to communities in the area, and for the governors is an avenue to reduce the pressure on them.
7. **State – Local government joint projects:** State Governors use their powers and compelled local governments to engage in joint projects which has little or no relevance to the people of the areas instead of allowing the tier to come up with projects that were initiated by the people who felt that it is an area that they needed the local governments to address. In most cases, these projects are either abandon or left without commissioning resulting into a waste of resources or channeling a huge sum that may be used to execute a number of projects in the area (Linus, 2014).
8. **Corruption:** The excessive control by the states result in widespread corruption coordinated at the state level through its overseeing organs such as the Ministry for Local Government and the Joint Account meetings. Money meant for the development of rural areas are being siphoned and shared or used for political activities of the ruling party controlling the state. And in some cases, the money is diverted to another council to upset deficit at the detriment of the real owners.

### Way Forward of Local Government Autonomy

Despite that the local government had secured allocation increase from federal government to 20 percent since 1990s, its economic and financial status is still very poor, relative to the development program expectations. Mismanagement and embezzlement of these funds by the local council officials played a considerable remark. Inadequacy of skilled workers with majority of them lacked adequate experience. The statutory provision on LG was a confusing one, it has yet to distinguish clear control that federal and state has, and kept LG remained an extended institution of state.

The local government system was so greatly undermined to some extent that it cannot effectively play its role as agent of development at the grassroots, in spite of huge monthly allocations from the Federation Account. Some state governors who withhold huge chunks of council funds undermine the local government system in Nigeria. It should be within the purview of federal constitution to lay down the statutory qualifications of LGs' officials, in particular the education and skill to improve the effectiveness of their duty. Even though, the meaningful review must be such that should be based on the peculiar exigencies of the states, it is in the best interest of fiscal federalism to allow the states to arrange how best to run the councils. Ironically, the past events have not qualified any state authority with such responsibility. The steps taken in 1991 to directly pay the allocation to LGs account should be clearly backed by the constitution. The time has come for the political leadership of the country to work out a roadmap for the management of the local governments in line with their constitutionally assigned duties. The new arrangement must determine clearly, such issues as the mode of election, tenure of elected members as well as income generation, accountability and financial control. The current situation in which local governments exist at the mercy of state governments is no longer adequate to realize any positive performances. It is advisable that states and local governments joint account be abolished to allow autonomy for the councils, albeit with in-built mechanism to check financial recklessness by council leaders. "Democracy achieves its purpose when the interests of the people are well served. That noble objective will continue to be undermined if the local government system as presently constituted is not comprehensively reviewed. If we are to promote rapid development in this country, effective changes have to be effected in our council's areas" (Nkwocha, 2011).

Also, 70% of the statutory allocation to the Local government should be the responsibility of the State, and 30% from the Federal government. This will reduce the quest by the State to want to 'commando' the local government statutory allocation or exert excessive control on it. It would also check the quest for creation of more Local Government Areas by the State government. If possible, the statutory allocation to Local government should be determined by certain percentage of what was internally generated in the area. The allocations could as well be tier to programmes and projects to be executed by the Local government Council.

The role of the Federal Government should be that of supervision and monitoring of local government projects and programmes in order to maintain standard. It should also be that of ensuring prudence and accountability, and effective Service delivery. With these in place, Local government autonomy will be guaranteed and it will be able to effectively play its role as a catalyst for Sustainable Rural Development.

### Conclusion and Recommendations

Autonomy for local government in Nigeria remains very critical for effective local government system which will help to ensure national development at the local level. Events and evidences show that the continued control, suffocation and strangulation of local government administration by the state governments have hampered the performance of the local government in Nigeria. Therefore, a situation whereby so much is expected from Local governments and little or no financial leverage is being giving to them to operate and justify their existence leaves much to be desired. This condition calls for supports in the amendment of the 1999 Constitution and for the state governors to abide by the Supreme Court ruling of July 11th, 2024 to address these anomalies and thereby return the local government to both administrative/political and financial autonomy. This will go a long way to ensure that this tier of governments contribute meaningfully to national development.

Based on the subject matter, the following recommendations are advanced:

In supporting the pronouncement by the Supreme Court of Nigeria of ensuring democratic governance at the local government level in the 36 states of the federation, there should equally be implementation of Fiscal Responsibility Act 2007 across all the States of the Federation. This legislation compels states to conduct periodic elections, thereby ensuring that there exist democratically elected local government officials as against the usual practice where state governors constitute Caretaker Committees or Transition Councils to superintend over local government councils

In line with the ruling of the Supreme Court, it is imperative to abolish the State-Local Government Joint Account as this will guarantee the fiscal autonomy of the Local Government. In 2011, the then Chairman of Revenue Mobilization Allocation and Fiscal Commission (RMAFC), Engr. Elias Mbam, alluded to the fact that abolition of State and Local government Joint Accounts (JAC) would ensure the sovereignty, transparency and accountability of local government administration in the country. This assertion by then RMFAC Chairman was premised upon the fact that the Joint Account has been fraudulently operated at the detriment of the Local governments and failed to address the rational for its establishment as the it was hijacked by state governments to starve local governments in their jurisdiction of the needed funds for project implementation and rural development.

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