



# The Legislature and Governance in Nigeria

## Volume Two

---

A Festschrift  
for Emeritus Professor  
John A. A. Ayoade

Edited by  
Emmanuel O. Ojo

Chapter 8: Delta State House of Assembly – <i>Moses Metumara Duruji</i>	162
Chapter 9: The Governors and the Assemblies in Nigeria's Federal Peripheries: Ogun State between 2003 and 2011 – <i>Adeniyi S. Basiru</i>	180
Chapter 10: The Legislature and Governance in the Fourth Republic: The Benue State Experience – <i>John Tor Tsuwa</i>	198
Chapter 11: Equivocations in Press Freedom, Censorship and the Cyber-crime Act – <i>Fetus Adedayo</i>	215
Chapter 12: How Bills become Laws – <i>Emmanuel O. Ojo</i>	233
Chapter 13: Budgeting and the Appropriation Process – <i>Abayomi Collins</i>	236
Chapter 14: A Brief Review of the Legislative Process in Nigeria – <i>Wale Okediran.</i>	256
INDEX	271

## CHAPTER TEN

# The Legislature and Governance in the Fourth Republic: The Benue State Experience

John Tor Tsuwa

### Introduction

The centrality of the Legislature in the governance equation of the fourth republic is obviously not in doubt. Chapter 5(v)<sup>1</sup>, gives credence and full life to the centrality of the Legislature in the democratic governance of the country both at centre and in the component units. The legislature is empowered by the constitution to make laws for peace, order and good governance of the Federation and on any other matter in the exclusive, concurrent and residual legislative lists.

In a democracy such as ours, the fundamental functions of the legislature as advanced by Ken<sup>2</sup> are; “Representation, oversight on the executive and law-making”. Understandably, members of the legislature must be conscious of these fundamental functions. As the representatives of the people, Members need to feel the pulse of the people and situate the people’s concerns in the policy /decision making process. This can be achieved if Legislators are in constant touch with their constituents so as to keep them duly informed of their activities and government policies.

It is important to stress here that, though there are Legislative Houses at the Federal, States and Local government levels, the focus

1. 1999 Constitution of the Federal Republic of Nigeria as Amended
2. Ken N, *The National Assembly in Perspectives: 1999-2005*. Nigeria Journal of Legislative Affairs. Abuja. (PARP), 2006

of this piece of work is anchored on the Benue State House of Assembly as a Legislative House in the Fourth Republic and its contributions to governance in Benue State. In looking at the Benue Legislature in relation to its governance role in the Fourth Republic, this work accepts Ukase's assertion that:

it is however interesting to note that the success or failure of the Executive arm cannot be analyzed in isolation from the Legislature, given the fact that under the Presidential system of Government, which the country re-introduced in 1999, state Legislature, like its Federal counterpart, is not only constitutionally charged with the responsibility of concretizing government policies through its law-making function, but is also saddled with the responsibility of ensuring that its implementation is carried out to the later.<sup>3</sup>

### **The Legislature: a Conceptual Clarification**

No form of human organization can function effectively without the rules of behaviour. Legislatures are usually elected bodies which have the primary responsibility of making laws for the whole society. The legislative arm of Government since its emergence in modern political and democratic dispensation has been very central in the shaping and development of the human society<sup>4</sup>. It wields enormous powers and it is in recognition of this enormous power that Pine has observed that "legislative powers are supreme in every society and that it is the greatest instrument that guarantees men the enjoyment of their property in peace and safety having entered a social contract to live in a society called commonwealth"<sup>5</sup>. It is important to note here that, the role of the parliament in contemporary democratic dispensation has continued to undergo intense transformation from its purely traditional responsibilities. It is viewed more now as an agent of accountability and one of the major institutions of horizontal accountability which according to Pine is hinged on, "the obligation of public officials and agencies to provide information about their

3. Ukase, P performance Evaluation of the Benue State Legislature 1999-2007. Makurdi: Aboki Publishers
4. Terna V.T, The Executive-Legislature Relationship and Governance in Nigeria (1999-2012), BSU. Unpublished Project work. 2014.
5. Pine, A, Nigeria in International Parliamentary Diplomacy, 199-2005, Makurdi. Aboki Publishers

activities and decision to justify them to the public and to specialized accounting bodies with the authority to monitor their conduct<sup>6</sup>.

In precise terms therefore, the duties, powers and responsibilities of the Legislature under the Nigerian 1999 Constitution cover among others; law making, financial control of governmental expenditures, quasi-judicial functions such as the impeachment of the President, investigation/oversight, powers of constitutional amendment and aggregation, supervision, scrutiny and surveillance control of administration, regulation of internal procedures, powers to approve the president's declaration of a state of emergency, power to control political parties, power to scrutinize appointments, powers to approve troop deployment for war and implied powers, that is summons and arrest. Nzekwu has argued that the Legislature can contribute to good governance in Nigeria by "expanding their oversight role throughout the budget year, ensure greater transparency in decision making and reviewing, proposing and enacting legislations that is necessary to support reforms and development"<sup>7</sup>.

As beautiful as Nzekwu argument might seem, Anifowose submits that "today, Legislatures in most countries have declined while the Executive continues to arrogate more powers to itself. In most democratic nations, the Legislatures have largely lost their traditional policy-initiating role and have become checkers, revisors and critics of policies initiated by the executive"<sup>8</sup>. The decline of Legislative powers is attributable to the growing volume of the complexity of problems faced by it namely, lack of technical experts by most Legislatures, lack of adequate time to devote to discussions of Legislative bills and the influence of pressure groups, public opinion and growth of disciplined political parties which exert some pressure on the Legislature.

### Conceptualizing Governance

Governance describes the process of decision-making and the process by which decisions are implemented. The term can apply to Corporate, International, National, and Local or to the interactions between other

6. Ibid

7. Nzekwu, O, *International best Practices in Legislative Oversight*. Abuja, (PARP), 2007

8. Anifowose, R and Enemuo, F, *Elements of Politics*. Lagos: Sam Iroanusi Publications, 1999

sectors of the society. According to Sorensen, "governance as a process may operate in an organization of any size: from single human being to all of humanity and it may function for any purpose, good or evil, for profit or not"<sup>9</sup>.

Interestingly, a reasonable or rational purpose of governance might aim to ensure (sometimes on behalf of others) that an organization produces a worthwhile pattern of good results while avoiding an undesirable pattern of bad circumstances. Perhaps, the moral and natural purpose of governance consists of ensuring, on behalf of those governed, a worthy pattern of good while avoiding an undesirable pattern of bad. Relatedly, a government comprises a set of inter-related positions through which the exercise of coercive power is used. A good government, following the above line of thought could consist of a set of interrelated positions exercising a coercive power that ensures, on behalf of those governed, a worthwhile pattern of good results while avoiding an undesirable pattern of bad circumstances, by making decisions that define expectations, grant power, and verify performance<sup>10</sup>. Conceiving of governance in this way, one can apply the concept of States, Corporations, Non-Governmental Organization (NGO), project teams and to any number of humans engaged in some purposeful activities.

Governance as a concept has multivariate definitions. Agere avers that "the discretionary space left by the lack of a clear well-defined scope for what governance encompasses allows users to choose and set their parameters"<sup>11</sup>. On this note, the World Bank sees governance as the exercise of political authority and the use of institutional resources to manage society's problems and affairs. On her part, the world wide governance indicators project of the World Bank defines governance as the traditions and institutions by which governments are selected, monitored and replaced, the capacity of the government to effectively formulate and implement sound policies and the respect of citizens and the state of the institutions that govern economic and social interaction among them.

9. Sorensen, E, Metagovernance: The Changing Role of politician in Process of Democratic Governance, *Journal of American Review of Public Administration*. Vol. 2, No. 36, 2006
10. Ibid
11. Agere, S, *Promoting Good Governance*. London: Google Books, 2000

An alternate definition of governance by the United Nations Development Programme Regional Project on Local Governance sees governance as the rules of political system to solve conflict between actors and adopt decisions. In general terms, Empter, and Josef assert that governance occurs in three broad ways, "through networks involving Public-Private Partnership (PPP) or with the collaboration of community Organizations, through the use of market mechanisms whereby market principles of competition serve to allocate resources while operating under government regulations, and through top-down methods that primarily involve government and the state bureaucracy"<sup>12</sup>.

From the prism of Mo Ibrahim Foundation's indicators of good governance, the following are important:

- (1) Safety and rule of law
- (2) Participation and human rights
- (3) Sustainable economic opportunity, and
- (4) Human development.

The focus of Mo Ibrahim Foundation's indicators of good governance are on the impacts of governmental policies on the people rather than the stated policies and intentions. For example, in 2010 out of the 53 countries in Africa that subjected themselves to the Foundation's indicators of good governance, Nigeria was ranked 40th place while countries like Tunisia, Libya, Rwanda, and Ethiopia were ranked 8th, 23rd, 31st and 34th respectively<sup>13</sup>. These indicators especially as they relate to the enactment of laws for the implementation of people oriented programmes provide the background on which we will look at the performance of the Benue State House of Assembly in the period under consideration.

### **The Benue State House of Assembly in Perspective**

Benue State was created in 1976 and a military Governor was posted to steer the affairs of the state of the state. However, the first attempt at democratic governance with the Presidential system of government

12. Empter, S and Josef, J, Sustainable Governance Indicators in 2009: An Introduction, in Bertelsman Stiftung (ed) Sustainable Governance Indicators 2009 Policy Performance and executive Capacity in the OECD. Gutersloh: VBS, 2009.

13. Ibid

that separated the three organs of government that is the Legislature, Executive and Judiciary started in 1979 with the swearing in of Mr Aperc Aku as the first Executive Governor of the State.

It is on record therefore that, the maiden Benue State House of Assembly was inaugurated on 2nd October, 1979 following the return of democratic rule in Nigeria with a Presidential system of government. Hon Ayua Num was elected as the first Speaker of the House. In 1983, the second Benue Assembly was inaugurated, though short-lived, following the military intervention on 31st December, 1983 and seizure of power from the civilian government. Hon. Mike Tor-Bosua was the speaker of that short-lived Assembly.

The military Government under the leadership of General Ibrahim Badamasi Babangida in 1992 attempted a democratic experiment that ushered in democratic structures at the Local and State levels and also, the National Assembly. On this premise, the third Benue Assembly was inaugurated on 13th January, 1992 with Hon. Stephen Tsav as the Speaker. Once again, the House was dissolved in 1993 following the annulment of June 12 Presidential Election and the eventual takeover of Government by the military from the interim National Government headed by Ernest Shonekan. With that development, General Sani Abacha assumed leadership of the country's affairs as the Head of State.

In spite of the fact that the military kept meddling and dismantling democratic structures in Nigeria and by implication in Benue State, the people kept faith with democracy. Their faith paid off with the return to democratic rule in 1999 which ushered in the fourth and historic Benue Assembly when the first female Speaker, Hon Margaret Mwuese Icheen was elected. In the cause of her speakership, there was a change in the leadership of the House when she was replaced by Hon. David Mzenda Iho on the 13th March, 2002. Subsequently, the fifth Benue Assembly was successfully inaugurated on the 4th, June, 2003 with Rt. Hon. David Mzenda Iho unanimously re-elected as the Speaker of the House.

In recognition of the smooth democratic ride enjoyed all over the country, the sixth Benue State House of Assembly was inaugurated on 4th June, 2007 with Hon Terseer Tumba unanimously elected to lead the House as the Speaker. The life of the sixth Assembly came to an end without hitches signaling the beginning of the 7th Assembly.

That 7th Assembly was inaugurated on Friday 3rd June, 2011 with Rt. Hon. Terhemen Tarzoor unanimously elected as the speaker. However, on the 2nd November, 2011, the Appeal Court sitting in Makurdi affirmed the nullification of the election of Hon. Tarzoor into the House of Assembly. This development led to the election of Hon David Iorhemba as the 9th Speaker of the Benue State House of Assembly. Disagreements in the House however saw the emergence of a new Speaker on the 14th November 2012 in person of Hon. Emmanuel Terhile Ayua who was the third Speaker within seventeen months of the life span of the 7th Benue House of Assembly. The 8th Assembly which was inaugurated in June 2015 had Rt. Hon. Terkimbi Ikyange as the Speaker.<sup>14</sup> It is worthy of note that the structure and organization of the Benue State House of Assembly is divided into the political and administrative set ups.

**Political Set up:** Speaker, Deputy Speaker and Speaker protempore are constitutionally provided for, while party leaders; Majority Leader, Minority Leader, Majority Whip, Minority Whip and their deputies and House committees are created for both administrative and legislative convenience.<sup>15</sup>

**Administrative Set up:** The clerk, deputy clerk, clerks-at-table, sergeant-at-arms, internal Audit, Legal department, Personnel management department, Finance and supplies department, planning, Research and statistics.<sup>16</sup>

One cannot but agree that, it is with the aid of both the political and administrative set ups that the Benue State House of Assembly performs its governance role in the state.

## The Legislature and Governance in Benue State

The inauguration of the Benue State House of Assembly in 1999 after many years of the absence of democratic governance due to the military interregnum was beset with huge challenges some of which

14. Benue State House of Assembly Diary. Makurdi: 2013

15. Ukase, P and Akena, T, Issues and Perspectives on the Workings of the Benue State Legislature. Makurdi: Oracle Bus. Ltd, 2010

16. Ibid.

were surmounted in the course of time. In the following sections we shall attempt to assess how the Assemblies from 1999 till date have worked to surmount these challenges in the under listed broad areas;

1. Law making
2. Representation
3. Oversight on the executive

### **The Benue Legislature and Law Making**

The Benue legislature like any other legislative House in Nigeria is saddled with the responsibility of making laws for the good governance of the people. As stated somewhere in this work, governance describes the process of decision-making and the process by which decisions are implemented. The Benue Legislature has always been at hand to ensure that decisions are made and such decisions are implemented for the good of the people.

Issues that seek legislative policies derive from a vast array of factors. In most cases, a policy made may represent a response to a kind of problem or happening, either acute enough to impact negatively on the wellbeing of the major segments of the society or wellbeing of government. To be specific, legislation is in many cases centered on apprehension (that is if a law is not made about the issue of apprehension, a terrible repercussion might be experienced), unrest, conflict, innovation and such other events.<sup>17</sup>

Ahmadu<sup>18</sup> identifies four channels that propel legislative responses as:

1. Influential pressure groups mobilize their members and seek governmental solution over an issue.
2. The unorganized public becomes intensely concerned with the matter.
3. The parties and powerful legislators take up the cudgels, and
4. The formation of strong counter pressures to defend the status quo fails to materialize.

---

17. Ibid

18. Ahmadu, R., "An Overview of the workings of the Legislature" Paper Presented at the Training of Clerks of the National and states Assemblies. Minna: 2002

Since the advent of the Benue state legislative Assembly, numerous bills have been passed into law for the benefit of the people. Below are some of the bills passed by the Benue Assembly for the good governance of the state:

Table1: Bills Passed by the Legislature, 1999-2003

S/No	Short title of Bills Passed.	Originator	Date introduced	Date Passed
1.	1999 Appropriation law (Recurrent)	Executive	11/10/1999	22/11/1999
2.	1999 Appropriation Law (capital)	Executive	11/10/1999	22/11/1999
3.	Vigilante Law	Legislative	18/11/1999	31/05/2000
4.	A bill for a law to establish the Benue Independent Electoral Commission	Executive	29/11/1999	31/05/2000
5.	2000 Appropriation Law (capital)	Executive	17/12/1999	17/02/2000
6.	2000 Appropriation Law (recurrent)	Executive	17/12/1999	17/02/2000
7.	Local Government Establishment Law 2000	Executive	14/02/1999	30/08/2000
8.	State Independent Electoral Commission Amendment Law, 2000	Executive	15/11/2000	15/11/2000
9.	A bill for a law to make provision for the salaries, allowances and fringe benefits of political office holders.	Executive	21/12/2000	21/12/2000
10.	Local Government Amendment Law, 2000	Executive	29/12/2000	29/12/2000
11.	2000 Appropriation Law (Capital)	Executive	29/12/2000	07/02/2001
12.	2000 Appropriation Law (recurrent)	Executive	29/12/2000	07/02/2000
13.	Benue State Planning Commission bill 2000	Executive	31/07/2001	
14.	A bill for a law to amend the commission of inquiry law, 2000.	Legislative	18/11/1999	23/07/2001
15.	A bill for a law to amend the children and young person's law, 1963.	Legislative	20/11/2000	05/09/2001
16.	2002 Appropriation Law (Recurrent)	Executive	31/12/2001	30/01/2002
17.	2002 Appropriation Law (capital)	Executive	31/12/2001	30/01/2002
18.	A bill for a law to regulate the conduct of L.G Elections, 2000.	Executive	19/02/2002	16/04/2002
19.	A bill for a law to Amend political office Holders Remuneration 2000.	Legislative	07/05/2002	07/05/2002
20.	L.G Amendment Law 2000	Executive	20/05/2002	20/05/2002
21.	A law to make provision for the control of traffic at motor parks and Round About, 2002	Legislative	23/04/2001	22/07/2002
22.	A law to amend state political Holders (Remuneration) 2000	Executive	19/08/2002	19/08/2002
23.	L.G Amendment law, 2002	Executive	28/08/2002	29/08/2002
24.	L.G Amendment Law, 2002	Executive	09/12/2002	09/12/2002
25.	2003 Appropriation law (recurrent)	Executive	31/12/2002	03/02/2003
26.	2003 Appropriation Law (Capital)	Executive	31/12/2002	03/02/2003
27.	A law to review revenue rates in Benue State, 2002	Executive	24/07/2002	09/12/2002
28.	Benue State Tourism Board Bill, 2000.	Executive	05/02/2001	19/03/2001

Source <sup>19</sup>

19. Report of the Business and Rules Committee, Benue State House of Assembly, 2003

Table 2: Bills Passed by the Benue State Legislature, 2003-2007

S/No	Short title of Bills passed.	Originator	Date introduced	Date Passed
1.	The L.G Amendment law	Executive	04/08/2003	04/08/2003
2.	The Benue State Science & Tech. Education Board Bill	PMB	20/08/2003	15/08/2003
3.	2004 Appropriation Bill (Recurrent)	Executive	30/12/2003	02/03/2004
4.	2004 Appropriation Bill (Capital)	Executive	30/03/2004	02/08/2004
5.	L.G Amendment Law, 2000	Executive	22/01/2004	22/01/2004
6.	A bill for a Law to Amend the Electoral Law, 2002	Executive	21/01/2004	22/01/2004
7.	L.G Amendment Law, 2000	Executive	25/03/2004	23/03/2004
8.	The Bush Burning Amendment law	PMB	04/08/2004	24/11/2005
9.	Supplementary Appropriation Bill	Executive	26/11/2004	26/11/2005
10.	2005 Appropriation Bill (Recurrent)	Executive	31/12/2004	08/02/2005
11.	2005 Appropriation Bill (capital)	Executive	31/12/2004	08/02/2005
12.	Rural Infrastructural Development Levy Bill	Executive	03/02/2005	24/05/2006
13.	The Environmental Sanitation Law	Executive	17/02/2005	28/02/2005
14.	The Benue State Planning Commission Amendment Bill, 2000	Executive	17/05/2005	18/05/2005
15.	The Universal Basic Education Bill	Executive	27/06/2005	29/06/2005
16.	2006 Appropriation Bill (Recurrent)	Executive	30/12/2005	14/02/2006
17.	2006 Appropriation Bill (Capital)	Executive	30/12/2005	14/02/2006
18.	The Bill for a Law to Provide for the Grant of Pension to Public Officers	PMP	17/03/2006	17/03/2006
19.	The L.G Amendment Law, 2000	Executive	03/04/2006	03/04/2006
20.	The Benue State Emergency	Executive	19/07/2006	16/09/2006
21.	The Benue State Emergency management Agency Bill	Executive	19/07/2006	16/09/2006
22.	2007 Appropriation Bill (Recurrent)	Executive	29/12/2006	29/12/2006
23.	2007 Appropriation Bill (capital)	Executive	29/12/2006	29/12/2006
24.	A Bill for a Law to stipulate the Remuneration of Political, Public and Judicial office Holders in Benue State.	Executive	15/03/2007	05/04/2007
25.	A Bill for a Law to make Provision for the Appointment, Suspension and Deposition of Chiefs in Benue State	Executive	13/03/2007	25/05/2007
26.	The Benue Independent Electoral Commission Bill, 2000.	Executive	02/05/2007	09/05/2007
27.	The Bill for a Law to Further Amend the Benue State Electoral Law, 2002	Executive	02/05/2007	09/05/2007
28.	A bill for a law to further Amend the Benue State L.G Law, 2002	Executive	02/05/2007	10/05/2007
29.	Supplementary Appropriation Bill	Executive	23/05/2007	23/05/2007

Source: <sup>20</sup>.

<sup>20</sup>. Report of the Business and Rule Committee, Benue state House of Assembly, 2003-2007.

Table 3: List of Bills passed from 4<sup>th</sup> June, 2007 – 31<sup>st</sup> Dec, 2008.

S/No	Short title of Bills passed.	Originator	Date Passed
1.	Benue State Aids Control Agency Bill	Executive	21/01/2008
2.	Local Government Establishment Bill	Executive	21/12/2007
3.	A bill for a Law to make provision for the conduct of Elections into L.G Councils in Benue State	Executive	16/11/2007
4.	A bill for a law to make provision for the financing of the 2008 Appropriation.	Executive	28/01/2008
5.	2008 Appropriation Bill (Capital)	Executive	28/01/2008
6.	2008 Appropriation Bill (Recurrent)	Executive	28/01/2008
7.	A bill for a Law to stipulate the Remuneration of political, Public and Judicial Office Holders.	Executive	04/01/2008
8.	A bill for a Law to Establish the citizens' mediation Centre.	Executive	27/05/2008
9.	The Benue State Television Corporation Bill	Executive	23/04/2008
10.	Supplementary Appropriation Bill 2008	Executive	19/08/2008
11.	The Universal Basic Education Bill	Executive	25/09/2008
12.	A bill for a law to Amend the Benue State University Law.	Executive	25/09/2008
13.	A bill for a law to provide for the Benue State Local Government Joint Services Account.	Executive	08/10/2008
14.	A bill for a law to provide for the Establishment of Benue State Christian Pilgrims Welfare Board	Executive	08/10/2008
15.	A bill for a law to provide for the Establishment of Benue State Muslims Pilgrims Welfare Board	Executive	30/10/2008
16.	The child Right Bill.	Executive	14/11/2008

Source: <sup>21</sup>.

21. Report of the Business and Rule Committee on the Performance of the Benue state House of Assembly. 2007-2008

Table 4: Bills Passed by the Benue Legislature, 2011 – 2015

S/No	Short title of Bills passed.	Originator	Date Passed
1.	2011 Supplementary Appropriation Bill	Executive	15/12/2011
2.	2011 Appropriation Bill (Recurrent)	Executive	31/03/2012
3.	2011 Appropriation Bill (Current)	Executive	31/03/2012
4.	A Bill for a Law to make Provisions for the Establishment of Benue State school of Health Technology Agasha.	Executive	03/04/2012
5.	A bill for a law to provide for the Establishment of the State Primary Health Care Board and for matters connected there with.	Executive	09/05/2012
6.	A bill for a law to make provisions for the Establishment of Schools of Nursing and Midwifery, Makurdi	Executive	26/07/2012
7.	A bill for a law to make provisions for the Establishment of the Board of Management of the Benue State University Teaching Hospital Makurdi.	Executive	24/05/2012
8.	2012 Appropriation Bill	Executive	21/02/2012
9.	2012 Appropriation Bill (Recurrent)	Executive	11/04/2012
10.	2012 Appropriation Bill (Capital)	Executive	11/04/2012
11.	A Bill for a law to make provisions for the Amendment of the Benue State Electoral Law, 2007.	Executive	28/03/2012
12.	A bill for a law to make provisions for the Amendment of the Benue State Independent Electoral Commission (Established) Law 2000	Executive	28/03/2012
13.	A bill for a law to make provision for the Amendment of the Local Government Law, 2007	Executive	29/03/2012
14.	2013 Appropriation Bill	Executive	18/01/2013
15.	2013 Appropriation Bill (Recurrent)	Executive	20/03/2013
16.	2013 Appropriation Bill (Capital)	Executive	20/08/2013
17.	A Bill for a law to make provisions for Financing of the Supplementary Appropriation, 2012.	Executive	18/12/2012
18.	2012 Supplementary Appropriation Bill (Recurrent)	Executive	27/02/2013
19.	2012 Supplementary Appropriation Bill (Capital)	Executive	27/02/2013
20.	A Bill for a law to make provisions for the protection of the Rights of people living with HIV/AIDS and to prohibit Acts of HIV Based Stigma and Discrimination in the State.	Executive	04/12/2013
21.	A bill for a Law to Reform the Benue Council of Chiefs to make provision for the Establishment of Council of Chiefs and Traditional Councils for the State.	Executive	07/04/2015
22.	A Bill for a Law to make provisions for the repeal and Re-enactment of a Law for the Administration and Collection of Revenue due to the State and Local Government Councils in the State: to Establish the Relevant Administrative Structures.	Executive	07/04/2015
23.	2014 Appropriation Bill	Executive	05/12/2013
24.	2014 Appropriation Bill (Recurrent)	Executive	05/03/2014
25.	2014 Appropriation Bill (Capital)	Executive	05/03/2014
26.	A Bill for a law to Establish an order of precedence in Benue State	Legislative	18/11/2014
27.	A bill for a law to make provisions for the establishment of NKST Schools of Nursing and Midwifery, Mkar.	Legislative	19/05/2015
28.	The constitution (Fourth Alteration) Bill, 2014		16/12/2014
29.	2015 Appropriation Bill	Executive	30/12/2014
30.	2015 Appropriation Bill (Recurrent)	Executive	21/05/2015
31.	2015 Appropriation Bill (Current)	Executive	21/05/2015

Source: 22

22. Ayua, T, Valedictory Address Delivered to Mark the end of the 7th Assembly. Makurdi: Assembly Press, 2015.

A close look at the laws passed by the Benue State House of Assembly as presented in the Tables above, shows clearly the dominance of the Executive bills as opposed to private members bills in the governance equation of Benue State. However as earlier noted by Ukase, the success or failure of the Executive arm cannot be analyzed in isolation from that of the Legislature and vice versa<sup>23</sup>. It is interesting to note that the vast nature of government services, functions and happenings have given rise to an avalanche of ideas on which laws are desirable (such as the ones made by the BSHOA) for the peace, order and good governance for the benefit of the people.

### **The Benue Legislature and Oversight Functions**

Aside from law-making, the Benue legislature also serves as watchdog, checkmating Executive excesses and guaranteeing the separation of powers. By so doing, the Legislature contributes to the governance equation of Benue State. Oversight powers simply means ensuring that Government ministries, agencies and parastatals are carrying out their responsibilities and policies as promulgated through the budget and other legislations. According to Ukase "the performance of oversight functions is very critical in the assessment of the performance of the legislature"<sup>24</sup>. The power of the legislature to perform this function of oversight is encapsulated in sections 128 and 129 of the 1999 constitution. The Legislature therefore has the constitutional responsibility and duty to review and approve the budget, review the performance of the Executive arm, and also review the internal systems within the legislature itself.

It is extremely difficult to quantify the oversight functions performed by the legislature within the period under review. To this end, we shall only examine the Legislature in the context of its performance of oversight functions, especially as it affects the implementation of budgets in Benue State. Be that as it may, we need to draw some preliminary conclusions on the conduct of the legislature in the performance of its oversight functions.

- i. Most legislators do not know the extent and limit of their oversight responsibilities.
- ii. Some legislators see oversight functions as an instrument to be used in witch hunting the Executive arm of government.

23. Ibid.

24. Ibid.

- iii. Because of their inability to fully comprehend their oversight functions, some committees and the entire house sometimes overstep their boundaries by ascribing to themselves, the investigative powers of the police and the adjudicative functions of the courts in the process of performing their oversight functions.
- iv. Due to the reason adduced above, legislators are unable to use the information they gather during their investigations to initiate, pass or amend existing laws as shown in tables 1-4, where almost 90% of the bills passed by the legislature were executive bills.

Below are tables that help to illustrate the oversight performance of the legislature in respect to capital budget in the years.

Table 5: Capital Expenditure in respect to Capital Budget.

Sector	Approved Estimates 2005	August Target	Actual Expenditure	Performance (%)
Economic	14,779,300,000	7,389,650,000	1,330,059,231.19	18.00
Social	8,648,500,000	4,324,250,000	1,411,953,899.96	32.65
Environment	3,031,415,000	1,515,707,500	198,743,790.00	13.11
Administrative	2,432,000,000	1,216,000,000	73,993,057.94	6.08
<b>Total</b>	<b>28,891,215,000</b>	<b>14,445,607,500</b>	<b>3,014,749,979.09</b>	<b>20.87</b>

Source:<sup>25</sup>

Table 6: Capital Expenditure Performance 2006.

Sector	Approved Estimates 2006	August Target	Actual Expenditure	Performance (%)
Economic	14,227,993,130	7,113,996,565	1,620,723,290.18	22.78
Social	9,049,057,000	4,524,528,500	2,692,390,491.95	59.51
Environment	2,843,425,000	1,421,714,000	460,859,624.76	32.42
Administration	3,135,696,980	1,567,848,490	291,700,000.00	18.61
<b>Total</b>	<b>29,256,175,110</b>	<b>14,628,087,555</b>	<b>5,065,673,407.39</b>	<b>34.63</b>

Source:<sup>26</sup>

25. Report of the Finance and Appropriation Committee, Benue State House of Assembly, Makurdi: 2005
26. Report of the Finance and Appropriation Committee, Benue State House of Assembly, Makurdi: 2006.

The two tables above are just a tip of the ice berg where the legislature in Benue state has allowed for the dismal performance of successive budgets (capital) in the Fourth Republic.

### **The Benue Legislature and Representation**

In line with its constitutionally ascribed role of representation, the Benue State House of Assembly has set aside each Friday of the week as constituency day. By implication, Legislators are expected to brief their constituents every Friday of the week. These meetings are aimed at enabling legislators to brief their constituents on bills before the House, resolutions passed, pending policy issues of Government and other matters of state that are of utmost importance to the people, and in the process, get necessary inputs from them which will aid them in contributing to issues on the floor of the House.

Unfortunately, however, as soon as election results are declared, most Legislators abandon their constituencies, and become invisible actors in the legislative process. Majority of the Legislators who contribute to issues in the House do so base on their personal idiosyncrasies, opinion and ideology, and not based on the inputs they receive from their constituencies<sup>27</sup>. They therefore, disconnect their constituents from the entire legislative and democratic process. It is on record that, out of the 28 bills passed in the first four years of the Fourth Republic, none of them passed through any form of public scrutiny. From 2011 – 2015 (7th Assembly), out of the 31 Bills passed only few bills were subjected to public scrutiny, one of which was “A Bill for a Law to Reform the Benue Council of Chiefs to make provisions for the establishment of Council of Chiefs and Traditional Councils for the state”<sup>28</sup>.

Flowing from the above, one can simply submit that all the laws passed by the legislature within the period under review were akin to decrees passed during military rule. On this note, we agree with the submission of Roberts that “in the present democratic dispensation, indications are that the Legislators are hardly

27. Ibid.

28. A Bill for a Law to Reform the Benue Council of Chiefs, 2016

performing their representative function well and in some instances, not at all"<sup>29</sup>.

### Conclusion and Recommendations

The analysis in this piece of work has revealed the weaknesses associated with the Benue legislature which has informed the low level of participation in governance in Benue State. This chapter has presented facts to show that the Benue legislature has not performed optimally in the areas of law making, oversight and representation which are the cardinal areas of legislative business everywhere in the world.

To salvage the Benue legislature from the governance quagmire it has found itself, it is appropriate for this discussion to recommend the following;

1. The Benue legislature should step up its law making function by initiating, sponsoring and passing bills into law from amongst the legislators. This is important because going by our analysis on the Benue Legislature and law making; it has been proven that over 90% of the bills passed by the legislature were Executive Bills, meaning if the Executive doesn't present bills, then the law making function of the legislature will remain docile.
2. As a follow up to the first recommendation, Legislators can easily generate issues for making laws in the Legislature by way of constantly interacting with their constituents where a lot of issues seeking legislative attention are abound.
3. Legislators should know the extent and limit of their oversight responsibilities. On this point, the electorate should be able to elect intellectually credible people who understand the laws and how to apply them when it comes to oversight functions for the benefit of the people.
4. The Benue Legislature should expend more energy trying to secure government projects for their constituencies by

29. Roberts, F, Performance Evaluation of the New Democracy, in D.O. Ajakaiye and Roberts, F (ed) Meeting the Challenges of Sustainable Democracy in Nigeria. Ibadan: NISER, 2002.

presenting credible arguments on why such projects should be sited in their constituencies in addition to making other contributions for the provision of services to the people.

5. They should hold regular constituency briefings with their constituents in order to feel the pulse of their people.