



THE SUPREME COURT DECISION AND ITS IMPACT ON LOCAL GOVERNMENT AUTONOMY AND GOVERNANCE IN NIGERIA

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ABSTRACT

*Local government autonomy had long remained one of the most debated and unsettled aspects of Nigeria's constitutional practice. The constitutional promise of a three-tier federal structure was intended to ensure functional independence of local councils; however, successive judicial interpretations, political interference, and structural ambiguities had diluted that intention. The Supreme Court's decision in *A.G Federation v. A.G Abia State and 35 Others* (2024) marked a significant milestone in the jurisprudence on intergovernmental relations. This paper critically examined the legal and institutional implications of that judgment and assessed its impact on the autonomy of local governments within Nigeria's federal framework. The principal aim of the study was to evaluate the extent to which the Supreme Court's pronouncement had either reinforced or weakened the constitutional guarantees of local government self-governance. The study further established that political expediency and institutional inertia had constrained the effective enforcement of judicial pronouncements intended to secure local government independence. Consequently, the dissertation recommended a constitutional amendment expressly guaranteeing the fiscal and administrative autonomy of local councils, the abolition or reform of the Joint Account system, and the establishment of an independent oversight body to monitor inter-governmental fiscal transfers. It also advocated for a more purposive interpretative approach by the judiciary, one that privileged the spirit of devolution over the convenience of central control. In conclusion, the study affirmed that genuine local government autonomy was indispensable to democratic consolidation and sustainable development in Nigeria. It posited that only through coherent constitutional reform, judicial assertiveness, and administrative accountability could the vision of grassroots self-government be fully realised.*

KEYWORDS: *Autonomy, Governance, Impact and Local Government.*

1. INTRODUCTION

This article provides a critical exposition of the landmark Supreme Court decision in *A.G Federation v A.G of Abia State and 35 Others*, with particular emphasis on its jurisprudential and constitutional implications for local government autonomy in Nigeria. It commences with an overview of the factual and procedural background of the case, identifying the core legal questions and analysing the relevant constitutional provisions that informed the Court's reasoning. The discussion further situates the judgment within its broader political and institutional context,

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interrogating the interplay between constitutional design, political interests, and the conduct of legal and political actors in shaping the enforcement of local government autonomy. Subsequently, the article assesses the criticisms levelled against the judiciary, particularly with respect to the perceived erosion of judicial integrity and its implications for decentralised governance. It also draws comparative insights from jurisdictions with more entrenched systems of local self-government to illustrate potential lessons for Nigeria’s intergovernmental framework. Finally, the chapter examines the post-judgment realities confronting local governments, focusing on the enduring challenges of intergovernmental relations, fiscal dependency, and administrative control, as well as the legal and institutional mechanisms for collaboration, conflict resolution, and sustainable governance within the federal structure.

The present matter originates from an Originating Summons filed before the Supreme Court of Nigeria on the 24th day of May, 2024, in Suit No. SC/CV/343/2024, by the *Attorney General (AG) of the Federation v Attorney General (AG) of Abia State and 35 ors*¹. This case marks a key development in Nigeria’s constitutional law, particularly concerning the fiscal and administrative autonomy of local governments in Nigeria. The dispute arises from longstanding practices where certain state governments, allegedly in breach of constitutional provisions, have engaged in actions such as withholding or diverting funds meant for local governments, dissolving democratically elected local government councils, and replacing them with caretaker committees. Such actions are argued to infringe upon the constitutional rights of local governments as the third tier of government, especially their right to financial independence and direct access to disbursements from the Federation Account.

The central legal question addressed by the Court was whether state governments possess the lawful authority to sack democratically elected local government officials and control² or divert funds allocated to local governments³, or whether the Constitution implicitly affirms the right of local governments to receive direct allocations from the Federation Account. The Court eventually ruled in favour of the Federal Government, affirming that local governments have a constitutional right to direct access to their funds and that state interference in this regard is unconstitutional⁴. The ruling thus reinforced the fiscal autonomy of local governments, emphasizing their independence as guaranteed under the Constitution.

2. LEGAL FRAMEWORK AND THE COURT’S REASONING ON LOCAL GOVERNMENT AUTONOMY

The legal contention in this matter is rooted in the constitutional framework of Nigeria, requiring a rigorous examination of whether the conduct of the State Governments, through their Governors and Houses of Assembly, complies with or contravenes the mandates of the 1999 Constitution (as

¹ *A G Federation v A G Abia State and 35 Ors* (2024) 17 NWLR (Pt 1966) 11.

² *Ibid*, 8 – 9.

³ *Ibid*, 247 – 248.

⁴ (n1).



amended). Central to this discourse are the obligations imposed on federating units to uphold democratic governance at the third tier; the legitimacy of their authority to dissolve elected councils and the legality of diverting or withholding statutory funds allocated to local governments.

The constitution collectively defines Nigeria's federal structure and affirms the constitutional autonomy of local governments as a distinct and integral tier. These provisions unambiguously impose a duty on the 36 states, acting through their Governors and Houses of Assembly, to ensure democratic principles at the local level. The fundamental issue is whether, within this framework, the states possess the authority to unilaterally dissolve democratically elected local government councils or replace them with caretaker committees under lawful cover.

This inquiry is further complicated by revenue control and disbursement provisions. Sections 162(3), (5)-(8) specify that funds allocated from the Federation Account to local governments must be remitted directly or disbursed via the states and such disbursements must be transparent and expeditious⁵. The Court examined whether, in circumstances where councils have been dissolved or rendered non-functional, the State Governments or officials acting under state laws have the constitutional or legal authority to withhold or divert such funds⁶. The persistent refusal by many States to disburse statutory allocations directly to local governments, claiming rights to retain and utilize these funds was scrutinized as a potential breach of constitutional obligations to preserve fiscal autonomy⁷.

The legality of dissolving elected councils, especially when justified under law, is a matter of constitutional importance. Sections 1(1)-(3) and 7(1)-(3) explicitly affirm that local governments must be administered by elected councils; any deviation, including appointing caretaker committees, amounts to an unconstitutional usurpation of the democratic mandate⁸. The Court focused on whether such actions were lawful or amounted to breaches of constitutional duties, especially when enacted through state laws or executive orders incompatible with constitutional principles.

The appointment of caretaker committees in place of elected councils, without statutory backing, was also critically examined. Such actions, if made outside lawful authority, contravene constitutional guarantees of democratic self-governance. The Court analysed whether the Defendants' actions infringed upon constitutional decentralization and local autonomy⁹. Furthermore, the Court evaluated the constitutional framework governing revenue sharing. Sections 162(5) and (6) specify that funds should be disbursed directly to local governments or

⁵ (n3).

⁶ *Ibid*, 112 – 113.

⁷ *Ibid*, 110.

⁸ (n1).

⁹ CFRN 1999 (as amended) 247 – 248.



through the State with safeguards¹⁰. During periods of dissolved councils, the Court assessed whether State governments or officials are authorized to operate joint accounts or divert funds¹¹. It found such actions, lacking lawful justification, breach statutory duties, and undermine the fiscal independence guaranteed by the Constitution. The enforceability of the rights of elected local government officials and their statutory functions was also examined. Sections 7(1) and (3) guarantee democratic self-governance¹². The Court considered whether delaying elections, installing caretaker committees, or withholding funds violates these protections. Any attempt to undermine the democratic process through unlawful dissolution or interference was deemed a constitutional violation, potentially amounting to misconduct or criminal contempt.

Finally, the Court reaffirmed that Nigeria's federal structure emphasizes decentralization and local autonomy¹³. Actions such as appointing transitional or caretaker committees without explicit legal authority threaten these constitutional guarantees. The Court's role was to determine whether such measures are lawful and whether they undermine local government independence¹⁴. It held that any actions lacking lawful support must be declared null and void, emphasizing their incompatibility with Nigeria's constitutional order and federal principles. The Court underscored that Nigeria's constitutional order clearly protects local government independence, including their right to self-governance and fiscal autonomy¹⁵. Actions such as dissolving councils, delaying elections, or diverting funds without lawful backing are inherently unconstitutional and must be nullified to uphold Nigeria's constitutional integrity and the principles of federalism.

The Supreme Court's reasoning was anchored in a rigorous application of constitutional doctrines and principles of statutory interpretation, within a framework of judicial restraint and procedural propriety. Its initial step was reaffirming jurisdiction¹⁶, emphasizing that the Attorney-General of the Federation has the requisite standing to challenge actions by State Attorneys-General on constitutional grounds of national importance¹⁷. This preserved the integrity of the judicial process.

The Court underscored the importance of interpreting constitutional and statutory provisions holistically, employing a purposive approach to uphold the supremacy of the Constitution. It reaffirmed that statutes should be construed contextually and in harmony with constitutional principles¹⁸, particularly where fundamental rights or democratic protections are involved¹⁹. The Court emphasized that judicial activism must be exercised with restraint, respecting the separation

¹⁰ Ibid, s162.

¹¹ Ibid, s247 – 248.

¹² Ibid, s7.

¹³ Ibid, s119.

¹⁴ Ibid, s 247 – 248.

¹⁵ Ibid.

¹⁶ CFRN 1999 (as amended), 238 – 237.

¹⁷ Ibid, 141 – 142.

¹⁸ Ibid. 115 – 116.

¹⁹ Ibid, 170.



of powers where legislative authority resides solely within the Legislature and courts interpret and apply laws²⁰.

In considering the reliefs sought, the Court examined whether declaratory judgments would serve a practical purpose or be merely academic. It emphasized that declarations should clarify legal relationships and rights, but must be enforceable to have real effect. The Court clarified that declarations without enforceable orders risk becoming symbolic and ineffective²¹.

The Court's methodology involved purposive and textual analysis of constitutional provisions and statutes, balancing constitutional supremacy with the practical enforceability of its orders²². It prioritized the rule of law and judicial restraint, ensuring that its rulings would have tangible legal effect²³. The Court found the case meritorious, answered the constitutional questions in favour of the Attorney-General of the Federation, and issued orders to that effect, rejecting objections that the case was a mere academic exercise²⁴. This approach exemplifies a balanced, context-sensitive judicial philosophy aimed at upholding constitutional integrity and federalism.

The Court's interpretation of the constitutional provisions was deliberate and contextual, emphasizing separation of powers and strict adherence to constitutional mandates. It examined Sections 7(1) and 162(5), which guarantee the existence of elected local government councils and their entitlement to federation funds²⁵. The Court affirmed that these provisions establish a clear constitutional imperative: local governments must operate as elected entities with financial independence. Any attempt by State Authorities to displace this by establishing caretaker or interim committees constitutes a constitutional violation²⁶.

The Court also analyzed Sections 162(3), (5)-(7), which define the role of the States as trustees of federation funds allocated to local governments. It condemned practices where States treat such funds as their own, emphasizing that management must be within constitutional bounds, recognizing local governments' rights to their share of revenue²⁷. Additionally, Sections 5(1)(a) and (b) were interpreted as conferring on the President the authority to enforce constitutional protections, including those safeguarding local government autonomy²⁸.

²⁰ Ibid, 115 – 116.

²¹ Ibid, s146.

²² CFRN 1999 (as amended), 169 – 170.

²³ Ibid, 187.

²⁴ Ibid, 241.

²⁵ (n24).

²⁶ Ibid. 109.

²⁷ Ibid, 111.

²⁸ Ibid, 5(1).



More importantly, the Court reaffirmed its constitutional interpretative role, reading provisions holistically and strictly and rejecting any laws or actions inconsistent with the Constitution that undermine local government independence or facilitate misappropriation of funds²⁹. Its approach prioritizes a strict, purposive and contextual reading to safeguard Nigeria's federal structure and rule of law. The Court's decision is anchored in the doctrine of constitutional supremacy: the 1999 Constitution (as amended) is the supreme legal authority. It reaffirmed that all government actions must conform to constitutional provisions, especially those protecting local government autonomy and fiscal independence. The practice of creating caretaker committees or appointing unelected administrators without lawful backing is a breach of the constitutional order³⁰.

The Court emphasized that local governments are recognized as the third tier of government with protected operational and financial independence. Undue interference through unlawful dissolution or fund diversion undermines decentralization and democratic participation, core principles of Nigeria's federalism. Such actions must be declared unconstitutional and nullified³¹. The Court also reinforced the fiduciary principle, that states hold federation funds in trust and must manage them transparently and lawfully³². Misappropriation or mismanagement breaches this fiduciary duty and erodes public trust³³.

Finally, the Court's role as the constitutional arbiter is reaffirmed: it must uphold the rule of law by invalidating laws or practices that violate constitutional rights. Precedents recognizing the rights of elected local councils and invalidating unlawful appointments provide a doctrinal foundation, reinforcing that acts undermining local government independence are void.

3. IMPLICATIONS OF THE JUDGMENT ON LOCAL GOVERNMENT AUTONOMY

The judgment bears profound implications for the conceptualization and operational reality of local government autonomy within Nigeria's constitutional framework. It reinforces and clarifies the constitutional protections that safeguard local governments as independent, democratically elected entities endowed with financial independence. By affirming their constitutional rights to operate autonomously, the decision underlines their status as the third tier of government with a distinct legal and operational identity, serving as a vital bulwark against encroachments by higher levels of government, notably the states³⁴. The judgment explicitly states that actions undermining this autonomy, such as the imposition of unelected caretaker or transitional committees, are unlawful and subject to judicial review and nullification.

²⁹ (n1), 150.

³⁰ Ibid, 122.

³¹ Ibid, 120.

³² Ibid, 146 – 147.

³³ (n1)150.

³⁴ (n33).



It further limits state interference in local government affairs, particularly regarding control and allocation of Federation Account funds. The Court defines clear boundaries, stating that states are barred from diverting or misappropriating local government funds or replacing elected councils with appointed panels³⁵. This legal stance ensures local governments retain control over their internal affairs, including personnel and financial management, safeguarding their integrity, stability, and adherence to the rule of law.

The ruling emphasizes the judiciary's vital role as custodian and enforcer of constitutional autonomy. Courts possess the constitutional authority and responsibility to intervene decisively when local government autonomy is threatened, scrutinizing and invalidating unconstitutional measures aimed at undermining elected councils or misappropriating funds. This reinforces the judiciary's role as a guardian of constitutional supremacy and as an active participant in upholding Nigeria's federal structure and democratic principles³⁶. Additionally, the judgment advocates for the deepening of democratic governance at the local level by emphasizing that local governments must be elected and operate independently. This promotes democratic legitimacy and accountability, discouraging clandestine manipulations that circumvent electoral processes. It establishes a legal precedent that any attempt to undermine elected local councils through unconstitutional means, such as appointing caretaker committees or misallocating funds, is unlawful, thereby serving as a deterrent and reinforcing adherence to the rule of law³⁷.

From a policy perspective, the judgment compels government actors to align their policies and practices with constitutional guarantees. It encourages reforms to enhance the independence and functioning of local governments and may catalyse increased advocacy and legal action to defend local autonomy. Ultimately, it affirms that safeguarding local government independence is integral to good governance, decentralization, and democratic consolidation in Nigeria.

The judgment provides an authoritative clarification of the constitutional autonomy and sovereignty of local governments within Nigeria's federal system. It reaffirms that, under Sections 7 and 162 of the 1999 Constitution (as amended), local governments are entities with distinct legal existence, guaranteed independence and democratic legitimacy³⁸. They are not mere administrative appendages but are constitutionally entitled to their own governance structures and financial resources. The Court emphasizes that local governments must be run by elected officials, and that electoral processes must be free and fair; any deviation, such as replacing elected councils with unelected committees, breaches constitutional guarantees.

³⁵ Ibid, 171 – 172.

³⁶ Ibid, 149 – 150.

³⁷ (n1), 119 – 120.

³⁸ (n33).



The Court explicitly states that local governments are entitled to direct access to funds from the Federation Account, which are their constitutional property³⁹. Any unilateral diversion or withholding of these funds by state or federal authorities is unconstitutional and infringes on their sovereignty. It underscores that the role of states is limited to acting as trustees or custodians, not sovereign authorities over local councils⁴⁰. The sovereignty of local governments is rooted in the Constitution itself, not in political expediency or administrative convenience, and must be exercised freely and independently by elected officials⁴¹.

The judgment reinforces that the democratic autonomy of local governments, manifested through their electoral legitimacy and statutory powers, is a fundamental component of their sovereignty. This legal affirmation ensures that local governments can develop policies suited to their communities and that their independence is protected from arbitrary interference. The judgment enhances legal clarity by explicitly affirming that local governments are constitutionally recognized entities with statutory rights, including electoral governance and financial independence. By condemning unconstitutional actions such as the appointment of caretaker committees or fund diversion, the Court supplies a concrete legal basis for challenging and invalidating such breaches⁴². This promotes legal certainty and acts as a deterrent against arbitrary interventions, reinforcing the principle that constitutional provisions are the supreme legal authority.

The Court underscores its role as the guardian of the Constitution, affirming its primary mandate to scrutinize acts threatening local government sovereignty⁴³. This elevates judicial review as an essential mechanism in safeguarding constitutional order and reinforces the judiciary's independence. The judgment provides authoritative guidance for future cases, fostering consistency and coherence in constitutional jurisprudence. It also reaffirms that the Nigerian Constitution is the supreme law of the land, and any act by state or federal authorities contravening constitutional provisions, such as the unilateral removal of elected councils or fund diversion, is invalid⁴⁴. The Court clarifies that the hierarchy of Nigeria's legal system places the Constitution at the apex and any attempt to undermine local government independence through unconstitutional actions is null and void.

The judgment stresses that local government councils must be constituted through genuine democratic elections⁴⁵, with their continued existence and legitimacy enshrined in the constitutional framework⁴⁶. It decisively safeguards against unlawful substitutions like caretaker committees,

³⁹ (n1) 118.

⁴⁰ Ibid, 118.

⁴¹ Ibid, 119.

⁴² (n33).

⁴³ Ibid, 175.

⁴⁴ (n1)169 – 171.

⁴⁵ Ibid, 119.

⁴⁶ Ibid, 120 – 122.



reinforcing local governance rooted in democratic legitimacy and the sovereignty of the electorate. The ruling emphasizes the importance of safeguarding financial and administrative independence⁴⁷, enabling local authorities to respond effectively to community needs and develop policies suited to their unique circumstances. By affirming local governments as independent constitutional entities, the Court promotes local self-determination and encourages the full exercise of their autonomy. This legal backing fosters a sense of ownership over local development and reinforces their role as autonomous actors within the constitutional order. The judgment fortifies democratic ideals at the grassroots, ensuring that local communities retain a direct voice in governance, which is fundamental to participatory democracy.

It also emphasizes the importance of political and administrative independence, discouraging unwarranted interference by higher levels of government. This safeguards the political and administrative independence necessary for genuine self-governance, fostering community empowerment, civic engagement, and political accountability.

4. CONSTITUTIONAL AND JURISPRUDENTIAL IMPLICATIONS

Legal actors, including judges, courts, legal practitioners, and public interest advocates, occupy a pivotal position in interpreting and enforcing constitutional provisions relating to local government autonomy in Nigeria. Their interpretative discretion and enforcement choices significantly determine whether constitutional guarantees are realised or circumvented. The judiciary, in particular, wields the authority to validate or nullify executive and legislative actions that impinge upon the autonomy of local councils. For instance, decisions concerning the dissolution of elected councils and their replacement with caretaker committees underscore the judiciary's central role in safeguarding constitutionalism. Yet, this same authority can either fortify or erode constitutional reforms depending on the degree of judicial independence and integrity exercised in adjudication. Concerns over judicial susceptibility to political influence remain prevalent, raising questions about the extent to which Nigerian courts fulfil their role as impartial arbiters within a democratic constitutional order⁴⁸.

Judicial interpretation, as exemplified in cases such as *AG Federation v AG Abia State and 35 Others*, has been instrumental in delineating the boundaries of federal and state powers concerning local government administration. The Supreme Court's pronouncements in this case underscored the supremacy of the Constitution and affirmed that local governments derive their legitimacy directly from it rather than from state governments. Nonetheless, the efficacy of these judicial declarations in entrenching autonomy is contingent upon enforcement fidelity and political compliance. Where political actors subvert such rulings through administrative nonchalance or

⁴⁷ Ibid, 112 – 113.

⁴⁸ C A Obianuju and V C Ezewudo, 'Judicial Activism in Nigeria: A Catalyst for Legal Development or an Overreach of Power?' [2025] 2(1) *Nnamdi Azikiwe University, Awka Journal of Private and Property Law*, 220.



deliberate obstruction, constitutional guarantees are reduced to mere formalities devoid of practical effect.

Legal practitioners and civil society organisations, notably the International Federation of Women Lawyers (FIDA) play an indispensable role in advancing judicial accountability and the rule of law through litigation and advocacy. Public interest litigation has become a vital mechanism for challenging unconstitutional state actions and protecting democratic governance at the grassroots level. By invoking judicial review, these actors seek to reinforce constitutional boundaries, enhance transparency, and promote governmental accountability. Their activities also illuminate the interdependence between constitutional jurisprudence and societal mobilisation, highlighting that law's transformative potential is most effectively realised when bolstered by civic engagement and institutional courage.

The relationship between political and legal actors reveals a complex dynamic of cooperation and tension. Political authorities often resort to legal mechanisms to legitimise their control over local institutions, while legal actors may, inadvertently or otherwise, become instruments within broader political strategies. This reciprocal entanglement can either sustain democratic equilibrium through checks and balances or weaken it through complicity and collusion. Ideally, legal actors should serve as neutral arbiters who uphold constitutional integrity and resist partisan pressures. Yet, in practice, systemic weaknesses, resource constraints, and political intimidation frequently compromise judicial autonomy. The erosion of judicial integrity poses profound jurisprudential consequences. When courts are perceived as extensions of political power, their moral authority and institutional credibility suffer irreparable harm. Instances where judicial decisions validate the unconstitutional appointment of caretaker committees or delay the enforcement of court orders erode public confidence and foster perceptions of judicial complicity. Such occurrences not only delegitimise the judiciary as a guardian of constitutional democracy but also weaken the normative foundation of the rule of law. The resulting disillusionment among citizens diminishes their reliance on judicial remedies, thereby exacerbating democratic fragility.

Judicial credibility, the cornerstone of public trust, depends on consistent adherence to constitutionalism and impartial adjudication. Perceptions of selective justice where courts appear lenient towards dominant political interests undermine judicial legitimacy and create a dichotomy between law in theory and law in practice. This inconsistency erodes the judiciary's role as a bulwark against executive excesses and legislative arbitrariness. Furthermore, weak enforcement mechanisms and disregard for court rulings by political actors further diminish the judiciary's authority. When court orders are routinely disobeyed without sanction, the courts risk becoming ceremonial institutions incapable of constraining power or protecting constitutional rights. The broader constitutional implication is that the judiciary's independence is not self-sustaining; it thrives only within an ecosystem of political accountability and institutional respect for the rule of law. Strengthening judicial integrity, therefore, requires structural reforms that insulate the judiciary from political capture, ensure adequate funding and security of tenure, and foster a culture of



constitutional fidelity. Only under such conditions can the judiciary function as an effective guardian of democracy and an enforcer of local government autonomy. Ultimately, the constitutional and jurisprudential implications of *A G Federation v A G Abia State and 35 Ors* extend beyond the immediate question of local government status. They speak to the deeper challenge of aligning Nigeria's constitutional promises with its governance realities. A robust, impartial judiciary remains indispensable to translating constitutional ideals into enforceable rights. Without sustained judicial courage and institutional independence, local government autonomy risks remaining a constitutional illusion rhetorically entrenched but practically unattainable.

5. POLITICAL AND ADMINISTRATIVE IMPLICATIONS

Understanding the political and administrative implications of the Supreme Court's judgment requires situating local government autonomy within Nigeria's broader governance and institutional landscape. Despite judicial affirmation of constitutional guarantees, the political reality remains characterised by entrenched centralisation and resistance to decentralisation. Historically, state governments have repeatedly dissolved elected local councils under the guise of administrative expediency or political necessity, substituting them with caretaker committees that are often politically compliant. These actions undermine democratic representation and entrench a hierarchical power structure contrary to the federal spirit envisaged by the Constitution.

Politically, the retention of control over local governments serves as a mechanism for state governors and ruling elites to consolidate patronage networks and maintain electoral influence. Local councils are strategic nodes for resource distribution, political mobilisation, and grassroots control. Consequently, any reform that threatens this political leverage faces substantial resistance. While judicial pronouncements reaffirm constitutionalism, their practical impact depends largely on the willingness of political actors to implement them. The persistent gap between judicial declaration and political execution epitomises the endemic tension between legality and politics in Nigeria's federal system.

Administratively, Sections 7(1), 162(5), and the Fourth Schedule of the 1999 Constitution (as amended) establish a framework intended to ensure functional independence for local governments⁴⁹. Yet, implementation has remained inconsistent across states, with political interference continuing to frustrate administrative autonomy. Fiscal subordination, particularly through joint state-local government accounts, further diminishes local councils' ability to execute their constitutional mandates independently. This structural defect sustains a dependency relationship that reinforces state dominance and weakens the institutional capacity of local governments.

The Nigerian political environment is also profoundly influenced by regional, ethnic, and economic considerations that complicate constitutional adherence. Political elites frequently manipulate these

⁴⁹ CFRN 1999 (as amended), s7, 162 and Fourth Schedule.



fault lines to justify centralised control, arguing that decentralisation could threaten national cohesion or destabilise resource distribution. The metaphor of the “national cake” aptly captures this dynamic, a political economy in which control over resource allocation equates to political survival. Consequently, elites resist reforms that would devolve fiscal or political authority to local entities, perceiving such measures as threats to entrenched patronage systems.

Empirical evidence underscores how these dynamics manifest in practice. The events surrounding the 2023 presidential elections in Lagos illustrate the nexus between political patronage, administrative manipulation, and the erosion of democratic norms. Allegations that political figures, notably Musiliu Akinsanya (popularly known as MC Oluomo), deployed intimidation and violence to influence voter behaviour exemplify the entrenched culture of impunity within Nigeria’s local governance ecosystem⁵⁰. Such incidents reveal the fragility of democratic institutions when political interests overshadow constitutional principles and legal enforcement mechanisms remain weak.

The administrative implications of this politicisation are profound. Bureaucratic appointments are often driven by political loyalty rather than merit, resulting in inefficiency, corruption and poor service delivery. The politicisation of administrative structures erodes professionalism and accountability, while constant interference from state governments undermines continuity in local governance. The cumulative effect is a weakening of institutional capacity, reduced citizen participation, and diminished public confidence in democratic processes.

Addressing these entrenched political and administrative challenges requires comprehensive constitutional and policy reform. Strengthening local government autonomy necessitates not only judicial protection but also political will and systemic restructuring. Reforms must focus on disentangling local councils from state financial control, institutionalising transparent fiscal transfers, and ensuring the conduct of regular, credible local elections. In addition, there is a pressing need to build civic awareness and political education to empower citizens to hold local and state governments accountable.

The consolidation of democracy at the local level depends on creating a political environment that values accountability, transparency, and participatory governance. Reducing executive dominance and enhancing institutional independence are essential prerequisites for this transformation. A decentralised political culture, one that embraces the constitutional principle of subsidiarity, would allow governance to be more responsive, equitable, and locally attuned.

⁵⁰ Oghenekevwe Uchechukwu, ‘MC Oluomo caught on camera intimidating, discriminating against non-indigenes of Lagos’, *ICIR* (Lagos, 25 February 2023) <<https://www.icirnigeria.org/mc-oluomo-caught-on-camera-intimidating-discriminating-against-non-indigenes-of-lagos/>> accessed 7 June 2025.



Overall, the political and administrative implications of the Supreme Court’s judgment highlight the disjuncture between constitutional design and political practice in Nigeria. Judicial affirmation of autonomy alone cannot guarantee democratic deepening without corresponding political reforms and administrative realignment. The true test of Nigeria’s commitment to federalism lies in its ability to transform legal pronouncements into political reality. Strengthening intergovernmental cooperation, ensuring judicial compliance, and fostering civic vigilance remain critical to the effective realisation of local government autonomy and, by extension, the sustenance of constitutional democracy.

6. FRAMEWORKS FOR COLLABORATION, CONFLICT RESOLUTION, AND SUSTAINABLE LOCAL GOVERNANCE

The translation of judicial pronouncements into durable governance practice requires more than declaratory rulings; it demands a coherent architecture of intergovernmental collaboration, reliable dispute-resolution mechanisms, and enforceable safeguards for fiscal and administrative autonomy. Building on the jurisprudential foundation laid down in *A.G Federation v. A.G. Abia State and Ors* and the events canvassed in this chapter (notably ALGON’s post-judgment litigation and the institutional resistance manifested by FAAC and the CBN), Nigeria must adopt an integrated, legally grounded framework that reconciles constitutional text with administrative reality. Such a framework ought to combine statutory clarity, institutionalised forums for cooperation, binding dispute-settlement procedures, and concrete enforcement tools so that local government autonomy ceases to be a theoretical norm and becomes an operational fact.

Firstly, statutory and institutional clarity is indispensable. The National Assembly should enact enabling legislation that concretely defines: (a) the fiscal entitlements of local governments (including mandatory participation in FAAC and automatic, ring-fenced transfers); (b) secure modalities for direct receipt of allocations (abolition or significant reform of the State Joint Local Government Account); and (c) protections against arbitrary dissolution and unlawful appointment of caretaker administrations. These provisions should minimise interpretative ambiguity that invites administrative delay or circumvention. Complementarily, a National Intergovernmental Council, constituted by statute and composed of representatives of the federal, state, and local tiers, should be established as the principal forum for policy harmonisation, joint planning, and the negotiation of memoranda of understanding (MoUs) on revenue sharing, capital projects, and service delivery standards.

Secondly, effective dispute resolution requires a tiered and expeditious mechanism. Judicial oversight will remain central; the courts should be empowered and resourced to enforce orders promptly, including through contempt procedures and injunctive relief where necessary. However, to avoid the costs and delays of routine litigation, the statutory architecture should incorporate specialised intergovernmental arbitration panels and mediation units, staffed by legally competent, independent mediators with the authority to make binding recommendations or awards subject to



limited judicial review. Such specialised panels would expedite the resolution of routine fiscal and administrative disputes while reserving constitutional questions for the superior courts. The institutionalisation of alternative dispute resolution (ADR) for intergovernmental matters would reduce adversarial litigation and foster cooperative problem-solving.

Thirdly, robust oversight and transparency mechanisms are necessary to prevent circumvention by intermediaries. Independent audit and accountability bodies, either strengthen existing institutions or newly constituted local government ombudsmen, should have statutory powers to audit local government accounts, publish findings, and refer malfeasance for prosecution. All transfers to local councils should be subject to mandatory, public disclosure in a timely and machine-readable format; commercial banks acting as intermediaries must be legally prohibited from diverting transfers and held liable for unlawful interference. Conditionality of funds should be limited to objective, pre-published performance indicators rather than discretionary administrative thresholds (such as ad hoc audited-accounts requirements) that can be manipulated to stall transfers.

Fourthly, capacity building and institutional support are preconditions for sustainable autonomy. The law should mandate and fund national and state-level programmes in budgeting, procurement, asset management, and participatory planning for local council officials. Data-driven decision-making facilitated by collaboration with agencies such as the National Bureau of Statistics and the Auditor-General will enhance planning, reduce waste, and make performance monitoring practicable. Moreover, institutional reforms must prioritise merit-based appointments within the local bureaucracy and protect career civil servants from partisan displacement to preserve administrative continuity.

Fifthly, the political economy of decentralisation must be addressed through incentives and civic engagement. Decentralisation will succeed only where political actors perceive benefits in devolving authority. To that end, reform design should include incentive structures for states, capacity grants, matching funds for local projects, and technical assistance, contingent on demonstrable adherence to constitutional norms. Simultaneously, civil society, traditional institutions, and organised labour should be formally integrated into consultative processes (for example, in participatory budgeting and local development councils) to bolster accountability and popular ownership. A vigorous, independent media and empowered oversight NGOs will further apply reputational pressure that complements formal enforcement.

Finally, the proposal for a Unified Governance Framework as currently contemplated by certain policy actors merits statutory endorsement if it is calibrated to preserve constitutional separations and protect local autonomy. Such a framework should standardise core procedures (resource pooling, account management, intergovernmental project implementation) while permitting contextual flexibility through asymmetric devolution where necessary. Any Unified Governance



Framework must be premised on the constitutional entrenchment of local government rights, express prohibition of undue interference, and enforceable remedies for breaches.

7. CONCLUSION

This thesis affirms that, despite the robust constitutional protections afforded to local government autonomy within Nigeria's legal framework, practical realities consistently reveal a divergence between the constitutional ideal and the prevailing political and institutional practices. While the Constitution implicitly recognizes and guarantees the independence of local governments, manifested through provisions that affirm their fiscal autonomy and democratic self-governance, and as interpreted by the Supreme Court, these provisions are often undermined through unlawful actions by State Governments, such as dissolution of elected councils, diversion of statutory funds, and the imposition of caretaker administrations.

This thesis concludes that the persistence of such infringements is attributable not solely to constitutional ambiguity but significantly to institutional fragility, politicization and insufficient enforcement mechanisms. Consequently, without reforms that reinforce institutional independence, judiciary enforcement, and adherence to constitutional mandates, the entrenched compromises to local government autonomy will continue to pose a considerable threat to Nigeria's broader quest for democratic decentralization.

Furthermore, the thesis contends that the judiciary, particularly the Supreme Court, has demonstrated commendable resolve in affirming the constitutional rights of local governments. However, the impact of judicial pronouncements is often hindered by executive non-compliance and lack of enforcement, which weakens the efficacy of constitutional protections. It is, therefore, imperative that mechanisms be devised and reinforced to ensure effective implementation of judicial decisions upholding local government autonomy.

In a broader context, the diminution of local government independence fundamentally undermines the principles of good governance, accountability, and participatory democracy, concepts that are integral to sustainable national development. The erosion of local authority not only compromises the effective delivery of essential services but also impairs the capacity of communities to engage meaningfully in governance processes. Such developments, therefore, contravene Nigeria's constitutional commitments to decentralisation and local self-determination, thereby threatening the foundational tenets upon which participatory and inclusive governance are predicated.

Finally, it is the thesis's submission that substantive reform must be anchored in a comprehensive and multifaceted approach, integrating constitutional amendments, legislative clarity, institutional capacity-building, and judicial oversight. Such an integrated framework is imperative to ensure that the constitutional protections afforded to local governments are not merely declaratory in nature but are operationally effective in practice. Only through such a holistic strategy can Nigeria aspire



to establish a system of local governance that is genuinely autonomous and accountable, thereby strengthening its democratic principles and fostering sustainable development.

8. RECOMMENDATIONS

In light of the foregoing analyses and findings, the following recommendations are hereby posited to reinforce the constitutional integrity of Nigeria's federal system and to protect the autonomy and effective functioning of local government authorities:

- i) The National Assembly should, as a matter of constitutional priority, initiate amendments to the 1999 Constitution (as amended) to unequivocally reaffirm the autonomy of local government councils. Particular emphasis should be placed on the revision of sections 7 and 162, with the objective of abolishing the State Joint Local Government Account (SJLGA) and guaranteeing direct fiscal access by local councils to their statutory allocations. Such amendments ought to be enacted through a broad-based consultative process and implemented in incremental stages to forestall political resistance and preserve institutional stability.
- ii) The National Assembly should enact supplementary legislation designed to operationalise the principle of local government autonomy by prescribing definitive sanctions for State Governments or officials who unlawfully divert, withhold, or manipulate local government funds. This legislative framework should further provide for the establishment of specialised judicial bodies or tribunals vested with jurisdiction over local government disputes, thereby expediting adjudication and ensuring effective enforcement of constitutional guarantees. The enhancement of judicial capacity in this regard is indispensable to the sustenance of constitutionalism at the subnational level.
- iii) It is recommended that institutionalised mechanisms for intergovernmental consultation and coordination be established between the federal, state and local tiers, including traditional institutions, civil society organisations, and community representatives. Such platforms would facilitate cooperative federalism, conflict resolution, and adherence to constitutional norms. Complementarily, the National Orientation Agency (NOA) should be mandated to undertake comprehensive civic enlightenment programmes through seminars, media engagements and community outreach, to deepen public understanding of local governance rights and the democratic value of decentralisation.
- iv) Nigeria should, as a matter of international legal harmonisation, domesticate and operationalise the principles enshrined in the African Charter on Local Self-Government and relevant United Nations guidelines on decentralisation and good governance. These frameworks provide normative guidance for the promotion of accountability, transparency, and participatory democracy at the local level. In furtherance thereof, State Houses of Assembly and local councils should enact subsidiary legislation to protect elected officials from arbitrary removal, political intimidation, or subversion of electoral processes, thereby entrenching institutional resilience and democratic legitimacy.
- v) A comprehensive oversight and accountability architecture should be instituted to ensure fiscal discipline and transparency in local governance. This should include mandatory independent



audits, public disclosure of financial reports, and the constitution of community-based monitoring committees composed of civil society actors, traditional leaders, and citizens. Federal allocations may, in appropriate circumstances, be made conditional upon demonstrable compliance with transparency and community development indicators. Specialised anti-corruption units within existing anti-graft agencies should be mandated to address local government malfeasance, accompanied by continuous ethics training and capacity-building initiatives for local officials. The implementation of these reforms should be phased, strategic and subject to measurable performance benchmarks and periodic review to guarantee sustainability and systemic entrenchment.