

**LEGISLATIVE OVERSIGHT AND SOCIO-ECONOMIC  
DEVELOPMENT IN BENUE STATE.**

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## **DECLARATION**

I hereby declare that this work is the product of my own research efforts; undertaken under the supervision of Professor Mvendaga Jibo and has not been presented elsewhere for the award of a degree or certificate. All sources have been duly distinguished and appropriately acknowledged.

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## **CERTIFICATION**

This is to certify that the research work for this thesis and the subsequent preparation of this thesis by Jacob Iba Omenka (PGSS/U/11068/99) were carried out under my supervision.

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For the love,

For the support,

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## ABSTRACT

Under a democratic dispensation, governance and development are best optimized by collective participation. The legislature, which is a veritable arm of government in a democracy, is a catalyst of socio-economic development. Its worth is measured not only by the quality of intellectual debate in the parliament but also by the attraction of constituency projects such as roads, electricity, industries, among others which aid development. The central thesis of this research is to determine the extent to which the legislature can be an instrument of development through appropriate legislation. Towards this end, it explored legislative behaviour, processes and organization, to determine whether the pace of socio-economic development in Benue State can be attributed to its legislature. The method of study involved wide coverage of three senatorial zones by selecting six constituencies from each. Both participant observations and interview methods covering key informants/stakeholders were employed. The systems theory with particular reference to David Easton's Political System Model of analysis was adopted. The major finding is that the Benue State House of Assembly is deficient in Law-making, Representation and Oversight functions. Instead of exposing 'corruption, inefficiency or waste' by government ministries and departments, the Assembly itself was enmeshed in corruption and ineptitudeness. Most laws passed originated from the Executive. The Assembly failed in its enormous responsibilities of enhancing 'good governance' and being a catalyst for socio-economic development in the state because it is bedeviled by a poor resource base that bothers on inadequate support staff, lack of financial autonomy, absence of up-to-date equipment and, above all, members that are inexperienced on legislative matters. The recommendations are the establishment of a Legislative Training Institute, Assembly Commission and Legislation of Assembly Autonomy Bill. Others are the eradication of poverty and loyalty to the state/constitution instead of political party in the performances of legislative duties. The minimum qualification for election should be a University degree, while a level playing ground should be provided for the opposition, among others.

## **CHAPTER ONE**

### **GENERAL INTRODUCTION**

#### **1.1 INTRODUCTION**

In virtually all democratic systems, there are three basic institutions or arms of government. These include: the Executive, the Judiciary, and the Legislature.

For stability and ultimately good governance to be achieved, some degree of co-operation and understanding amongst these three arms is expected. The executive arm is commonly referred to as the body that executes the policies of government. The judicial arm, on the other hand, is seen as a body that interprets the law. On its part, the legislative arm is charged with the basic responsibilities of making laws.

Law-making is not a new concept in Nigeria. It has always been an integral part of administration, even in the pre-colonial Nigerian societies. According to Coleman (1986:41) prior to the creation of the present state of Nigeria, through the amalgamation of the Northern and Southern protectorates in 1914 by Lord Lugard, there were large state structures with well-developed and organized systems of administration. We had, for instance, the Borno Empire, the Bini Kingdom, and the Oyo Empire, among others. Even in the stateless societies of Igede, (Omenka, 2002: Okpaga, 2000) Tiv (Ahire, 1993; Hembe, 2001 and Makar 1994) and Igbo land (Ibezim, 1985), there existed well-defined institutions for the administration of the communities.

In Igede land, for example, the Council of Elders, 'Igabo' was the highest decision making body (Omenka:2002). The various age grades, 'ikpa,' on the other hand saw to the day to day running of the affairs of the community in terms of execution of projects and enforcement of decisions taken by the Council of Elders. In the Sokoto Caliphate (Oladosu, 1980; Ibezim, 1985 and Coleman, 1986), and Oyo Empire, administration was centralized in the monarchy (Best, 1998). The emirs, Shehus, Obas and Alafins, were the custodians of Legislative, Executive and Judicial powers, even though history recorded a system of checks and balances, especially in the old Oyo Empire. In Igbo land, (Ibezim, 1985:50) the pivotal political institution was the Assembly of the people. The Assembly may be constituted at the level of the village, town or clan. It was usually open to all adults and it took decisions of general interest which were binding on the entire community. In the pre-colonial Sokoto Caliphate system, on the other hand, Best (1998:3) pointed out that the legislative functions were performed by the Emir, in session with the Waziri and other palace title holders.

At the advent of the colonialist, these institutions were found very useful for the administration of the state through the indirect rule system of government. As Coleman, (1986:36) noted, British administration in Nigeria formally commenced in 1861, the year that Lagos was ceded to the Crown. At this time, the authority of the colony was vested in the Legislative Council. The Legislative Councils at this time consisted of the Governor, six officials (two Europeans and four Nigerians), and, its functions were limited to the confines of the colony of Lagos only. Under the Clifford Constitution of 1922 however the

authority of the council was extended to cover both the colony of Lagos and Southern Protectorate (Oladosu, 1980) In terms of powers and functions, the Legislative Council was charged with the responsibilities of making laws, with the approval of the Governor, for the colony and protectorate of Southern Nigeria. It was equally expected to pass the financial estimates.

The McPherson Constitution of 1951 was by far the most significant effort at legislative development under the colonial era in Nigeria. It was this constitution that introduced a representative legislature whereby more than half of its members were elected in Nigeria. The constitution established a House of Representatives comprising a President appointed by the Governor, six Ex-Officio Members and 136 elected Representatives (Coleman 1986).

Even though it could be argued that the Legislative Councils under the various constitutions highlighted above were strictly advisory and could not hold the Governors responsible and accountable, they nevertheless epitomized the principle of election and representative government.

Nigeria thus by independence in 1960, had developed some semblance of democratic institutions. The Federal Legislature in the First Republic (1960-1966) was known as the Parliament, comprising the Senate and the House of Representatives (Dudley, 1982).

At the regional level, there was a House of Chiefs and the House of Assembly. At both the federal and regional levels, the lower House comprised members, all of whom were elected while some candidates were nominated as Senators to the Upper Legislative Chamber.

The above structure of government in Nigeria was disrupted in 1966 following Military coups (Ibezin, 1985:105, Dudley, 1982:75, Jibo 1996:44). Under the successive military administration in Nigeria, the Legislative and Executive bodies were made up of members who were appointed rather than elected, and their powers were fused. At the Federal level, for instance membership of the highest law-making body, the Supreme Military Council (SMC), and later Armed Forces Ruling Council (AFRC), was not based on the principle of election and representative government. The Head of State was the Chairman of the Council and some members of the Executive Council (Ministers) doubled up as members of the legislative body---the Supreme Military Council, or Armed Forces Ruling Council (Akintayo, 1999:27; Trevor Clark, 1991:806).

In 1979, the structure of government in Nigeria was again changed significantly, particularly in respect of the Legislature and Executive (Ojigbo, 1980:276). The 1979 Constitution vested the Legislative powers of the Federation on the National Assembly, which were bicameral i.e. the Senate and the House of Representatives. In the States, the House of Chiefs as constituted during the First Republic was abolished thereby introducing a unicameral legislature. The House of Assembly of a State was vested with the power to legislate for the State. The constitution also provided for two legislative lists (the exclusive and concurrent lists).

The 1999 constitution mirrors the 1979 constitution in most respects. Section 4 (1) provides for the legislative power of the Federation which is vested in the National Assembly consisting of the Senate and the House of Representative

with the exclusive legislative authority over certain items listed in part 1, Second Schedule of the Constitution. Section 90 maintained a unicameral Legislature (the House of Assembly) for each of the state of the federation. The legislative powers in respect of the items on the concurrent list are spelt out in part II, Second schedule of the constitution. Section 4 (5) preserves the superiority of the National Assembly over the House of Assembly, in respect of matters on the Concurrent list. A notable provision concerning the legislature under the 1999 Constitution, however, is the provision of section 69 and 110. This is the power of the electorate to RECALL a representative in any of the legislative houses. This innovation, as Imhanobe (2001) observed was enshrined “to ensure accountability, genuine representative government and good governance”. This precisely raises a fundamental question: since the traditional role of the legislature is to make law, how does the law made translate to good government and socio-economic development? Is the legislature just simply a law making body, or does it has other functions to perform? For instance, does it have any oversight function? That is, is it a mouthpiece, a watchdog or the voice of the electorate, which ensures that public fund is well-managed, public amenities, are evenly distributed and wrongs are redressed? Or is it an obstacle to socio-economic development? These questions becomes pertinent when it is realized that as representatives of the people, it is the duty of legislators to ensure that their roles transcend mere routine of law-making to include that of enhancing rapid socio-economic development by attracting constituency projects such as industries, roads, hospitals, among others.

Whether the legislators in Benue State have been able to achieve these or not is what this work is set out to find.

## **1.2 BACKGROUND TO THE STUDY**

The stated aim of government all over the world is to achieve or accomplish good governance. By good governance, we imply the delivery of goods and services to the people. It also entails the maintenance of law and order in the society. Compared to the experience of other types of government (Military regimes, for instance) goods and services are better delivered under a democratic dispensation in which checks and balances between the different arms of government are ensured. In a democratic government where leaders are representative of the people, elected on a periodic basis, they try to ensure that the real benefits of democracy (both material and moral) are readily and consistently accruable to the citizenry.

In Benue State, for instance, it is contended (Ukpoju, 2002; Jibo, 1993) that the processes of socio-economic development have been better enhanced under a democratic dispensation. The establishment of industries and institutions like the Tarku Mills, Otukpo Burnt Bricks, Benue State University, Makurdi, etc by the regimes of Governors Aper Aku and Moses Adasu between 1979-83 and 1991-93 respectively has been used as reference points.

Observers (Ayatse, 1995; Denga, 1995, Jibo, 1993: 159 – 168) of the pace of development in the State described these periods, in comparison to the era of military regimes, as the glorious periods of Benue State. (Jibo, 1993; Tseyayo, 1975). According to Jibo (1993:164) several Benue indigenes were

appointed into key positions at the Federal level. Several reasons are advanced for this development. It is believed, for instance, that the laudable achievements recorded under civilian regimes were made possible because of checks and balances that existed between the Executive and the Legislative arms of government. As a major organ of government that is primarily responsible for law making, the Legislature, (Jibo, 2000; Tyoden, 1998) decides on major policy issues and checks the activities of the other arms of government. Through such a check, these other arms, especially the executive is constantly made to live up to the expectations of the people. (Anyaegeunam, 2000; Akintayo, 1999)

Against this backdrop, Nigerians were enthusiastic when in May 1999 a democratically elected government was enthroned. In Benue State in particular, this enthusiasm was very high in view of the dismal performances of the various military regimes in the State, which culminated in the collapse of most industries and infrastructures set up by the civilian administration of Aper Aku and Moses Adasu.

Benue State was created in 1976. Since its creation the state as we noted has witnessed intermittent changes in leadership between the military and civil authorities. Basically, the state is predominantly rural with the majority of its populace engaged in peasant agriculture. As at May 1999 when another democratically elected government was enthroned in the state, there was a total or near absence of basic amenities in most communities. Schools and health care delivery system were in a very dilapidated state. Most communities were not properly linked by good road networks. Electricity and portable (pipe-

borne) water were not available. In communities where these amenities were available, the supply was epileptic. Even though the state is endowed with lots of solid mineral deposits such as Limestone, Coal, Barite, etc the level of industrial development was a sorry case (Denga, 1995). It was prevailing conditions such as these that became campaign issues during the electioneering campaign leading to the 1998 general elections in the state. (NewsWatch, 1998; The Voice, 1998). These sorry conditions, expectedly pose a great challenge to the leaders of the state, particularly the state legislators who are not only the people's closest representative in the government, but leaders who secured their mandates in the first place on the promise to address these poor conditions of living of the people. It is precisely the need to find out how, and whether, the political office holders, particularly the Legislators, in Benue State have addressed these pressing issues that we have embarked on this study.

### **1.3 STATEMENT OF THE PROBLEM**

A common belief among Political Science scholars (Mill, 1958:230; Almond, 1970, Riggs, 1967, Oyovbaire, 1987), is that for liberty and freedom to be maintained, and to ensure justice and equity, there should be a separation of powers among the three branches of government, namely the Executive, the Judiciary and the Legislature. This system of government, it is argued, would provide a safeguard against the concentration of too much power in a single authority. While stressing that tyranny results when power of all the three

branches of government are accumulated in the same hands Montesquieu, (1976:4) suggested that

to preserve political liberty, the Constitution should ensure that the power of one branch of government should not be exercised by the same person(s) which possess the power of another branch.

This situation, he concluded, would be destructive to liberty.

This doctrine of separation of power is reflected in the Constitution of most countries of the world. For instance, in democratic countries, we often have constitutional provisions like;

all legislative powers should be vested in the legislature; the executive powers in the presidency, and all judicial powers in an independent judiciary (Constitution of the Federal Republic of Nigeria 1999, Part 11, Section 4,5 and 6).

In some system of government, however, especially those operating the Cabinet model like Great Britain, (Norton, and Hayward, 1986) it is impossible to achieve complete separation of powers as envisaged above because by definition, the Executive or the Cabinet consists of the leaders of the political party or coalitions which won the majority of seats in the Parliament. But even in this kind of political arrangement, the Cabinet is responsible to the Parliament and can, indeed, be voted out of office by the Parliament. This implies that some kind of difference between the Executive and the Legislature is recognized and maintained. Moreover, the Judicial branch is separated more distinctly and carefully from the more political branches (Executive and the Legislature) in order to ideally ensure the highest degree of judicial independence and impartiality.

The central idea of the concept of separation of power is that a government seeking to act despotically cannot pass laws arbitrarily, administer them recklessly and judge corruptly any opposition to them. Put differently, it is believed, theoretically, that no government that is popularly elected can afford to allocate state resources arbitrarily. The needs of the people, or the society at large, have to be recognized before programmes are devised to meet them. In other words, for proper allocation of state resources especially in developing countries like Nigeria where there are great inequalities in living conditions, and in opportunities, due recourse to the needs of the people must be taken into consideration. And such a practice is better realized when there is a clear demarcation of authority or functions between the three arms of government with each of the three arms serving as a check on the excesses of the other. Apart from serving as a check on the excesses of one another, it is expected that the three arms of government should equally work in tandem to implement socio-economic programmes that would improve the living standards of the people. To be adequately abreast with the needs and aspirations of a people, requires being very close to them. This, precisely, is where the legislator comes in. As Burke (1976:19) opined:

it is the legislators in any vibrant democracy that could be said to be the true representative of the people.

When compared with their counterparts in the executive, legislators represent more definite and smaller constituencies. While the Executive Governor of a State may have the whole State made up of several Local Government Areas (LGAs) as his constituency, a member of the State House of Assembly may have just one LGA or a section of the LGA as his constituency.

This makes interaction with the constituency easier and on a more frequent basis. Thus, he could feel the pulse of the people; determine their needs and aspirations better than his counterpart in the executive arm with a wider constituency. In view of this development, legislators are looked upon, either individually or collectively, as agents for articulating, communicating or championing the demands of the governed in any democracy.

It should be noted that the virtue, spirit and essence of democracy are the extent to which policies and programmes reflect the needs of the people, or are relevant. And, a relevant programme is no doubt, that which operates within the prism of the law. Taking into consideration that it is the Legislature that enacts the law, and the Executive (or government) is expected to operate within the parameters of the law thus enacted, one can conclusively say that the Legislature in modern democracy is the soul and essence of the nation.

Perhaps it is for the above reason that Lijphart (1977:20) felt that:

a government responsible to the Legislature becomes in the long run, a government responsible to the people and thereby a responsive government influenced by, the voice of the people.

It should be noted, however, that Legislatures are not just bodies that communicate or express the wishes of the people to the authorities. They also convey to the people certain policies and programmes of the government. Thus, they (that is the Legislatures) both express and represent. Performing these dual roles also places the legislature in a pivotal position to equally form, shape and, indeed, manipulates public opinion. In other words, the legislator as an individual, does not only express and represent, he organizes what Key Jr. (1961:433) describes as “chaotic public will”.

An ideal legislature, going by the above proposition, then is not simply a law making body. It is equally a watchdog, a mouthpiece or the voice of the electorate charged with the responsibilities of ensuring that public fund is well-managed, amenities evenly distributed and wrongs done are made right. As the eyes of the government too, it directs the attention of government to incidental cases for remedy in addition to passing down to the people, government polices and programmes.

Indeed, the Constitution of the Federal Republic of Nigeria, 1999 (part 11, 4<sup>(1)</sup>) identified legislative powers to include “the power to make laws for the peace, Order and good governance of the federation or any part thereof...” Section 88 specifically empowered the Legislature to

direct or cause to be directed an investigation into-the conduct of affairs of any person, authority, Ministry or government department... expose corruption, inefficiency or waste in the execution or administration of laws within its legislative competence...

The provision of these sections of the Constitution implies that the legislatures (both the National Assembly and States Houses of Assembly) have widespread powers to make laws and carry out such other necessary oversight duties to enhance the living standards of the people (Roberts, 2003; Akintayo, 1999). But the question is: what is the relationship between law-making by the Legislative Assemblies in Nigeria in general, and the general standard of living of the people? In other words, what is the direct output of the Legislative activities to the conditions of the people in developing countries of the world, particularly in Nigeria, which has witnessed intermittent disruption in democratic governance? Taking into consideration that for over forty years (1960- date) of

Nigeria's independence, the military have ruled for about thirty years (1966 – 79 and 1983 – 99) how has the legislative arm of government fared? This question is necessary in view of the fact that under the military experiment in Nigeria, the legislative function was for most part fused with the executive functions, a practice which in itself deserve investigation but which however is not the focus of this work.

Generally, what is the role of the legislature in the socio-economic development of a nation and a people? Put differently, with the return to democracy in Nigeria after a long period of military rule, has the legislature any vital role to play in terms of uplifting the lot of the ordinary Nigerian? Has it played this role effectively?

This study provides answers to these and other related questions by carefully reflecting on the country's current and past political democratic experience. In doing this, the study tried as much as possible to avoid a mere recount of Nigeria's recent history and politics. Instead, salient elements, which lend themselves to theoretical and empirical interpretation, were chosen in the knowledge that contemporary Nigeria politics revolve more or less around them.

Specifically, the study focused on the roles of the Benue State Legislature in the socio-economic development of the State. It determined whether or not the legislature has passed necessary laws that enhance 'good governance' and aid socio-economic development of the state. Indeed, the study examined the extent to which the legislature has 'direct or cause to be directed' an investigation into the conduct of affairs of any person or government; expose

corruption, inefficiency or waste in the execution or administration of the state by the government of the day. Attempt was also made at identifying inhibiting factors to development in the state. Appropriate solutions were then proffered.

#### **1.4 RESEARCH QUESTIONS**

This study is guided by the following research questions

- 1.4.1 What is the nature of legislative behaviour, processes, and organization in Nigeria in general, and in Benue State in particular? Do they constitute a hindrance or catalyst for socio-economic development in the state?
- 1.4.2 What are the appropriate patterns of relation between the legislators and their constituencies, and how have these aided socio-economic development in the respective constituencies?
- 1.4.3 How has the legislation passed by the Benue State House of Assembly impacted on the lives of the people of Benue state? That is, to what extent is the level of socio-economic development in Benue State dependent on the roles of the state legislators?
- 1.4.5 What lessons have been learnt from the roles of the legislature in Benue State?

#### **1.5 RESEARCH OBJECTIVES**

The main aims or objectives of this study are:

1. Determine the extent to which the legislature could be a basic institution for the translation of the masses preferences like provision of basic health facilities, roads, employment, etc into public policy through appropriate legislation, etc.

2. Explore, in depth, legislative behaviour, processes and organization in a poor agrarian State like Benue.
3. Provide enough exposition on the wider issues of democracy and good governance.
4. Specifically determine whether the pace of socio-economic development in Benue State can at any time be attributed to the roles of the legislature; and
5. Recommend ways through which the activities of the legislature can be strengthened in order to obtain an enduring democracy in the country.

## **1.6 JUSTIFICATION OF THE STUDY**

The decision to embark on this work was anchored on a number of factors. First and foremost is the fact that Nigeria, after a prolonged period of military rule became a democratic nation on May 29, 1999. Its government, at all levels, was revamped and revitalized through competitive elections to serve the peculiar needs of democracy. With the return of democracy, there is the need to carry out some reflections on the nation's political experience. Naturally, a state like Benue, which as we pointed out in 1.2, is a poor agrarian community that has experimented with democracy at various times in the past, provides a good case study. The emphasis on the Legislative arm of government is borne out of the fact that the prolonged military rule has adversely affected its operations much more than any other arm of government. For instance, it experiences intermittent disruptions. Its operations are always suspended each time there is military intervention. The legislative process was

changed from the Parliamentary System during the First Republic (1960-1966) to Presidentialism in subsequent Republics (Coleman, 1986; Oyovbaire and Olagunju, 1996). This development complicated matters. While under the Parliamentary System a member of the Parliament could serve as a Cabinet Minister, the Presidential System does not permit such dual roles.

The confusion arising from these changes and from the constant punctuation of the legislative process is, without doubt, a cause for concern. This is more so as the Legislature which represents a core pillar of an enduring democracy is, according to Elaigwu (2000:1)

primarily responsible for law-making, deciding on major public policy issues, checking the activities of the executive and judicial arms of government.

It is in recognition of the importance of the legislature in the sustenance of a credible and dynamic democracy that we found it imperative to carry out a study on the role of the Legislature in the socio-economic development of Benue State.

Specifically, the study is significant in the following ways:

- a. Cast more light on the nature and process of legislation particularly at the state level;
- b. Show how good government can be enhanced through effective legislation in a democracy;
- c. Provide a basis for determining appropriate functions of the legislature such as oversight, representation and of course law-making among others;

- d. Specifying, in concrete terms, the concept of legislative-executive relations. To this end, the various actors/players involved were identified, and appropriately analyzed.

## **1.7 SCOPE OF THE STUDY**

As pointed out, the Benue state legislature is the major focus of this study. Similarly, the study covers all the past periods of democratic experiments in the State - from 1979 -1982; 1991-1993, with more emphasis on the Fourth Republican Legislature (1999 – 2003). Time and financial constraints necessitated the limit of the scope of the study to Benue state. Nigeria has thirty-six states and a Federal Capital Territory (FCT). Each of these states of the federation operates a democratically elected system of government with the three arms of government in full operation. Most of these states of the federation are predominantly rural in nature and are in dire need of socio-economic growth and development. Indeed, Nigeria, according to the study done by the Directorate of Food, Roads and Rural Infrastructures (DFRRI) in 1992 has about a hundred thousand (100.000) villages and rural communities (National Concord; 25/5/92:10). Under the present civilian government all of these rural communities have elected representatives directing their energies towards the upliftment of their respective communities. In order to determine how these elected representatives go about achieving these objectives will require a thorough examination of the activities of legislative houses and their members in all states of the federation. Engaging in a study of such magnitude

however, will require a lot of time, human and material resources, which are certainly beyond the scope of the researcher.

As a way out, therefore, we choose Benue State as a case study. This is done taking into consideration the fact that the geo-political entity, which is today known as Benue state is experimenting a democratically-elected system of government and is equally a predominantly rural area. It shares the same attributes with other states of the federation characterized by low level of per capita income, and general poverty of the population; non-availability of basic infrastructures like electricity, motor-able roads, pipe borne water, health and educational institutions, etc. So, research findings in the Benue case study may have country wide relevance! This contention notwithstanding, references were specifically made to Lagos and Nasarawa states for purpose of comparative analysis.

## **1.8 METHODOLOGY OF THE STUDY**

In this work, we focused on the Benue state legislature's primary functions of Law Making, Constituency Representation and Oversight, among others. In order to enable us do this, we utilized a combination of both Primary and Secondary data sources.

i. **Primary Sources:-** The work demanded going out to the field, to the selected constituencies to see for oneself, works or projects executed through the lobbying efforts of the various legislative representatives; meet various stakeholders such as political party leaders in selected communities in Benue State. Politically, Benue State is divided into three (3) Senatorial Districts.

These Senatorial Districts are subdivided into twenty-nine (29) State Constituencies. None of the senatorial districts has less than Nine State Constituencies. In order to ensure balanced coverage, we selected six (6) constituencies from each of the three senatorial districts for our study. This brings to eighteen (18) the total number of constituencies covered in our study. This research method is participant observation. This involved the collection of information and data through a direct intensive interaction with the people. Occasional observation of some of the proceedings and activities of the State Legislature was done. Through this method, we have an in-depth knowledge of what informs the taking of certain decisions and how they were taken. It equally enabled us to ascertain the number of projects executed and their impacts on the lives of the people. In addition to the above, the work depended heavily on **interview** method. Structured interview were conducted. Questions were open-ended, providing the participants with enough room for comments, and clarification of ambiguous issues. General questions (such as in 1.3-Research Questions) were followed by simpler and more precise ones targeted at obtaining specific and/or necessary background information concerning the activities of the Benue State Legislature, projects or programmes executed so far, prospects and problems encountered by both the legislators and the communities (constituencies), etc. Towards this end, interview of eighteen (18) members of the Benue State House of Assembly who were the representatives of the selected eighteen constituencies were conducted.

In addition, identified party and community leaders as well as fifteen (15) other people from each of the selected constituencies were interviewed.

ii. **Secondary Sources:** - this involved an analysis of the Hansard of the Benue State Legislature to determine important issues rose. The State Budgetary Allocations were also examined. Other necessary official documents, publications and statistical data or records, etc of both Benue State Legislature and the State Government were examined. Generally, the data collected through instruments highlighted above were classified, reorganized and where possible tabulated to facilitate analysis and appreciation of the role of the Benue state legislature.

A content analysis was made with regards to documents, records, books and all other relevant materials from Secondary Sources. In addition, quantitative and qualitative analyses were employed to summarize information generated in the research.

#### **1.8.1 Problems of Data Collection**

In the course of this research work a lot of problems were encountered. These problems range from lack of resources to difficulties in obtaining certain vital information, among others.

The researcher does not enjoy any scholarship or financial assistance from any individual or organization. This means that funding the research was very precarious. The researcher depended solely on his personal income (monthly salary) which was very meager.

Apart from the above, it was very difficult obtaining very vital information. Tracking down certain individuals for interviews was very difficult. Repeated journeys, in some cases, up to five times were made. Key government officials,

in some cases, hid under the cover of 'official secret act' and refused to divulge certain information.

It should be noted that the nature of the research is such that regular observation of the proceedings of the Fourth Assembly of the Benue State Legislature was required. Visits to various project sites to ascertain the level of work done vis-à-vis claims made were also required. In addition, a pain-staking perusal of vital documents such as Annual Budget Estimates and Votes and Proceedings of the Assembly as well as other related materials was done. Finally, a visit to the National Assembly and other selected State Houses of Assembly like Nasarawa and Lagos to compare proceedings was made. These visits required a lot of time, money and personnel which were not available in abundance.

In order to wriggle out of these problems, the researcher resorted to 'belt-tightening' or personal sacrifice. Every available income was channeled towards the successful execution of the project. Research Assistants were engaged to carry out specific assignments. It is these Research Assistants that, in some cases, conducted interviews and obtained needed information for our analysis.

## **CHAPTER TWO**

### **LITERATURE REVIEW AND THEORETICAL FRAMEWORK.**

In the previous chapter of this work, it was pointed out that in virtually all systems of modern governments, especially the democratic ones, there are three basic institutions, or arms namely the executive, the judiciary, and the legislature. In order for stability and ultimately good government to be achieved, some degree of cooperation and understanding amongst these three arms is expected. The basic functions of each of the three arms were identified. Specifically, it was pointed out that the traditional function of the legislature is law-making.

In continuation of the discussion, literature that examines the significance and scope of the legislature to the overall development of any nation were reviewed. Towards this end, the chapter examined the concept of development, representative governance, and then focuses on the legislature; its activities and expectations. In addition, the chapter also adopted the Political System Theory as a framework to explain that as representatives of the people, the legislator has the duty to ensure that laws made translate to good governance and rapid socio-economic development.

#### **2.1 DEVELOPMENT IN PERSPECTIVE**

Many scholars, depending on their educational background, and ideological orientation, have variously looked upon the term development. To some, the term implied advancement, modernization, improvement, or

progress. To others, it could only be seen in the light of specific spheres in life. Thus, the concept is for instance, to be understood in terms of “economic, social, technological, and political” variables. Agreeing with this later school of thought, Michael Todaro (1998: 83) views development as:

Multi-dimensional process involving major change in social structures, popular attitudes, and national institutions, as well as the acceleration of economic growth, the reduction of inequality, and the eradication of absolute poverty.

He identified three core values associated with development. These are:

1. Life sustenance-which implies the ability to provide basic needs such as food, shelter, health or protection. A condition of ‘absolute underdevelopment’ exists where any of these basic needs is absent, or is in short supply.
2. Self-esteem-means a sense of worth, and self-respect; of not being used as a tool by others for their own ends, and
3. Freedom from servitude – implies a fundamental sense of freedom or emancipation from alienating material conditions of life and from servitude to nature, ignorance, other people, misery, institution and dogmatic beliefs. It means the expanded range of choices for societies and their members.

The argument here is that the term ‘development’ is “total” in nature and it encompasses social, political, cultural, economic, and other aspects, which, on their own, are only a part, or one dimension of the general term. In other words, in addition to viewing the concept of development from strictly economic variables such as savings, investment and incomes, non-quantifiable and non-economic variables such as the people’s attitudes towards life, work and authority, patterns of kinship and religion, cultural traditions, systems of land tenure, the degree of popular participation in development decision and

activities, and so on, should equally be taken into consideration. Stated simply, it could be said that the concern for increasing national or local production, raising level of living, and promoting widespread employment opportunities, etc are as much a function of the values, incentives, attitudes and beliefs, and the institutional and power arrangement of a society as they are the direct outcomes of the manipulation of strategic economic variables like incomes, savings and investment. Development thus represents a whole gamut of change by which an entire system, that has to do with diverse basic needs and desires of individuals and social groups moves away from a condition of life, widely perceived as unsatisfactory, and toward a situation of life or condition regarded as materially and spiritually 'better'.

From this perspective, it is the view of this study that development anywhere should aim at:

- a. Increasing the availability and widening the distribution of basic life sustaining goods e.g. Food, Shelter, etc.
- b. Raising level of lifestyles. This means provision of more jobs, better education, and greater attention to cultural and humanistic values' and
- c. Generally expand the range of economic and social choices available to individuals and nations.

As Oni, (1987:7) rightly said,

Man is the center of Development. For development to have a true meaning, therefore, it must have to do with a progressive improvement of the quality of his life and standard of living, quantitatively and qualitatively, in all aspect of the development milieu. This requires man's all-round development in the political, social and economic field.

Specifically, this, in the case of the people of Benue State implies their empowerment through the provision of Agricultural inputs, feeder roads, etc. This is necessary in view of the fact that Benue State is agrarian in nature. The bulk of the labour force in the state is engaged in subsistence or traditional agriculture; an occupation that is still very much in its rudimentary form and is tedious. It is an occupation which is highly subjected to the vagaries of weather; draughts, floods, and even pest invasions, etc. Besides, most communities in Benue State are bereft of public utilities. Goods and services such as access roads, markets to sell end products, electricity, water, schools and health facilities are grossly lacking (Makar, 1994, Jibo, 1993, Hembe, 1983). There is no doubt that, the lack of these essential goods and services have become a reference point for social and political agitation over the years (Ugboju, 2003; Edoh, 2003; Ajene, 2003).

Political office seekers in the state use the lack of these development facilities as “raison d’etre” for wanting to represent the people in government. But the question remains, how far have they achieved this objective? Specifically, are the representatives of the people of Benue, particularly the legislators able to elevate the interest of the people of Benue State through appropriate legislation in the state House of Assembly? These questions and others would be answered by an examination of the concept of the legislature and its roles in the socio-economic development of the society.

## **2.2. DEFINING THE LEGISLATURE: ACTIVITIES AND EXPECTATIONS.**

A simple definition of the legislature usually views it as a body elected by the people to make laws. (Price, 1985, Olaniyi, 2001; Akintayo, 1999). This definition is however complicated and problematic these days. The complications arise from the fact that several countries have institutions that are called legislatures but which, however, could not be rightly considered as law-making bodies. Others too have what would be considered as law making bodies but they could not be referred to as legislatures. For instance, as we noted in 1.1, we have a situation whereby in countries under military regimes there are such organs like the Armed Forces Ruling Council (AFRC), (Oyovbaire, & Olagunju, 1996; Tyoden, 1998:4) as was the experience of Nigeria between 1985 and 1998 which, though not elected are highest decision or law-making bodies of the land. And, in some democratic countries; like Ivory Coast and Kenya where we have well-established legislatures, the law-making functions of these bodies are to some extent dictated or controlled by the Executive arm (Akintayo, 1999).

In view of the above realization, a discussion on the concept of the legislature is done through a functional approach. This approach is well supported by Mezey (1979) who argued that law making is not the sole or most salient function of the legislature. Buttressing this line of thought, Riggs (1967) pointed out that throughout history, the legislature was a functionally adaptable institution that could do a variety of things in a political system.

Taking similar line of argument, Jibo (2000) has maintained that the legislature has both 'law-making and oversight' functions. He has argued that

legislatures all over the world have acted as agencies of political recruitment; that legislators themselves could represent the views of the people to non-legislative elites in the executive and the civil service bureaucracy; educate and inform the public on major political issues. Jibo (2000 :2) specifically stated that the executive branch is “overseen by the legislature in keeping with the consideration of good governance”. Citing instances, he pointed out how the financial behavior of the executive is checked through the vetting and passing of its income and expenditure proposals (budgets). The legislature also oversees the executive in vetting key appointments like those of ministers, ambassadors, or commissioners, etc.

Generally, one could infer from his treatise that the legislature represents an effective instrument for nation building and national integration, and that it could have the effect of mobilizing public support for a regime and thereby legitimizing the political system that is in place.

The foregoing proposition suggests a proliferation of functions of the legislature, a situation, which however raises the question as to whether, if any of the several functions highlighted above is peculiarly legislative? It equally begs for an answer as to whether if the presence of one or more of these functions in an institution’s functional repertoire qualify it as a legislature? Put differently, are we right to argue that since most of the functions outlined above could be performed by other political institutions, notably political parties, the executives and even the press or interest groups are these institutions qualified to be referred to as Legislature? This argument is important in the light of common knowledge that a strong political party could recruit elites, represent

citizens, educate and inform the public, mobilize regime support, and serve the function of promoting national integration. In Nigeria, the People's Democratic Party (PDP) has played each of these roles at the beginning of President Obasanjo's regime.

For example, the party on winning the general election early in 1999 set up a broad based 'think tank' committee headed by Lt. Gen. T. Y Danjuma to work out appropriate 'blue print' for the new government. On inauguration, the new government involved members of other parties and interest groups in the cabinet. The national chairman of the then All People's Party, Alhaji Mohammed Waziri, was appointed as the special adviser to the president on Inter-Party matters. (NewsWatch, June 19, 2000; Tell, June 19, 2000).

Common sense indicates that military juntas that made laws through the enactment of decrees did not qualify as legislatures by virtue of performing that function. In similar vain, political parties cannot become legislatures just because they perform several of the functions that a legislature performs.

Thus, it could be rightly argued, as Almond (1970) has done, that while functionalism helps to widen our legislative horizon, it did nothing or little to help us define the legislator as a political animal. Equally too, it did not help us to separate him from the other personalities or interested parties in the political terrain.

For a concise definition of the legislature, therefore, it may be proper to highlight those intrinsic characteristics that an institution must have in order to qualify it as a legislature.

A school of thought adopted what might be called a “apriori’ approach. This approach, according to one of its leading exponents, Polsby (1975) involves positing the list of words which, taken together defines those characteristics that an institution must have in order to qualify it as a legislature. He identified these structural characteristics associated with legislature as follows:-

1. That legislatures are formal assemblies;
2. Are official, rather than private bodies
3. Members are popularly elected
4. Members meet, deliberate and act collectively as formal equals;
5. Their formal enactments are officially binding on a population to which they are accountable and from whom their legitimacy emanates.

Agreeing with Polsby’s (1975) characterization, Mezey (1979:6) posited that legislatures are “a predominantly elected body of people that acts collegially and has at least the formal but not necessarily the exclusive power to enact laws binding on all members of a specific geopolitical entity.”

Expatiating on his position, Mezey (1979) argued that being an elected body of people, legislatures are people who hold their positions as a result of an election in which all adults are allowed to participate except the insane, imprisoned, those without residence requirements, etc. In like manner too, when Mezey (1979) said, “predominantly elected”, he implies that the presence of a small number of appointed members (as may be the case in some countries) does not in any way deprive an institution of its status as a legislature.

By “collegial” body, he meant a situation where the members are formally equal in status. With regards to the issues of having a formal law making power, it implies that the constitution under which the legislature operates must endow it with a law-making capability.

Equally too, saying that the legislature need not hold the power to make law exclusively is a recognition of the fact that other institutions in the political system (for example, the courts, bureaucracies, and even the executives) can make laws in the form of judgment, rules, and decrees. In other words, these other agencies only enact subordinate legislation which must conform with majors ones enacted by the legislature.

Going by the above preposition, it is clear that general councils of a military junta (e.g. Armed Forces Ruling Council, or the Supreme Military Council), as earlier pointed out is certainly not a legislature. Neither is an executive council for ministers (where decisions regarding the implementation of certain policies are taken) under a democratic dispensation a legislature. This is because members of these two bodies are not ‘predominantly’ elected but are appointed. The legitimacy of the members of these two bodies do not necessarily emanate from any particular constituency, to which they are accountable. In any case, these two bodies are not constitutionally empowered to make laws on behalf of the people.

Unlike the Supreme Military Councils of a military regime and an executive councils of ministers or commissioners however, Benue State House of Assembly is a legislature because it is backed by a formal enactment (the Constitution of the Federal Republic of Nigeria, 1999 part II, Cap, 90). Its

members (twenty nine in number) are popularly elected and their formal enactment are officially binding on the people of Benue State to whom they are accountable and from whom their legitimacy emanates.

The contention that members of the House of Assembly derive their legitimacy from the people of the state and are therefore accountable to the people imply that there must be some kind of close relationship existing between the members of the House of Assembly and the people of the state. It specifies that a very close connection exist between public opinion and the laws made by the House. It implies too that it is what the people of a State want that they would get (in terms of legislation) from their lawmakers.

The above contention however raises some fundamental questions to wit: How closely do the laws passed by legislators mirrors the preferences of the people? What, in the first place, are the expectations of citizens from their legislators, and how are these expectations conditioned by environmental variable that have to do with the political culture of the people, their history and the level of their socio-economic development?

Answering these and other related questions adequately would involve a general determination of legislative activities. It also entails a critical examination of their impact on the socio-economic development of Benue State.

### 2.3 LEGISLATIVE ACTIVITIES

Essentially, the activities of legislatures and their members can be grouped into three broad categories, which according to Mezey (1979) are reflections of legislative models. These activities or models are patterned after certain expectations towards legislature and they include:

- a. Policy making
  - b. Representation, and
  - c. System-maintenance.
- a). **Policy Making:** This model is predicated on the assumptions that it is the majority that has the right to decide the laws under which the people must be governed, and that the legislature, as a governing institution, is an assemblage of the people. The members are placed there by the people to share their (the people's) views on policy issues, to negotiate, and to produce legislation that is responsive both to the general public and to the needs of the nation.

According to this school of thought, the invention and enactment of public policy is essentially a legislative function. This role is played very effectively by legislatures in advanced countries of the world like U.S.A where members of the legislature actively involve themselves in initiating certain policies (Keefe & Ogul, 1981:42). Article I, Section 8, of the American constitution Provides a formal list of the powers of Congress to include:

the power to lay and collect taxes; borrow money; regulate commerce; coin money; regulate standards of weight and measures; establish post offices; create courts; declare war; create an army and navy;..., and adopt laws concerning bankruptcy; naturalization; patents, and copyrights". (Keefer & Ogul, 1981:42).

In like manner too, the British Parliament, in recent years,

has witnessed significant behavioural and structural changes which have transformed the institution into a policy-making body (Hayward & Norton, 1986:123).

Unlike the Advanced Countries of the world, however, because of the low level of their education and inexperience on the job, most members of the legislatures in the Less Developed Countries like Nigeria hardly get themselves involved in initiating public policies. Since they are not involved or active in this respect, the thinking is that they have no role to play in the policy making process. (Akintayo, 1999.)

True as the above assertion may be, however, the experiences of legislatures in most Less Developed Countries have shown that even though they are not involved in initiating policies directly (except where a member or group of members initiate and get a bill passed successfully) they still approve policies initiated by others through what might be called: “deliberative” function. Policy proposal submitted to the House are deliberated upon by the legislators and through such discussion or debates the legislators do not only teach and inform the public on the issues involved, their action could often lead the government to alter the proposals that is put forward for implementation.

Thus, it would be right to argue that pressures from the legislature could be quite significant in determining the final shape of certain important government policies. For example, as Jibo (2000:2) observed, the National Assembly in Nigeria using its two-third majority altered the Niger Delta Development Commission (NDDC) act submitted to it by the presidency. Even where a government in power can be assured of a majority support in the

legislature when it wants it, experience has shown that minority pressures can force changes in government proposals, discourage the government from acting in certain ways at all, or move it to act with greater dispatch. This again was the experience of Nigeria when early in the year 2000 the government of President Obasanjo increased the pump price of petroleum products and pressures from both the Public and the Legislature forced the government to rescind the decision (Tell, June 19, 2000 & News watch, June 19, 2000). What the foregoing analysis point to is that Legislatures which do not possess the power to initiate or even to compel changes in policy proposals may have a more subtle power of informally setting the parameters within which those with policy making power actually operate. As Mezey (1979) has pointed out, a situation where government proposals pass the legislature unopposed and un-amended could arise simply because the government refrains from introducing legislation that will provoke substantial legislative opposition.

Generally, an aspect of policy-making activity found in almost all legislative settings are what Jibo (2000), as noted earlier, has referred to as Legislative Oversight, or 'control' function as it is sometimes called. Legislatures, whether in Advanced, or Less Developed Countries of the world, have a variety of methods at their disposal for carrying out oversight (or control) function.

These include:

- a. The 'question time' in the open assembly, in which case policy makers are required to make explanations on certain policies made, or decisions or actions taken. (Keefe & Ogul, 1981).

b. Legislative committees could call government functionaries to account for their actions, conduct investigations on polices, and make recommendations either to the full house, or to the government. In Nigeria, the Public Accounts Committee of the Senate has requested Heads of several Government Parastatal and Ministers of the Federal Republic of Nigeria to appear before it and make certain explanations regarding their areas of jurisdiction. For example, the then Minister for Power and Steel, chief Bola Ige was made to explain how N2.3 billion NEPA funds released in 2000 was utilized. (The News, 1 October, 2002. Newswatch, July 2001; Jibo, & Simbine, 2003:57). In Benue State, the House of Assembly Committee on Information has had cause to conduct investigations into the operations of the State owned Radio Benue, sometimes in 2000.

Finally, debates carried out within the house of assembly itself serve to focus attention on the actions of the government and thereby make government to act more transparently. For example, early in September, 2002. The House of Representatives in an overwhelming majority gave president Obasanjo a two-week ultimatum to resign or be impeached following a wide-ranging allegations of gross misconduct and flagrant abuse of power. (INSIDER, Sept 30, 2002; TELL, SEPT, 30, 2002; Jibo, & Simbine, 2003:123). A close examination of the policy making model, as analyzed above embedded both the law-making and oversight functions of the legislature.

b) **Representation:** Apart from policy making, part of the job of elected officials, particularly legislators, is not one of inventing new public polices as such; instead, it is his lot to see to it that the interest of those whom he

represents are protected in the development and implementation of public policy. According to Riggs (1975), the representational activity of the legislator could come about in various ways.

i. Expressive function: this involves expressing the minds of the people on matters of public concern. It bothers on 'interest articulation'. It posits that consistent, vigorous articulation of constituency needs will produce policy from those who have policy-making powers.

ii. Intermediary between the citizens and government officials. By this, the legislator is expected to lobby government bureaucrats on behalf of the constituency; deals with complaints that citizens have; and channel national funds into local improvement projects. This activity, or role is some times aptly referred to as "errand running". The intermediary functions of the legislator are possible because the legislator enjoys access to the central government departments and to members of the government that is unquestionably greater than that of most citizens. Because of this development, citizens find it easier or more practicable to process grievances through legislators because they perceive legislators to be obligated to them through an electoral connection. Having perceived the legislator to be obligated to them, the masses expect the legislator to meet certain particularistic demands emanating from their constituencies. These demands may be for information, services, or public outputs. Taking Benue State which is agrarian society in nature and where lack of certain basic amenities like water, electricity, access roads and so on are the order of the day, constituencies would expect their legislators to elevate constituency interests that bother on the provisions of these basic amenities

above other interests. In other words, the electorate would want their more pressing issues to be tabled by their representatives before any other issue. For example, the people of Oju/Obi Federal constituency would prefer the construction of Awajir-Oju and/or Oju-Ogoja roads than their representative in the Federal House of Representative championing the dualisation of Abuja-Keffi road; and the peasant farmers in Ukum would expect their representative in the Benue House of Assembly to ensure the availability of fertilizers in Ukum than casting his vote for the provision of funds for the beautification of Makurdi town. Thus, it can be argued that this function of the legislature is conditioned by several environmental variables that range from the level of the socio-economic development of a place, to the personality, competence and ambitions of the legislators in questions, among others. In like manner too, the expectations of the masses as we have seen from above examples may come in various forms. While some are more or less specific and border on a particular task, such as passing certain types of laws, or ensuring that certain things are done; others no doubt involve more generalized functions.

c) **System – Maintenance** – This school of thought is all about mobilizing support for the government. It borders on the legislator engaging himself in such activities that will pave way for the stability and survival of the political system. It is believed that most policies emanate from outside the legislative arena, and that there may be problems arising from some of them. There is the need, therefore, to have in place a mechanism that will confront problems arising from policies thus made. The legislator is viewed as that apparatus, or vehicle for accomplishing these ends. Thus, the legislator is not only expected

to support government policies with his voice and vote on the floor of the house of assembly, he is equally expected to be a government ambassador at his constituency. He has to explain and defend government policies and at the same time promote compliance. But where he opposes a government policy, he is expected to do so in a manner that would be devoid of selfish sentiments and personal aggrandizement. (Tyoden, 1998:V; Squire, et al, 1997)

The legislature is also a critical factor in conflict management. In any polity, conflict is unavoidable, and since the members of the legislature are representatives of most groups and interests in the nation, they become a viable vehicle for conflict management. To the extent that legislators successfully manage conflict, to that extent they contribute to the integration of the political system. For example, relevant committees of both the Senate and House of Representatives have, at different points in time, mediated on labour matters. They have equally intervened in ethnic or communal crisis that engulfed the country at one point or the other.

The foregoing discussion portrays the legislature as a flexible institution capable of performing several different functions at the same time, it is an institution that, on the one hand, makes policy, or contributes to policy – making process substantially. It is also an institution that plays a representative role (Tyoden, 1998; Keefe, and Ogul, 1981). The representative role of the individual legislator, for instance, indicates that he/she should see to it that the interests of those whom he/she represents are protected in the development and implementation of public policy.

Finally, as an intermediary between the people and the government, it helps to stabilize the polity (Squire, 1997: xix). On the whole, the legislature is able to play all these roles if it takes the expectations of the people into consideration. As pointed out, these expectations are in legions. In Benue State, for instance, the expectations of people from their representatives may range from wanting them to bring home a sizeable portion of the national budget to be spent on various local improvements and to see to it that the needs of the state are accommodated in general policies of the country.

Specifically, the Benue rural farmer may see the government as a potential source of aid and favours. He will, therefore, look up to his representative in the legislature to make fertilizer available, if not free, at least, at affordable price. The representative (or legislator) is equally expected to attract public works projects (pipe borne water, electricity, roads etc), create jobs, empower the people monetarily, and give other innumerable favours of a personal nature. (Ajegi, 2002; Akpa and Omenka, 2003: 24)

These expectations of the Benue people on their representatives is in tandem with what operates in Advanced Countries of the world like the United States of America where Article 1, Section 8 of the Constitution empowers the Congress to make all laws which shall be necessary and proper to carry into execution its delegated powers that include the power to lay and collect taxes, regulate commerce, establish post office, create courts, among others (Keefe and Ogul, 1981:42).

The question however remains as to whether the legislator in Benue State, and indeed the entire country, is able to gain policy concessions either

through connections, or through his acts of criticism and exposition of certain shady government policies? Has he been able to act as a “watch dog” guarding the people’s interest against those who make policy and, finally, does he have the capacity to expose corruption and inefficiency when these are found? These questions and similar others can only be answered properly with a critical examination of the concept of Representative Governance, or Democracy.

#### **2.4 REPRESENTATIVE GOVERNANCE.**

Over the years, the idea of democracy has been a fundamental issue in political thought. Abraham Lincoln, the famous American statesman and President is credited amongst the earliest political thinkers who defined democracy “ as government of the people by the people and for the people” (Keefe and Ogul, 1981;6) To him and others that shared his line of thinking, a democratic government is that which is made up of men and women that are elected by a people for the well-being of the generality of the people. Thus, democracy is basically a contract, an agreement between the ruler and the ruled to govern according to the rules; it represents a system of government that is meant to ensure good life for the people. Lincoln’s line of thinking is shared by scholars like Price (1985), Chazzan (1992) and May (1976).

In his own treatise, Price (1985:36) felt that it is easy for a government to rule its people by coercion, issuing decrees and compelling the people by force to obey them, as is the case of Nigeria under Military regimes between 1983

and 1998. But, as the Nigerian experience has shown, this does not, in the long run, lead to stability.

A solution to this problem is the establishment of democracy. Democracy is derived from a Greek word and it means rule by the people. It is, according to Price (1985: 36) a system of government where the decisions on matters of policy and on the laws that are to put that policy into effect are made by the people themselves.

According to Price (1985), and Chazan, (1992) the idea of democracy could be traced to ancient Greece where, in the democratic city-states of Athens, all the adult male citizens used to meet together in an assembly in which issues of policy were debated, decisions were taken, and laws were enacted. No citizen could thus claim that policies are foisted upon the community against his will.

This practice has been adopted by modern great nations states like Britain and the United States of America, among others. But because, in these states, distances between the various component parts of the states make it prohibitively expensive to bring all entitled citizens together in one place to discuss policy issues, an alternative approach was derived.

This alternative approach to the problem of ensuring that policy decisions were made as far as possible in accordance with the popular will of the people was, according to May (1976:8) developed in England roughly between A.D 1250 and 1650. This was the idea of 'representative government' where small local groups of citizens have the right to choose representatives of their own interests to sit together in a national assembly or parliament.

According to May, (1976) by 1959, it had been established that parliament was more powerful than the king himself, who was thus bound by the decisions of this representative body.

The analysis so far indicates that central to the idea of representative governance (or democracy) is the rationale for “popular rule”. Price (1985:38) buttressed this contention through his identification of three essential preconditions for the satisfactory working of representative government, namely:

- 1) The assembly must be as truly representative as it is possible to make it;
- 2) Members of the assembly must be free to discuss issues with complete frankness and to reach decision without hindrance; and
- 3 The assembly’s decisions must be binding and enforceable.

On his part, Lijphart (1977) specifically adopted Abraham Lincoln’s definition of democracy as “government by the people”. This definition however, raises a lot of fundamental question. For instance, does the idea of “by the people” presuppose every individual in the society? If so, does it imply that every person in the state, including the insane and the imprisoned, has the right to participate in decision-making?

Scholars like Oyovbaire, 1987, and Eliagwu (2000) question the above definition of democracy. According to Elaigwu (2000) the term democracy is perhaps the most polemical words in the political dictionary, which has been subjected to so many interpretations and adoptions in various parts of the world. Oyovbaire (1987) was more damning in his rejection of the definition of democracy as meaning “government by the people”. According to him such a

definition is oblivious of the elite theory according to which there is no government by the people; what we have instead is government by the few—the power elite – over the many, but even here, the question arises as to how the power elite derive their power? Do they openly compete for power in organized formations? And, do the people meaningfully participate in the choice of the people that govern them?

Answering these questions, Joseph Schumpeter (in Lijphart, 1977) says that ‘democracy is a political method by which the individual acquires the power to participate in decision by means of competitive struggle for the peoples vote’. It is this competition for the people’s vote in a free and fair election that Schumpeter (1977) felt is the distinguishing characteristic of the democratic method. By competing for votes, aspirants for political power, be they individuals or organization (e.g. political parties) subject themselves periodically to the people’s control since the people can vote out of office the individual or groups of leaders that is unresponsive to their needs and demands and vote in another that promises to do so or is capable of doing better. Oyewole (1987: 21) succinctly noted this point by saying that:

Periodic elections ensure the dependence of the representatives on the constituency. It forces them to anticipate the time when the exercise of their power will be reviewed; when their power may end and they may therefore have to descend to the level from which they were raised.

Eliagwu, on his part, went further to identify five salient characteristics of democracy. Among these characteristic is the locus of authority, a characteristic, which is similar in interpretation to Schumpeter (1977) and Oyewole’s (1987) periodic elections.

Authority, according to Eliagwu, (2000) emanates from the people. Any authority that does not emerge from the consent of the people is not democratic. He admitted that how the consent is sought or operationalised may vary from one system and/or country to the other.

Secondly, a democratic polity must be based on the rule of law. Law cannot be arbitrary in a democracy. There are specified limits to power and how power can be used. In addition, there should be an acceptance of the rules of the game of politics by all the players if arbitrariness is not to creep in at later stage.

The third characteristic of a democratic polity, according to Eliagwu (2000) is that it must be legitimate. By this he meant a situation where the leader has both the “right to rule” and he is ruling rightly. In other words, given the law or the rules for accession to power, the leader is not only the right person to rule, he is someone who is performing well.

In addition to the above, in democracy there must be an element of choice. That is to say that the people have the choice to effect changes in the leadership of their state. The method or mechanisms for providing the choice differ from state to state. For instance, in some states or countries the plebiscitary system whereby the votes of all people are counted is used whereas in other the collegiate system is adopted (Amali, 2002:24).

Finally, there must be accountability. Leaders in a democratic set up must be held responsible for their actions as representative of the people who are entrusted with power to achieve particular ends. To achieve this, there must be in existence an opposition to check the excesses of the government in

power. It is the opposition, which constantly ensures that the spirit of healthy competition is maintained and government policies are rational and correct. Indeed, it is the opposition, which in an ideal democracy ensures that government activities are conducted based on discussion, and consent of the governed.

The concept of democracy as implied in the foregoing analysis has suggested that it is more than a political procedure, which must necessarily be patterned after the parties of a particular western country, for example, the United States of America. Rather, it is an institutional framework whose operations differ from one country to the other. That is to say that democracy as practiced in Nigeria does not necessarily need to be a replica of that in the United States. What is needed instead is the presence in one form or the other of the principles or characteristic that we highlighted above.

The current political dispensation in Nigeria clearly shows that the polity is characterized by some semblance of the democratic virtues highlighted above. For instance, it was heralded by a competitive election in which voters chose the people they wish to represent them (Amali, 2002:149; Jibo and Simbine, 2003:68). Free election is, in itself, an integral element of democracy. This is because it is through elections that those who have the right to rule, or act on behalf of the people are thrown up. The fact that leaders at the various levels of the current Nigerian political dispensation were chosen through the ballot box only goes to suggest that the people legitimize their authority or power. The people gave the right to rule to them. It was not taken by force. As for whether they are ruling rightly or not, the question will be addressed when

after their tenure they go back to the people to renew their mandate. But it should be pointed out here, however, that after several years of military rule that was characterized by political instability, a distressed economy, social unrest and human rights violations, the democratic air that Nigeria breathed on May 29, 1999 is expectedly ventilated with great promises that border on more employment opportunities, qualitative education, availability of potable water, good roads etc. Whether these promises were fulfilled or not, is entirely a different matter that our analysis in subsequent chapters, will reveal.

## **2.5 LEGISLATIVE STRUCTURES AND POWERS**

Under the Constitution of the Federal Republic of Nigeria 1999, Legislative powers in the federation are shared between the various legislative houses at the federal and state governments in the country. At the federal level, there is the National Assembly, which is bicameral in nature consisting of the Senate (or upper house) and the House of Representatives (or lower house). The National Assembly is established by section 47 of the 1999 Constitution and is given powers to make laws for the Federal Republic of Nigeria under section 4 of the Constitution. The powers of the National Assembly are, in a broad sense, two – the primary and subsidiary powers. Its primary power is basically the power to make laws; that includes the power to investigate, hear and consider matters upon which legislation may be made and including all other things necessary or proper for the enactment of legislation.

In addition to its primary powers, the National Assembly has other subsidiary powers under section 81-147 of the constitution. These include the

power of authorization of expenditure; power to conduct investigations; powers to impeach, and the power to declare a state of emergency. It should be noted that the Senate specifically has powers to confirm the nomination or appointment into office of certain public officers like Ministers, Ambassadors, Chief Justice of Nigeria, the Auditor General of the Federation, etc.

Unlike the federal government, the 1999 Constitution provides for a unicameral legislature in each of the thirty-six states of the federation. By virtue of section 4 (6) of the 1999 constitution, legislative powers of each state are vested in the State House of Assembly. Like the National Assembly, the State House of Assembly has both primary and subsidiary powers. Under section 4 (7) of the constitution, the House of Assembly of a state has primary powers to make legislation for peace, order and good governance of the state. It is also empowered to make laws on any matter in the concurrent legislative list subject to the rule of priority in cases of conflict. The power of the House of Assembly to make laws is limited by the “doctrine of priority” preserved by section 4 (70) of the constitution inter alia.

If any law enacted by the House of assembly of a state is inconsistent with any law validly made by the National Assembly, the law made by the National Assembly shall prevail, and that other law shall to the extent of the inconsistency be void.

The subsidiary powers of the State House of Assembly are on two matters namely:

Matter in relation to the federation and matters in relation to the state itself. Section 9 (3) and 1232 93) of the Constitution have specified the federation matters to include the creation of new states and boundary

adjustment; amendment to the constitution and implementation of treatise. The state matters on the other hand include authorization of state expenditure, power of investigation, power of impeachment, and approval of certain public appointments as granted by section 192, sub-section 2 of the constitution.

The 1999 Constitution was not definite on the law making powers of the various Local Government Councils in the country. It is, however, expected that the Local Government Councils shall have powers to make Bye-laws that are in consonance with the functions of a Local Government Council spelt out in the Fourth Schedule of the Constitution. Generally, the legislative powers of either the National Assembly, the House of Assembly of States, or even the Bye law of the Local Government Councils is to make laws for the peace, order and good governance of the federation, or their respective areas of jurisdiction. As pointed out by Tyoden, (ed.) (1998), the legislature, be it at the Federal, State or Local Governments Councils level, in the exercise of its primary function of making laws, must keep itself informed of the needs of the society.

The legislative structures and powers in Nigeria, as analysed above, are similar to the practice in America from where Nigeria adopted the Presidential system of government.

In America, the legislature is placed at the center of the political system (Amali, 2000: 152; Squire, 1997; Keefe and Ogul, 1981:41). Like Nigeria, America adopted a Federal Constitution under which the Central, or Federal, Government does not have unrestricted power, but shares it with the governments of the separate states that make up the federation. At the center, America, like Nigeria runs a bicameral legislature, which is made up of the

Senate (upper House) and the House of Representatives (the lower House). Together, the two legislative houses at the center represent the highest law-making body in America and they are referred to as Congress.

The Tenth Amendment to the constitution of the United States of America provides the basic formula for American federalism. It sketches in broad terms the division of powers between the national (or federal) and state governments. Under its provisions, the federal government powers are 'delegated' while state powers are 'reserved' or; residual. Of course, like the case of Nigeria both the federal and state governments exercise some powers concurrently.

The authority of the American legislature at the federal level is very broad. The congress literally

determines the broad policies and creates the administrative organizations to execute them; fashions standards for administrative action and for the appointment and removal of administrative official; appropriates funds for the support of governmental functions; and in varying degrees supervises and reviews the work of administrative establishments". (Keefe and Ogul, 1981:42).

The status of congress is allowed under article 1, section 8, of the American constitution. This section of the constitution provides a formal list of the powers of the congress which as earlier highlighted in 2;2 (b), includes the power to lay and collect taxes, coin money, declare war, among others.

The people know these specified powers as 'delegated' powers since they represent a delegation of authority to the national government. In addition, a final clause in section 8 of the Article 1 confers upon congress the power

to make all laws which shall be necessarily and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer therefore. (Squire, 1997: 62)

This clause, in the view of Lijphart (1997:36) is the taproot of the doctrine of implied powers, which gave the Congress a broad authorization to use the means necessary and proper to carry into execution its delegated powers.

According to Riggs (1975), the legislative powers of the Congress have been reinforced by another clause in the Constitution, which declared that the laws of the Congress “made in pursuance” of the Constitution “shall be the supreme law of the land”. To Keefe and Ogul (1981:43), the supremacy clause, as embedded in article VI section 2 of the Constitution, has come to mean that state constitutions or laws in conflict with the National Constitution or the Acts of Congress are null and void. In other words, the clause in Articles VI section 2, not only makes Federal enactments superior to those of the States; it places upon State Judges the obligation to enforce their provision.

While it may be accepted that the powers of Congress are extensive, they are nevertheless limited. Several restrictions may be cited. For instance, the “Bill of Rights” contains a wide range of prohibitions concerning civil liberties. Congress is prohibited from adopting laws “respecting an establishment of religion; abridging freedom of speech, press, or assembly; depriving people of life, liberty, or property without due process of law”. Article 1 section 9 of the constitution specifically prohibits Congress from passing Bills of Attainder (law which has to do with the seizure of a person’s property and the ending of his rights).

At the state level, on the other hand, the powers of the legislature, as stated earlier, are residual or “reserved’ in character. To start with the national constitution places certain limitations upon the states. Articles 1, section 19, for instance, prohibits states from entering into treaties, from coining money, or from passing bills of attainder” (Keefe and Ogul, 1981:44). In addition, it forbids states from levying import duties, or entering into agreement or compacts with other states except with the consent of the Congress. Besides, the Fourteenth Amendment which states that:

no state shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws

represent a very significant limitation upon state action. These singular provisions, without doubt, make State Constitutions in America to have a strong resemblance with each other. In spite of these provisions there is still enough semblances of independence in State Constitutions. Indeed individual states have their separate and distinct constitutions that mirror their respective states’ peculiarities, or developmental needs. (Oluwatoki, 2002: 27)

## **2.6 SOURCE AND PROCESS OF LAW-MAKING.**

Going by the comparative analysis above, it is noted that legislative powers whether in America, or in Nigeria are constitutional matters and laws made by the legislature are to be for the peace, order and good governance of the society at large. Against this backdrop, attempt is made, in this section of

the Literature Review, to identify sources of laws made by the legislature, and then determine how such laws are processed.

According to Sections 58 and 100 respectively of the Constitution of the Federal Republic of Nigeria, 1999, the exercise of legislative powers is by means of Bills passed into law by the appropriate legislature (national or state) and assented to by the appropriate executive (president or governor). Bills can be initiated from three (3) sources:

The executive can propose a bill, which is then forwarded to the legislature for processing and eventual passing into a law.

A member or group of members of the legislature too can sponsor a bill, which is then processed and passed into a law. Finally private individuals, pressure groups or organized members of the community can sponsor a bill (Squire, 1997). But such bills referred to as private bills must be introduced in the legislature (or House of Assembly) by a member or group of members of the House of Assembly (Anyaegbunam, 2000; Akintayo, 1999 and Tyoden, (ed.) 1998).

Bills may be classified as an 'ordinary' or 'money' bill. A money bill is generally a public bill relating to the income and expenditure of public funds. Section 59 (1) of the 1999 constitution defines money Bills as:

a. An appropriation bill or a supplementary appropriation bill including any other bill for the payment, issue or withdrawal from the Consolidated Revenue Fund or any other public fund of the federation or any money charged thereon or any alteration in the amount of such a payment, issue or withdrawal, and

b. A bill for the imposition of, or increase in any tax, duty or fee or any reduction, withdrawal or cancellation thereof.

Irrespective of the source or types, all bills are forwarded to the Speaker (in case of a House of Assembly of a state) whose duty is to make it available to the Clerk for publication in the Official Gazette (or House Journal). At the end of the third reading or hearing, minor amendments or corrections (if any) are effected. The bill is then passed into law through a resolution taken on the floor of the House. After this, a printed copy (incorporating all amendments) is made. The "Clean Bill" is then signed by the Clerk and endorsed by the Speaker. The Clerk thereafter sends the bills in duplicate copies to the Governor for his assent and signature. If for any reasons the Governor withholds his assent, the law can be passed and becomes operative if two-third majority of the Assembly approves it (Akpa, and Omenka, 2003; Tyoden, 1998; and Anyaegbunam, 2000).

The signed copies of the bill are given back to the Clerk who will then cause the government printer to publish them in triplicate. The Clerk retains one copy of the published enactment for his records, delivers one copy to the Governor and the other copy to the Chief Judge of the state where it is enrolled and it becomes law.

The process by which a bill becomes a law in American legislatures is not any thing different from the experience of Nigeria as highlighted in the foregoing. Typical specifications in the case of America, however, are the requirement for "three readings of bills on separate days (Keefe and Ogul, 1981:47; Amali, 2003; Squire, 1997: 368). In addition, the legislature is required

to keep and publish a journal, have a roll call vote on final passage of bills, and limits bills to one subject (described in the title). Also, the predominant practice in the United States is for the second reading of a bill to come after it has successfully passed through the committee stage.

In the Westminster law-making procedure, on the other hand, the Second Reading of a bill is, according to Yardley (1974:21) the first vital stage in the passage of a bill, the First Reading 'being a mere formality. In 1965, the House of Commons in Britain introduced an alternative procedure for the "Second Readings" of the Public Bills. Under this scheme a minister may move that any such Bill be referred to a standing Second Reading Committee; consisting of about thirty to eighty members of Parliament, which shall then report to the full House, with reasons whether or not they recommend that the Bill be read a second time (May, 1976:837). This procedure, according to Yardley (1974:21) has resulted in a saving of parliamentary time, and the passage of many non-controversial Bills for which the government would not otherwise have been able to find debating time. When this procedure is adopted the report of the "Second Reading Committee" must be put to the House for a vote without amendment or debate.

Apart from the above processes of law making there is what Bingham and Hedge (1985:88) referred to as the "Agreed Bill" technique in legislative process. Practiced in Illinois, U.S. A., it is a pattern of decision making which is often invoked in the labour Management arena. This technique was fashioned by Illinois legislative committees, which often sought informal agreed bill known as legislation by "collective bargaining". In the words of Bingham and Hedge

(1995:100), it is a “procedure by which representatives of two strong counter interests negotiate as if they were diplomats, entirely outside the legislature and then submit their treaty for ratification”.

The reason behind the Illinois legislative practice is that such agreed bill is likely to engender public confidence, particularly in matters that have to do with labour or employment legislation where, as Akintayo (1990:45) argued “the line between the role of government as a sovereign power and its role as employers are not at times clearly distinguished”

The foregoing process is represented graphically in figure one in the next page.

## **2.7 HOUSE COMMITTEES: THEIR FUNCTIONS AND PROCEDURES**

A committee of the legislature is a sub-division of the larger house. The power of the House of Assembly of a State to constitute itself into sub-division or committees is guaranteed under section 103 of the Constitution of the Federal Republic of Nigeria, 1999.

A House of Assembly may appoint a committee of its members for any special or general purpose as in its opinion would be better regulated and managed by means of such a committee, and may by resolution, regulation or otherwise as it thinks fit delegate any functions exercisable by it to any such committee.

The above clause in the constitution may be inserted out of the recognition that the composition of any House of Assembly is invariably rather large and is, therefore, ill prepared to examine effectively and efficiently in any meaningful details the many bills and other matters that are presented to it.

The number of members of a committee appointed under this section, the House appropriating it should fix their terms of office and quorum. In any case, the job of law – making which is the primary function of legislature requires a certain level of expertise and professionalism.



A composition of the whole House may therefore not be suitable or better adopted to consider legislation that requires certain technical details. For this reason, legislative committees are set up with the aim of getting the basic work of the legislature done. Ascribing to this point, Bob O' Donnel (quoted in Keefe and Ogul 1981: 159) a former Speaker of the House of Assembly of Pennsylvania USA., pointed out that

Committees are 'mini legislatures' where contending views are aired, and compromise are facilitated ---where bills are screened and amended.

Also, speaking on the importance of the committees of the legislature, a one time American President, Woodrow Wilson (1956:71) described them as 'little legislatures'. To him, the "congress in session is congress on public exhibition while congress in its committee rooms is congress at work".

Speaking in the same vain, Bob O'dannel (quoted in Keefe and Ogul 1981: 162) pointed out that in America, the powers of committees of the congress are such that they can "kill a bill". This means that a committee can "sit on a bill" referred to it by the main House and refuse to report the out come in which case the bill just dies a natural death in that committee. While the above may be the case in America, the power to kill a bill by a committee in Nigeria is curtailed by the constitution. For instance, under section 103 (3) of the 1999 constitution, a House of Assembly is not authorized to

delegate to a committee the power to decide whether a bill shall be passed into law or to determine any matter which it is empowered to determine by resolution..., but such a committee of the House may be authorized to make recommendation to the House on any such matter:

The above provisions of the constitution imply that while a committee as an off shoot of the House can exercise many powers and functions on behalf of the House, its limitations are clearly stipulated in the constitution and its powers circumscribed in such a way that committee decisions are subject to review and or ratification by the House.

In clear contrast is the position of committees in the American legislature. As stated earlier, the committees in the American legislative system have dominant characteristic. This is because most businesses of the Congress are conducted in the committee rooms. Bills and resolutions are usually considered and approved by the committees and, are thereafter tabled in the full Congress for sanctioning.

As Squire (1997:59) argued, the ascendant position which committees occupy in the American legislative process is not the result of the legislature's desire to divest itself of power or to relegate the crucial phase of decision making to smaller units, the "subsystem" as it might be called. The reason has to do with the volume of proposals flooding the legislature. The torrent of proposal could be so great that consideration of each by the entire Assembly may be impossible. A way out therefore is for proposals to be committed to the appropriate committees for consideration.

A second reason may have to do with the complexity of legislation. Some legislation or proposals introduced could be very complicated and invariably technical in detail and, would therefore require a measure of expertise among those who consider it.

As Wilson (1956:69) pointed out, proposals

need examination in the light of existing statutes; details need to be fashioned, and estimates and decisions regarding the requirements for passage have to be made. To these tasks, committees are able to bring specialization.

With such enormous responsibilities and powers, a committee under the American system can afford to sit on a bill or proposal indefinitely (if it so wishes) thereby killing it technically.

It should be noted, however, that with the world now relying on computerized information technology, the American legislative decision making processes are likely to change. It is most likely that members will have less need to rely on committees for expertise, information, and voting cues. A sophisticated information technology will equally diminish the legislature's reliance on outside actors, including the Executive, Judiciary and Interest Groups.

Under the American system, there are three major kinds of Committees namely: Standing; Select; and Joint Committees.

Standing committees are permanent units established in the rules of the House. They continue from one session to the next, though their number may be augmented or decreased by the House from time to time. It is to them that legislative issues are sent for consideration.

**Table 1. Standing Committees of the American Senate and House of Representative.**

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<b>Senate</b>	<b>House</b>
Agriculture, Nutrition, Forestry	Agriculture
Appropriations	Appropriations
Armed services	Armed services
Banking, Housing & Urban	Banking, finance & Urban
Affairs Budget	Affairs Budget
Commerce, Science &	Public Works &
Transportation	Transportation
Labour & Human resources	Education & Labour
Foreign Relations	Foreign Affairs
Rules & Administration	House Administration
Judiciary	Judiciary
Veterans' Affairs	Veteran's Affairs
Finance	Science & Technology

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**Source:** Keefe & Ogul, (1981). The American legislative Process; Congress and the States, Enlewood Cliff, Prentice Hall Inc. Pg 169.

Unlike Standing, permanent committees, Select Committees are limited, episodic bodies created by resolution of the Full House for the purpose of undertaking a particular task, such as investigation or a study of a matter of great importance. When such a Committee so constituted finishes its assignment and makes its reports to the Chamber, it is usually disbanded.

Joint Committees, on their part, are a composition of legislators from each House. That is, from both the House of Representatives and the Senate. Traditionally, they represent a good means of achieving coordination in a bicameral legislative system. Through them, the necessity for dual consideration of bills, which is both time-consuming and expensive is avoided. Equally too, it helps in reducing likely friction and misunderstanding that may arise in a bicameral legislative set up (Akpa and Omenka, 2003; Anyaegbunam, 2000; Akintayo, 1999; Tyoden, 1998; Keefe and Ogul, 1981).

Joint committees are of three sub-types: Standing, Select and 'Conference' (which has the temporary status of a select committee). A Conference Committee is an ad hoc committee created to adjust differences between the Chambers when a legislative proposal passes one House in one form and is amended in the other, with the second chamber unwilling to recede from its amendment(s) and the originating House unwilling to accept the alteration. In view of the fact that a bill or resolution, in a bicameral legislative system, cannot be transmitted to the Executive unless it has passed both houses in identical form, in cases of inter-chamber disagreement, a Conference Committee may be formed.

The experience of the British Parliament differs greatly from American Congress, especially as it has to do with the operations of the committees. In Britain, it is in the full assembly of the House, and not in its Committees, that the center of authority over political principle and action is located. The House of Commons does not delegate to its Committees the power of life and death over laws and the conduct of investigation as the House of Representatives and the Senate in America does. As Herman Finer (1951:523) observed

the principle of a bill, its main theory, the great lines of its enacting clauses, are decided by open debate in the House of Commons itself with the social positions, the party emotions, the flow of information and the contending interests, focused in the body open to the public view

The British practice, to a large extent, is in tandem with the operations of the Nigerian legislative process where committee privileges and powers are not so overbearing but are constrained by the constitution. But, this is not to say that legislative committees do not occupy positions of great and often crucial importance in the Nigerian legislature's decision-making process.

For instance in Benue State, the House of Assembly considered the committee system germane to its legislative and oversight functions and as such provided for the establishment of Standing Committees in its Standing Orders (SO). These standing committees, as the experience of Benue State has shown take their titles after the various Ministries set up by the Executive and they usually have all legislative issues patterning or relating to the ministry referred to them. Examples of these Standing Committees includes; Committee on Education, committee on Agriculture; committee on Health, Committee on Judiciary; Committee on Commerce and Industry; etc. The primary function of

these Standing Committees is to oversee the activities of the various ministries/departments and other agencies of the Executive. This supervisory function is extremely important in view of the fact that our system of governance is patterned after the presidential form of government, which emphasizes the principles of separation of powers and checks and balances.

The standing committees are expected to examine in detail, the annual budget proposal presented by the executive in respect of the ministries/department under their charge. Since the constitution, as earlier pointed out forbids any standing committee to 'kill' a bill or any matter committed to it by the full House, Committees' deliberation usually end in appropriate recommendation which are then submitted to the full House for final decision. But, this is not to say that killing may not be technically done, especially vide the kind of recommendation made.

Apart from standing committees, the Standing Order of Benue State House of Assembly under section 58 provided for the appointment of "special committees" at the commencement of the life of each House.

These committees include:

- a. The committee of selection
- b. The committee on House Admin. Business and rules
- c. The committee on information and public enlightenment
- d. The committee on public petitions
- e. The committee on appraisal
- f. The committee on ethics
- g. The committee on public accounts

Each of these committees has its functions well specified in the Standing Orders. The Committee on Public Accounts (CPA), for instance, is charged with the responsibility of investigating financial management in the state. The Committee on Public Petitions (CPP), on the other hand, is to consider all petitions referred to it and, the Committee on Ethics and Privileges (SEP), is to “receive complaints and investigate allegations of improper conduct which may reflect upon the House, violation of laws...conduct of members”. Finally, section 40 of the Standing Orders of the Benue State House of Assembly provided for the setting up of the “committee of the whole House (CWH)”. This committee is indeed the membership of the entire House itself, presided over by a chairman instead of by the Speaker. The function of this committee is deliberation, not inquiry and it is on all matters which in the opinion of the House may be more fully discussed in the committee of the whole. The reports of the standing and special committees or legislation and /or inquires are usually discussed in the committee of the whole.

Generally, all committees of the House of Assembly must have a chairman and members drawn from the different political parties that formed the House. Committee Secretaries are usually administrative staff of the House.

The Committee, being machinery of the legislature in the performance of its legislative duties and oversight functions operate by:

- a. Acquiring information and opinion from outside by way of public and committee hearings;
- b. Form and formulate judgment from within, during working session and

- c. Persuade the House to adopt the conclusion reached through skilful floor management of legislation.

To garner requisite facts or information from the public, memoranda are usually invited from the public. Committees can also seek a report from executive agencies particularly those connected with the issues under consideration. Individuals may also be summoned to give testimonies during public or committee hearing. When hearing is to take place, who is to testify and in what order, as well as how the questioning of witnesses should be carried out is usually determined by the committee. In some instances, committee staff are expected to prepare briefs for committee members and a committee may commission consultants to conduct research on any subject matter it is investigating.

In conclusion of hearings, the committee goes into close door meetings or 'mark up' session where reports and discussion are analyzed and decisions are reached. A committee report is thereafter written and sent to Business committee of the House for scheduling.

## **2.8. THE LEGISLATURE AND POLITICAL PARTIES**

In democracies, particularly those that are characterized by the Presidential system of government, total power is seldom concentrated in any quarters. A certain quantity of political power is lodged within each of the three arms of government namely: the Executive, the Judiciary and the Legislature. In addition to these three centres of power distribution, other numerous agencies and organized groups like Political Parties, for instance, wield varying measures

of influence and/ or powers. (Sartori, 1976, Squire, 1997). In view of this realisation, we felt that this literature review cannot be concluded without considering what Political Parties are and what functions they perform for the political system in general. In other words, we shall, in this section, determine the various roles of Political Parties – from contesting elections to organising the government and providing a means for the people to hold their elected officials accountable. In particular, we shall focus on the roles of Political Parties as they affect the legislative process in Nigeria.

### **2.8.1. Conceptual Clarifications**

All over the World, politicians created platforms or Political Parties to help them win elections and form government. Since societies differ over time and from place to place, the nature of parties changes over time and differs from one part of the world to another. In Developed Societies, or Advanced Democracies like that of U.S.A. where elections are conducted strictly on the basis of well established rules and laws governing competition for elected office, parties in most cases play a dual role - they respond to public opinions while at the same time adhering to the rules of the game. In societies such as these, Squire, (1997:268) pointed out that:

To serve as a means for the people to control government decisions, the parties must respond to public opinion. Yet to serve as vehicles for politicians to win elections, they must respond to the rules of the system as well.

While the above assertion may not be in tandem with the experience of Less Developed Democratic Societies like Nigeria where Parties “circumvent the rules of the game and indulge in unwholesome corrupt practices” (Edoh, 2003:76) for the purpose of winning elections, the fact still remains that Parties all over the world are formed primarily to contest and win elections. Thus, simply defined:

Parties are political organizations whose members all have the same aims and beliefs - that of winning elections and forming government (Sartori, 1976)

Toeing the line of Sartori, Squire, (1997:268) argued that a Political Party is a coalition of people seeking to control the government by contesting elections and winning office. To them, a Political Party is characterized by

an entire slate of candidates campaigning for a wide range of offices rather than a single candidate campaigning for one office.

Differentiating Political Parties from Interest Groups, Keefe and Ogul (1981) submitted that:

Political parties differ from a coalition of interest groups because a party seeks to win offices rather than to influence those in office to win benefits from the government.

Tracing the history of ‘party’, Sartori, (1976:4) said that the word is derived from a Latin verb, ‘Partire’ which means to divide. The concept, he argued, convey the idea of part – ‘a part-of-a-whole’ (Sartori, 1976:26). However, party, as a concept, does not enter the vocabulary of politics in any significant way until the seventeenth century. This implies that it does not enter the political discourse directly from Latin.

### **2.8.2 Functions of Political Parties**

A useful way to the understanding of the concept of Parties is to consider their functions in the political system. As pointed earlier, Parties are channels of expression. They are instruments, or channels, through which the people express their demands. Through parties, the people's wishes are conveyed to the authorities.

Specifically, Squire, (1997:270) identifies several functions that parties usually perform in a democratic system. Some of these functions includes:

1. Recruitment of candidates to run for office. In some instances, party leaders may look out for potential candidates, urge them to run for a particular office, and offer them support.
2. Through party primaries, caucuses, conventions, etc the right to run for an office using the party labels is bestowed on a particular candidate. Through the nomination process, many candidates are eliminated thereby simplifying the choices for voters. Without the nomination process conducted by parties, voters will be faced with a pack of candidates to choose from.
3. It is equally the responsibilities of parties in a democratic system to mobilise voters. Through campaigns, vote drives etc parties encourage people to vote on election days.
4. Parties contest elections. In Nigeria where the constitution forbids independent candidates, it is the parties that provide the candidates that contest elections.
5. Finally, parties form governments. Once elected, officials organise government along party lines. Appointments are usually made from party ranks.

In the legislatures, leaders are chosen and committees are formed on the basis of party lines. This functions, is particularly vital in the experience of Nigerian legislature. Every leadership position in both the Senate and House of Representatives as well as State Houses of Assembly are filled through the parties. Members get their committee assignments through their parties. For instance, although the full House membership formally elects the Speaker, or Senate President, in reality, the members of the majority party decide before the inaugural session which of their members will be given the job. Thus, when votes are taken, members cast their ballots along straight party lines, which mean that the candidate of the majority party wins.

Other House leaderships such as Majority Leader, Majority Whip, Minority Leaders, and Minority Whip are equally appointed on party lines (Squire, 1997:364).

From the foregoing, it could be seen that Political Parties are not only formed to win elections, they play a vital role in the operations of the legislature in any democratic system. Indeed, in the Legislature, parties represent 'the force that impose order where chaos might reign' (Squire, 1997:360). Their very existence makes it possible to create the system of party leaders, committees, and staff that form the organizational heart of the modern legislature. Whether this is a true reflection of the experience of the Benue State Legislature will be examined in subsequent chapters.

## 2.9 THEORETICAL FRAMEWORK

This study utilizes the theory of the political system model (PSM) associated with David Easton as general framework for the analysis of the roles of the Benue State Legislature in the socio-economic development of Benue state.

The theory is derived from the Behavioural models of public policy decision-making. It is a theory that is to a large extent empirical in the sense that it is based on experience and observation. Essentially, it seeks to explain not only how policy decisions are made but also how changes and innovations in public policies result from perceptions of the larger community, and of the legislature.

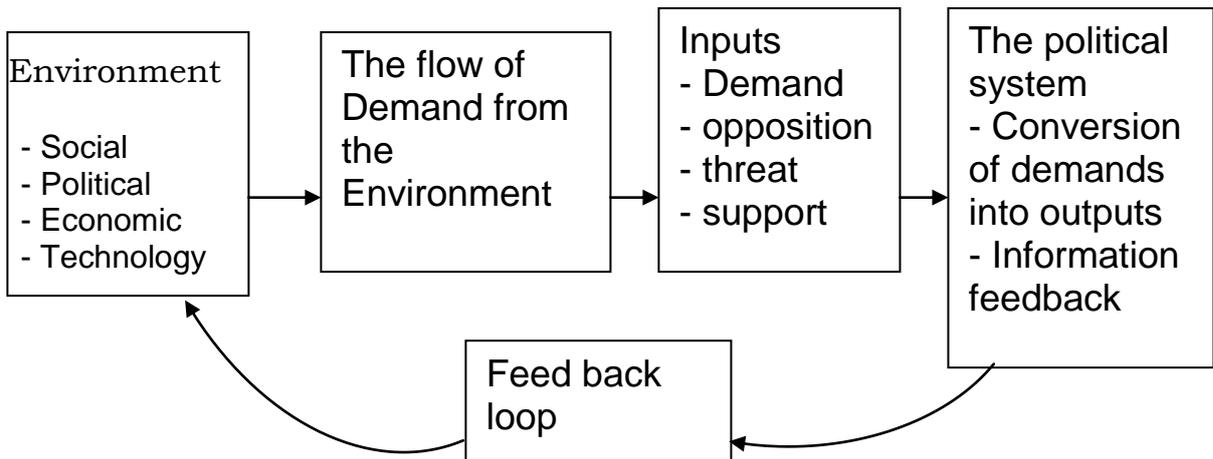
Specifically, the political system model, according to David Easton (1965) conceptualizes policy making in terms of inputs (demands), conversion process (policy-making and policy choices), outputs (policy outcomes) and feedbacks (policy impact analysis). Public policy and indeed happenings in government, according to this model is therefore viewed, as the response of a political system to demands arising from its environment. In other words, public policy is a mere response to the demands of the people. (see figure two below)

Figure two indicates that the political system in any society consists of the environment, which is made up of all those conditions and events external to the boundaries of the political system. Inputs into the political system from the environment consist of demands and support. While demands are claims made by individuals and groups (electorates and/or constituencies) on the political system for action to satisfy their interests, support on the other hand is

rendered when groups and individuals abide by election results, pay taxes, obey laws, otherwise accept the decisions and action of the authoritative political system made in response to demands (Egouwan, 1984: 28).

Through the feedback mechanism, how public policies (or outputs) alter the environment is communicated to the political system. The character of the political system itself is made known to the environment too. In this way, new demands, which may lead to further policy outputs, may be produced.

**Figure 2: A Systems Analysis of Political Life.**



An Adaptation of Easton's "*Dynamic Response*" model of a political System (John Wiley and Sons, New York, 1965).

A critical analysis of the political system model indicate that policy making in government is an on-going process, a phase in a continuing cycle which is largely based on the demands on the people's representative (the legislators and other elected public officers) as well as the action of the government itself; these are conditioned by the environment (people) and its needs.

Indeed, the political system theory seems to be in agreement with the central theme of democracy, which is all about "*popular rule*". When such cliché as 'government by the people' is used to describe democracy, the idea of 'the people' presupposes every individual in the state or society. This implies that every person in the state has right to participate in decision-making.

According to Oyovbaire (1987:21), the foregoing proposition of viewing democracy as meaning government by the people appears to be oblivious of the elite theory according to which there is no government by the people; what we have instead is government by the few- the power elite-over the many. But even here, the question arises as to how the power elite derives legitimacy for its rules? In other words, do the people meaningfully participate in the choice of those that govern them?

Answering these questions, Oyovbaire (1987: 21) says that

democracy is a political method by which the individual acquires the power to participate in decisions by means of a competitive struggle for the people's vote.

Thus, an elite, or a person who wants to directly share in public decision-making must compete with others for the people's vote. It is this competition for

the people's vote in a free and fair election that he felt is the distinguishing characteristics of the democratic method.

By competing for votes, aspirants for political power, be they individuals or organizations (e.g. political parties), periodically subject themselves to the people's control. The people can vote out of office the individual or group of leaders that is unresponsive to their needs and demands and vote in another set that promises to do or appears capable of doing better. Oyewole (1987:23) succinctly noted this point by saying that:

Periodic elections ensure the dependence of the representatives on the constituency. It forces them to anticipate the time when the exercise of their power will be reviewed, when their power may end and when they may therefore have to descent to the level from which they were raised”

The foregoing argument implies that Legislators should be seen as representatives of the people. As the people's representatives, it is their duty to ensure that laws made translate to good governance and rapid socio-economic development. This should be done using the input/output process enunciated by the political systems model of policy making. As a process, the political systems theory emphasizes on a symbiotic relationships between the representative and the represented. It emphasis on a relationship in which both parties are held accountable to each other for certain actions and in actions. The concept, thus, is understood within the context of representation in a participatory democracy.

According to classic scholars like Pitkin, (1967:3) Representation should be viewed in terms of “*authorization*”. By this, he meant a formal arrangement authorizing one person to act on behalf of another. Jewell (1985:97) on the other hand gave a diametrically opposed definition of the concept of democratic

representation in which the term is viewed from the perspective of “*accountability*” whereby the representative must answer to another (his constituency) for what he does, or chooses not to do.

Describing these two views on representation as incomplete and unrealistic and thus of limited value, Pitkin (1967:58) felt that

neither concept can tell us anything about what goes on during representation, how a representative ought to act or what he is expected to do, how to tell whether he has represented well or badly.

She also dismisses the concept of ‘descriptive representation’, according to which the legislature is a mirror image of the population he represented. In her view, representation is an activity in which the representative ‘acts in the interest of the represented, in a manner responsive to them’. This according to her does not however imply that the representative must behave like a robot with no idea or initiative of his own. He must act independently; his action must involve discretion and judgment. But this must be in such a way that there is no conflict. Where a conflict occurs, however, an explanation must be called for.

On their part, Eulau and Karps (1977:242) specified four components associated with representation. This was done on the basis of the expected functions of the representative. The components which are still in agreement with the dictates of the political system model include:

- (a) Allocation Responsiveness: this refers to legislative allocation of public projects. Through appropriate legislation the representative ensures that there is justice, fairness and equity in the allocation of public project.

- (b) Service Responsiveness-entails the advantages and benefits that the representative is able to obtain for particular constituents; perhaps through lobbying.
- (c) Policy Responsiveness- is the interaction of the 'representative', and the 'represented' in such a manner that the needs and wishes of the represented are translated into public policies.
- (d) Symbolic Responsiveness- refers to the relationship that is built on trust and confidence as expressed in the support that the represented give to the representative and to which the representative responds by symbolic, significant gesture, in order to, in turn, generate and maintain continuing support.

Understanding the concept of representation, and indeed the political system model in the light of the forgoing imply viewing it in terms of relationship between the representative (i.e. the legislator) and his constituency, especially on policy matters. It implies determining to what extent a representative is able to "*roll on*" his specific constituency's needs on, for instance, the appropriation bills submitted to the House of Assembly by the Executive for deliberation and approval. In other words, representation according to the tenets of the political system model is all about a representative carrying out acts that will translate, either directly or indirectly, into the wishes of the represented.

According to Nigro and Nigro (1986:86) this model is a useful directional aid for enquiry into public policy formation. However, it should be pointed out that the theory does not explicitly state how decisions are made or how policy is developed within the political system itself. That is, it does not point out who

initiates policy within the political system and what processes are involved before decisions are made. This point is especially very critical when it is taken into consideration the fact that in the less developed countries of the world like Nigeria, policies often emanate from government rather than being a result of the pressures and demands of citizens. As a result, participation, interest articulation and, perhaps conflict resolution, usually take place at the output stage of the policy making process. In other words, the people whom projects are meant to take care of are aware of such projects at the execution stage, not before. The much orchestrated poverty alleviation and privatization programmes of President Obasanjo are good examples of government policies that did not receive inputs from the general public at the initiation stage.

The above observation notwithstanding, the Political System Model is useful to the extent that it shows or explains the role of the electorate in influencing certain actions that are taken in government. When related to the role of the legislature in the development of any nation state, it should be pointed out that legislators are elected on the basis of their party programmes outlined as well as promises made to the electorates during electioneering campaign. The credibility of the legislator as an individual is usually tied to how much he fulfilled the promises. His re-election is equally tied to the level of impact made in terms of enhancing the development of his constituency. For instance; we have observed earlier on in 1.2 (Background to the problem) above that Benue State is a poor agrarian community where the bulk of the labour force is engaged in subsistence or traditional agriculture. This is an occupation that is still very much in its rudimentary form and, is very tedious. It

is an occupation, which is highly subjected to the vagaries of weather, draughts, floods, and even pest invasions, etc. Besides, we noted also that most communities in Benue state are bereft of public utilities. Goods and services such as access roads, markets to sell products, electricity, water, schools and health facilities are grossly lacking. The lack of all these essential amenities has become a reference point for social and political agitation over the years. Political office seekers, including members of the legislature, in Benue State use the lack of these developmental facilities as “raison d’etre” for wanting to represent the people in government. To be elected, they have to convince the people of their ability to provide these essential goods and services. And when elected, they remain bounded by these pledges to the electorates. Thus, it could be said that, theoretically, elected office holders through the process of electioneering campaign and the election itself as well as the expected constant consultation with the electorates have made the people to be part and parcel of decision-making and implementation of the government.

In other words, it could be rightly said that to the extent that the legislator comes from a constituency, and that he is elected on the basis of promises made to the electorates, to that extent the concept of the political system model which emphasizes on programmes and policies reflecting the needs of the people is very relevant. To the extent, too, that modern politics is conducted in such a way that the representative regularly seeks the consent and approval of the masses during elections, the approval of which may be given or denied by the masses on the basis of how far the masses perceived the representative to have met their well-being, to that extent the idea of the political system model

which believes the masses plays a vital role as to who should govern and how government should be conducted is imperative. This is not to say however, that the model is oblivious of the fact that often, the representative may take advantage of the resources (power, wealth, information, etc) at his disposal to cajole and/or coerce the masses into supporting him as was the practice in Nigeria in the recent past.

Indeed, as Edoh, (2003) pointed out, Nigeria is an underdeveloped political economy where poverty is pervasive. It is a society in which control of government is the only avenue for escaping the drudgery. As he put it, Nigeria is an:

Environment (where) electoral rules and guidelines stipulating the 'dos' and 'don'ts' of competition in a democracy abound but they are hardly heeded by anybody. Rather than a call to service, control of power assumes the coloration of bread and butter. The contestants become combatants; they confront one another eye-ball to eye-ball. There is no perking order and like Machiavelli's Prince they believe that it is winning (by whatever means) that matters at the end no matter the nature or extent of paralysis inflicted on the nation in the process. (Edoh, 2003: 26)

The above observation is an indication that democracy, as it is practiced in Nigeria, is far from being ideal. Its practice is marred by a lot of irregularities. The observation is a confirmation that the elected representatives in Nigeria are not bothered about the people's feelings. They are more concern about their own welfare. Thus, one can conclude that, the political systems model remains only a theory as far as the practice of representative democracy in Nigeria is concern.

## **CHAPTER THREE**

### **A BROAD PERSPECTIVE ON BENUE STATE**

This chapter focuses attention on the geo-political entity called Benue State of Nigeria. An attempt is made to examine the Benue people, their occupations as well as the level of their political, social and economic development. The chapter also assess, albeit briefly, the natural endowments of the state.

In doing this, it takes into cognizance an earlier submission in chapter two that legislators are elected representatives of the people. As representatives of the people, it was argued that it is their duty to make laws that would translate to good governance and rapid socio – economic growth and development of their society. To determine whether or not members of the Benue State House of Assembly have lived up to the expectations of the people of Benue State that they represent requires a critical analysis of the state of affairs in the area.

#### **3.1 BACKGROUND DETAILS – THE BENUE PEOPLE, THEIR POLITICS, POSITION AND SOCIAL SETTING.**

Benue State lies within the ‘middle belt’ region of Nigeria, east of lower Niger and South of the Benue rivers (Denga, 1995). It has a land mass of about thirty thousand, nine hundred and fifty five square kilometres (30, 955, sq Km). Benue State, according to the 1991 population census, had a population of about two million seven hundred and eighty thousand, three hundred and

eighty-Nine (2, 780, 389) people. The State shares boundaries with six other states, namely: Nasarawa to the North; Taraba to the North East; Cross River to the South East; Ebonyi and Enugu to the South; and Kogi to the West. There is also a short international boundary between the state and the Republic of Cameroon to the South East. The exact position/location of the State is  $7^{\circ} 47'$  and  $10^{\circ} 00'$  East,  $6^{\circ} 25'$  and  $8^{\circ} 8'$  North (Nyagba, 1995).

What is today Benue State was created on February 3, 1976 by the Military administration of Late General Murtala Mohammed. The State derives its name from the River Benue, the second largest river in the country and the most prominent geographical feature in the State. (Hembe, 1983; Jibo, 1993).

At its inception in 1976, the State comprised three major ethnic groups namely: Idoma, Igala and Tiv. It was equally made up of seven (7) local Government Areas as follows: Gboko, Katsina-Ala, and Makurdi in the Tiv Speaking area; Ankpa, Dekina and Idah (in the Igala speaking area) and, Otukpo (in Idoma). With the creation of more states and local government areas in 1991, the Igala speaking local government areas were excised to form Kogi State. The present Benue State has twenty three (23) local Government Areas; Fourteen (14) in the Tiv speaking area, and Nine (9) in the Idoma and Igede speaking areas. These Local Government Areas are in turn delineated into twenty Nine (29) political constituencies for the purpose of representation in the State House of Assembly. The constituencies are as follows:

**Table 2. Benue House of Assembly and its Representative Constituencies.**

S/N	LGA	Constituency	Ethnic Group
1	Ado	Ado	Agila/Igumale/Ufia
2.	Agatu	Agatu	Agatu
3.	Apa	Apa	Idoma
4.	Ohimini	Ohimini	Idoma
5.	Ogbadigbo	Ogbadibo	Idoma
6.	Okpokwu	Okpokwu	Idoma
7.	Otukpo	1.Otukpo East 2.Otukpo West	Idoma/Akpa Idoma
8.	Obi	Obi	Igede
9.	Oju	Oju	Igede
10.	Kwande	1. Kwande East 2. Kwande West	Tiv Tiv
11.	Gboko	1. Gboko East 2. Gboko West	Tiv Tiv
12.	Makurdi	1. Makurdi East 2. Makurdi West	Tiv Tiv
13.	Katsina-Ala	1. Katsina-Ala East 2. Katsina-Ala west	Tiv Tiv
14.	Vandeikya	1. Kyaan 2. Tiev	Tiv Tiv
15.	Ushongo	Ushongo	Tiv
16.	Buruku	Buruku	Tiv/Etulo/Nyifon
17	Guma	Guma	Tiv/Jukun
18	Logo	Logo	Tiv
19	Gwer	Gwer	Tiv
20	Gwer West	Gwer West	Tiv
21	Tarka	Tarka	Tiv
22	Konshisha	Konshisha	Tiv
23.	Ukum	Ukum	Tiv

**Source:** Data Collected From Field Study, 2002

### **3.2 SOCIAL SETTING.**

A people's Social behaviour is underscored by their patterns of living, and family structure. The two major ethnic groups (Tiv and Idoma) and, even the minor Igede as well as the Etulos, Akwayas, and Jukun people of Benue State have social mores that are common to each other. The family structure amongst these ethnic groups, for instance, is the extended system. There are both the polygamous and monogamous family units. Specifically, the traditional Tiv family (Ahire 1993, Denga, 1995), is an extended one which is normally made up of the immediate family and a host of relations-uncles, nephews, aunts, their children including even distant relations or descendants. Like the Idomas and Igedes, a traditional Tiv man marries several wives as an expression of his high social status, wealth and prestige. Besides, since the major occupation of the traditional Benue man is farming, the need for farm labour dictates having numerous wives and array of children who would constitute cheap and willing labour on the farm. Although the advent of Christianity and the rising cost of living has affected the family configuration and placed an injunction on polygamy, the extended family practice is still in vogue especially during festive period like Christmas and burial ceremonies which requires family members coming together.

Apart from the above, all the ethnic groups in the state attach a lot of importance to marriage system. In Igede, for instance, a man of marriageable age must marry and raise his own family in order to be regarded as responsible and acceptable in the community. This situation is the same

among the Tivs and, especially the Idomas who consider fertility as a blessing while barrenness is regarded as a curse from the gods (Denga, 1995).

Above all, these ethnic groups have a high worldview of equality among themselves. No individual is regarded to be higher or lower in status than the other. Of course, industrious individuals may be given more respect than the others in the community. But whether rich or poor, strong or weak, the spirit of the community prevails. Among the Tiv people especially (Denga, 1995; Jibo 1993, Hembe, 1995; Nyagba, 1995), the unity and /or interest of the larger community (Macrocosm) is greater than that of an individual family unit (Microsom). Undue individualism is usually rejected. A person who strives compulsively to subordinate or dwarf all others in the society is condemned (Ahire, 1995). As Anifowose (1982), notes, the Tiv is an example of a stateless society in which 'there was no central authority or a common chief'. The post of Tor Tiv, (Chief of the Tiv,) is a later day creation which came into existence in 1946 (Hembe, 1983; Jibo 2001). The basic social organization of the society was in terms of a lineage traced patrilineally from any one individual to the original Tiv. The authority of a patrilineal individual was limited to his lineage segment, the elder of the segment having authority within, but not beyond it. (Hembe, 1983, Anifowose, 1982). In the words of Bohannan (1953):

The Tiv give great respect to age and the authority of elders is therefore maintained. The compound head is usually the oldest person in the compound. His authority rested on his personality, ability and powers of persuasion. The autocratic exercise of authority runs counter to the Tiv egalitarianism and to his republican frame of mind. (Laura and Paul Bohannan, 1953: Part VIII)

Bohannan's assertion is buttressed by Ahire (1993) who noted that the 'Tiv egalitarianism is more concerned with whittling everyone into the same size than giving everyone the same chance'.

Indeed, the social and political organization in traditional Tiv society indicates that political power rested squarely with elders. At each level of society, government was carried out through consultation between the representatives of each subordinate unit. These representatives were normally the oldest men in the society. Decision-making was a collective affair and the people were compelled to obey the elders through their deep fear of tsav (Hembe, 1983:68)

The Tiv social setting also believes in 'obligatory sharing'. The endowment (or efficacy) of one individual must be reflected in the lives and fortunes of all the members of the community. That is, the fortunes of one should be fortunes of all, and the destiny of one is shared by all.

It is equally the belief of the Tiv that individuality must be suppressed in the interest of the larger community. No member of the community is above the other, and every member must submit himself to the community. Of course like all other dynamic societies where there is constant social change, this practice is fast changing among the Tiv people.

This notwithstanding, the point must be made that perhaps, it is this spirit of equality that determines the practice of power sharing among the people of Benue State. In Igede tradition, holding of key traditional offices like that of 'Adikobia' (spokesman), 'Ada'Kpan' (Chief priest of Akpan, a highly revered deity), etc are rotated among the various families that make up the

community. This practice is adopted in the form of a 'zoning formula' whereby modern day political offices such as the office of the local government chairman, House of Assembly, and even councillorship are zoned among the different components of the larger society.

The practice is more pronounced among the Tiv people who rotate even the highly revered stool of the 'Tor Tiv' amongst the two genealogical sons of the ancestor, Tiv, namely: Ipusu and Ichongo. According to Makar (1995) and Jibo (2001), if this time a Tor Tiv is elected from the Ipusu genealogy, when he dies, resigns or is deposed, the next Tor Tiv must come from Ichongo. It is, according to them a democratic, equitable and fair arrangement that leaves no room for grumbling and bitterness. This is not say however that succession to the Tor Tiv stool does not generate bitterness among the competing individual in recent times.

It is no wonder then that the practice which is called "Ya na angbian' (or 'eat' and give your brother) is carried on into the political terrain. "Ya na angbian' is a belief in the equality of all men, a belief that what one brother or kinsman can do, another one can also do. It is a guiding principle, which requires a man who is opportuned not to be selfish but to 'eat' and allow his brother to also 'eat'. In other words, life's 'goodies' should be shared among different brothers appropriately.

But the question is: what is the implication of this kind of practice on the larger polity? Does it allow for political offices to be competed for on the basis of merit and competence? How has this affected the performance of individual office holder in terms of offering selfless service to the people? In other words,

does 'Ya na angbian' which Apam (2002), Hembe, (2002), aptly described as 'clientele' politics encourage mediocrity and limit people's choices? Does it encourage clients (political officer holders) to be self-centred since tenureship is limited? Could this practice be responsible for the inability of Benue people in political positions to lobby projects to their immediate constituencies and instead, choose to accumulate 'primitive wealth' (Hembe, 2002) for themselves?

Irrespective of the argument, either for or against, the point must be made that 'ya na angbian', as a belief system, is central to the conduct of elections into political offices in Benue State. It equally offers a good explanation for the conduct of a Benue man in political office or government position. Above all, it, as Jibo (1993) argued, acts as an impediment against continuity in the system.

### **3.3 GENERAL SOCIO –ECONOMIC DEVELOPMENT IN BENUE STATE: AN ASSESSMENT**

An assessment of the socio-economic development of Benue State, either before or after the creation of the State in 1976 speaks of the same thing with most Nigerian traditional societies. It is a state that is predominantly rural in nature and is endowed with very rich cultures. The culture of Benue people, from time immemorial includes such pre occupations as arts and crafts, music, dance, drama, religious beliefs, language and literature. Thus, we find traditional crafts in such areas like pottery (clay pots), calabashes, basket weaving, mat weaving, etc. The indigenous technology of the people also cuts

across such areas like agriculture, livestock, textiles, housing, health, communication, etc.

Indeed, the technology of the Benue people like that of most African societies is not evolving but has remained static over the years. For instance, as farmers, the major tools used in tilling the soil remain the rudimentary hoes and cutlasses with their attendant health hazards and very limited yields, or results. Equally too, most of the people still depend on herbs for the cure of most ailments; grind grains with stones; pound yam with mortar and pestle; cook food over fire wood; fry gari in earthen ware pots heated over fire wood with continuous manual dexterity, etc. For most of the inhabitants, particularly the old, their respective villages are all they know of the world. There is no much interest in affairs outside of the village, and the rich variety of life in the world outside is completely closed to them.

Undoubtedly, one need only visit Benue State urban areas like Makurdi, Gboko, Katsina-Ala and Otukpo and contrast the admittedly meager means of their inhabitants (compared to Nigeria's other larger cities like Lagos, Abuja and Kano) with the barren and poverty stricken rural areas of Oju, Guma, Logo and Agatu to agree that life is not altogether a bed of roses for the people of Benue State. Rather, it is narrow, austere, and at times cruel and short.

In a Poverty Assessment Study carried out in selected Local Government Areas of Benue State, in the course of this research, the following indices were obtained.

**Table 3: Poverty Assessment Measures in Rural Logo, Guma, Oju and Agatu LGAs of Benue State.**

S/No	Indicator	Prosperity Level		
		Low	Middle	High
1	Housing	Mud, Round Thatched Grass	Combination	Mud blocks and plaster, zinc
2	Bedding	Mat on floor	Palm fronds slat with mat	Wooden or iron Bed with mattress
3	Lighting	Oil lamps	Oil lamps	Oil lamps and Generator
4	Drinking water	Ponds/streams	Ponds/streams	Well and ponds/streams
5	Toilet	out door, not enclosed	Out door, enclosed (latrine)	Out door, enclosed (latrine)
6	Transportation	Nil (leg)	Bicycle	Motor cycle
7	Entertainment	None	Radio	Radio + Tape Recorder
8	Occupation	Farming	Farming	Farming + Petty Trading
9	Income	Farm produce	Farm produce	Farm produce + Petty Trading

Source: Field Study (2003).

The level of standard of living of the rural folks in Logo, Guma, Oju and Agatu LGAs of Benue State as depicted in the above table replicates itself in virtually all other rural parts of Benue State. These indices were also noticeable in some urban areas of the state. These areas are mainly slums like Wadata and Wurukun in Makurdi town; Oweto in Otukpo town, Hausa Quarters and Adeka in Gboko town. The table paints a harrowing picture of a place where there is gross shortage of basic amenities like water and health facilities, among others. It is a picture of situation whereby individuals suffers a lot of deprivations and wants. The information provided on the table and the analysis before it, presupposes that the story of rural areas in Benue state is synonymous with POVERTY.

The question therefore is: what could be responsible for this dismal, or debilitating condition of Benue State which is fondly described as the 'food basket' of the nation? Is it that the area is short of both human and material resources needed for rapid socio-economic development? For an answer, we shall take a broad look at the pace of development in specific areas like industry, infrastructures-roads, water, electricity etc. as well as examine the state of both human and natural endowments of Benue State.

### **3.4 NATURAL ENDOWMENT/INDUSTRIAL POTENTIALS OF BENUE STATE.**

It has been observed elsewhere in this chapter that the main occupation of the Benue people is farming. The people, particularly the Tiv who are the dominant ethnic group, and account for over half the population, produce both

cash and food crops like yams, cassava, soya-beans, millet, beniseed, guinea-corn, etc which are exported outside the state. According to Nyagba (1995) Benue State accounts for over seventy percent (70%) of Nigeria's Soya beans and beniseed production.

Benue State has a vast and fertile landmass, which is tilled by the farming population that treasures agriculture as the bedrock of its livelihood. It also boasts of one of the longest stretches of river systems in the country, with great potential for a viable fishing industry, dry season farming through irrigation and for an inland water highway.

The vegetation of the state, particularly the Southern parts, is characterized by forests, which yield trees for timber and provide a suitable habitat for rare animals. We have in abundance equatorial trees like Iroko, mahogany, palms, locust beans, etc. It equally harbours fast disappearing wild animals like hippopotamus, elephants, tigers, lions, crocodiles, etc. The state thus provides potentials for the development of viable forest and wild life reserves.

In addition to the above, Benue State is blessed with abundant mineral resources which are distributed in the local government Areas as follows:

**Table 4: Mineral Resources in Benue State**


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1.	Limestone	-	Apa, Agatu, Ado, Ushongo, Oju, Okpokwu, Logo, Obi, Gwer, Konshisha, Katsina-Ala, Guma, Gboko and Tarka.
2.	Gypsum	-	Apa, Agatu, Ushongo, Otukpo, Ohimini, Gwer and Konshisha.
3.	Kaolin	-	Apa, Agatu, Vandeikya, Okpokwu, Ogbadibo and Otukpo.
4.	Natural Gas	-	Apa, Agatu, Otukpo, & Ohimini
5.	Salt	-	Apa, Agatu, Ado, Ushongo, Ukum, Ogbadibo, Katsina-Ala, Logo, Gwer Guma and Buruku
6.	Lead and Zinc	-	-Ado, Ushongo, Katsina-Ala, Logo, Guma, and Buruku
7.	Glass Sand	-	Vandeikya, Makurdi, Logo, Katsina-Ala, Guma and Buruku,
8.	Barytes	-	Ushongo, Guma, Makurdi, Gwer, Gboko, and Tarka
9.	Clay	-	Otukpo, Ohimini, Ogbadibo, Makurdi, Katsina-Ala, Gwer-West, Logo & Buruku
10.	Coal	-	Okpokwu and Ogbadibo
11.	Calcite	-	Oju and Obi
12.	Gemstones	-	Kwande
13.	Magnetite	-	Gwer

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**Source:** Benue State Government (undated) Investment Opportunities in Benue State. A Publication of the Ministry of Information, Makurdi, pg. 5.

In view of the large quantities of mineral deposits found all over the state, as shown above, one would expect to find a good, or at least, sprawling number of industries that cut across Agro-allied, manufacturing and tourist areas. But this is not the case in Benue State. Out of the mineral resources identified above, it is only limestone at Tse-Kucha, near Gboko and Koalin at Otukpo that are being commercially exploited.

As stated earlier, Benue State at its creation in 1976 was economically backward. It was an entirely rural area without adequate infrastructures and a complete absence of industries. Steps were however taken immediately to ensure, enhanced and accelerated pace of industrial development' (Ayatse, 1999). Noting that incomes in the state are low, (a situation which imply that private savings and investable funds are corresponding low), the state government over the years adopted the mixed (private–public) economy development model (Ajegi, 2002). Thus, the state government invested funds and even acted as promoters, in a number of industries. Agencies which are either directly involved in these establishment of industries or to prepare the grounds for interested investors to do so were put in place. These agencies include the Benue Investment Company Limited, and Lobi Bank of Nigeria Ltd (now defunct) among others.

Specifically, the Benue Investment Company (BIC) Ltd which was incorporated under the civilian administration of Governor Aper Aku in 1979 has as its objectives the management of the shares and land properties belonging to the state government; mobilization of funds for the development/industrialization of the state; provision of consultancy and

business advising services as well as financial assistance to deserving entrepreneurs in the state and acting as holding company for existing and proposed projects.

According to Ayatse (1999), BIC has contributed to the industrial development of the state by, for example, being instrumental to the setting up of Lobi Bank Nigeria Limited; being involved in the formation of Benue Bottling Company Limited, and as an initiator of fruit juice project (Fruitcon Limited). BIC has also been able to link investors to relevant manufacturers.

Over the years, however, a number of other medium and large-scale industries were established in the State. These industries include the following as indicated in Table Five (5) shown in the next page.

A catalogue of industries in Benue State as shown in this page indicates that most of the industries are either wholly state owned, or the state government has controlling shares. The state of these industries, as the table has shown, is such that they are either moribund, ailing or have totally collapsed. Thus, industrially, Benue State is in a state of coma, on the eve of Gov. Akume administration.

The comatose industrial nature of the state became an electioneering issue during the 1998/99 general elections in Benue State. Political office seekers, including aspiring members of the legislature, harped on the negative effects of the lack of industrialization in the state, such as rising unemployment and crime wave, among others, during the electioneering campaigns.



In particular, the policy thrust of one of the governorship aspirants then, Mr. George Akume, as articulated in his campaign blue print titled; 'Benue Advance plan' was the resuscitation of these ailing industries and the establishment of new ones in the state. Private individuals were promised to be empowered financially so as to be able to own their enterprises. (See Table Six in the next page)

It is more than four years since the Benue people were promised an industrial Eldorado. Has the promise been fulfilled adequately? What is the picture of the private efforts at industrialization like? Is it any thing different from the small – scale enterprises such as carpentry, tailoring, shoe repairs, block making, beer parlour, Grain and Rice Milling, etc. that the state is noted for in the past? Does the state now have medium and large scale industries that are either joint ventures between the government and private sector, or are wholly owned by government or the private sector? What is the role of the elected officers, particularly members of the Benue State House of Assembly, in the industrialization (or lack of it) of Benue State? These questions will be addressed in subsequent chapters of this work. It is pertinent to emphasize at this point however that Benue State, as the analysis of its natural endowments has indicated, has great capacity for growth and development provided its natural resources are harnessed to positive ends.

**Table 6: Some Industries and companies Promised by Mr. George Akume during 1998/99 Governorship Campaign**

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S/o.	Industry
1	Fertilizer Blending Plant
2	Organic Fertilizer Plant
3	Plastic Industry
4	Establishment of State Bank
5	Completion of Makurdi International Hotel
6	Asphalt and Quarry Plant
7	Benue State Television Station
8	Fruit Juice Companies
9	Cement Companies
10	Benue Sugar Company
11	Tomato Processing Plants
12	Yam and Cassava Flour Mill

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**Source: Benue Advance Plan, 1999**

### **3.5 THE STATE OF BASIC INFRASTRUCTURAL DEVELOPMENT IN BENUE STATE.**

If Benue State, in spite of her natural endowments is lacking in industrial development and the situation is at all a cause for concern, that of lack of basic infrastructures is even more worrisome.

Benue State by virtue of its natural location at the center of Nigeria is accessible by air, water, rail and road transportation. The State is accessible by water transportation through river Benue. There is a, military airstrip in Makurdi, which is also used for civil air transportation. There are federal trunk roads, and the Port Harcourt–North bound railway line which links Benue with other parts of the country.

The state of these infrastructural facilities, however, leaves much to be desired. River Benue is yet to be dredged to serve as a good in-land waterway to be used by big ships. In like manner, the military air strip at Makurdi, even though strategically located to serve neighbouring states of Kogi, Nasarawa, Taraba and parts of Cross River, is yet to be developed into a full commercial airport. The railways are no longer functional while the roads are in a state of disrepair with potholes and gully erosions turning them into death traps for motorists.

If inter-state, federal roads are in a debilitating form, the intra-state (or feeder) roads are even in worse condition. Roads in major towns like Makurdi, Katsina-Ala, Gboko and Otukpo are full of potholes and are impassable. Examples of such township roads that are in poor conditions are the Tor-Tiv Palace – Abagu road in Gboko, and the Government House-Wurukum Road in Makurdi. Roads Linking the State capital, Makurdi and some local government

headquarters like Gbajimba, Ugba, Naka, Obarike-Ito, Igumale, Agatu, etc., have not been constructed thereby rendering them unmotorable, particularly in the rainy season.

The picture of road networks within the local government areas themselves and, between one local government area and the other is not anything better. All the major feeder roads linking the different districts and villages with the various local government headquarters are in poor conditions. Traveling along major inter-local government roads such as Ajio-Adikpo, Zaki-Biam – Gbeji, Igumale Ijigbam – Oju roads, among others, is very traumatic as culverts, bridges and the roads themselves are not constructed or tarred.

The state of the markets in Benue state, like the roads, is highly dismal. Apart from Makurdi, the state capital, which has a good market with modern facilities in place, all other major towns like Gboko, Katsina-Ala, Otukpo and even the famous Zaki-Biam yam market which attracts traders from all over Nigeria lacks basic infrastructures like banks, fire service, clinics etc. Major markets in the local government areas are not fenced to provide needed security, and they are largely built of thatched shades.

Apart from road networks and markets, water and electricity supply in the state constitute another very teething problems. Electricity supply to Makurdi, the state capital, and other towns is epileptic. The state is yet to be hooked to the 330kv national grid. The situation in the rural areas is worse since most local government headquarters; towns and villages have no supply of electricity. The issue of pipe-borne water supply is even more pathetic. There is a dire need of potable water in most towns and villages across the state. This

situation has made the people to rely on ponds, streams, and 'pure water' packaged in polythene bags to meet their daily basic or drinking water needs. Major water works like the Ameladu water project in Gboko; Otobi and the North bank/Makurdi water projects which were started during the Aper Aku administration in 1980 suffered from inadequate maintenance and expansion needed to effectively serve the water needs of the teeming population in urban centers like Gboko, Makurdi and Otukpo.

Finally, there are inadequate telephone services in the state. Major towns like Gboko and Katsina-Ala are still on analogue telephone services. Towns like Makurdi and Otukpo, which enjoy digital telephone services hardly, have subscriber's needs met adequately. Majority of local government headquarters, towns, and villages in the state are not even served with the GSM services. Other local government headquarters, towns and villages in the state are not served with telephone services.

The foregoing, in a nutshell, represents the state of basic infrastructural development in Benue State. As the picture have shown, Benue State represents what, Omenka (2002) described as a good case of a place that is webbed in paradox. A paradox in the sense that, in spite of the rich culture and ingenuity of the people; in spite of its rich natural resources; and in spite of its strategic location as the bridge between the southern and Northern parts of Nigeria, it remains basically a barren and poverty stricken rural area devoid of industrialization. As noted, the roads are bad and raw materials can not be taken to the factories with ease. Equally too, finished goods and service cannot be delivered to the people. There is inadequate supply of electricity of

appropriate voltage and investors have to depend entirely on generators. Communication facilities and water supply are in great short fall. As a result of a combination of these short comings, prospective investors are discouraged from investing in the state, especially in the local government areas.

Interestingly, this impoverished state of Benue is in sharp contrast with claims of achievements in the areas of industrialization, infrastructural developments, health and education, among others by the government of the day. Yet, it is a government which operates on the principle of separation of powers between the executive, the judiciary and the legislature. This is a practice, which has ensured that there are checks and balances. Indeed, the system permits the legislature, especially to oversee the activities of the various organs and functionaries of the government. The question then remains: has the Benue State legislature performed its oversight functions adequately? If yes, how have this translated into good governance and socio-economic growth and development of the state?

### **3.6 POLITICAL HISTORY OF BENUE STATE**

Scholars interested in the exercise of creation of states in Nigeria have advanced a plethora of reasons. As varied as theoretical positions on state creation are, however, two scholarly positions seem most appropriate for our discourse. According to Nnoli (1980: 258) state creation in Nigeria has a class character; an elite perceived interest. To him, agitation for states was borne out of:

... the desire of the various regional factions of the privileged classes to carve out their own sphere of economic and political domination. (Nnoli, 1980 : 258).

Hembe (1983 : 5), on the other hand, the urge for state creation in Nigeria emanates from the general perception of Nigerian politics as the struggle for the division of the national cake among the various ethnic groups in the country.

According to him,

... inter-ethnic tensions (in the country) encouraged the thinking that unless an ethnic group controlled some governmental apparatus' and a political party, its ability to successfully compete with the others in the distribution of resources would be severely limited, if not altogether absent. (Hembe; 1983 : 5)

Whether these two scholarly positions explain the agitation for state creation in Nigeria or not, the fact remains that historically, the debate for state creation in Nigeria, according to Nnoli (1980) goes back to as far as 1942 – 43 when Nnamdi Azikiwe published series of articles in the West African pilot, which were subsequently revised and published as a booklet. He suggested that the then twenty five provinces in the country be regrouped into eight (8) states. In 1947, Chief Obafemi Awolowo argued for a federal constitution based on ethnic factor, in which each ethnic group, irrespective of size, is autonomous in regard to its internal affairs. During the same year, the Azikiwe led NCNC launched a Freedom Charter in opposition to the Richards constitution. This charter suggested among other things, the creation of linguistic states in the country as a mean of allaying the fears of minority cultural linguistic groups. Similarly, in 1953, Awolowo suggested the creation of Nine States as recognition of the ethnic factor. Furthermore, as independence approached, the

minority groups had as a response to the structurally lopsided tripartite regional system, taken a demand for the creation of new states to the 1957 – 58 colonial commission of enquiry into the problems of minorities (Suberu, 2003 ; 17 – 18).

However, what corresponds to the historical demand for the creation of a Middle – Belt state, according to Hembe (1983 :5 ) started in 1949 when a private motion moved in the Northern House of Assembly called upon the Northern Nigerian government to restrict Christian missionary activities in the North. Responding to this motion, a group of Christian leaders in the House of Assembly formed the Northern Nigerian non-Moslem league to counter this “Moslem threat” to the Christians of the Middle – Belt area. This league subsequently gave birth to the United Middle Belt congress (UMBC) – the vanguard for the Middle Belt state. A number of people from the Middle-Belt region featured prominently in this struggle. Prominent among them was chief J. S. Tarka. Thus, it can be safely stated that, the idea of a Middle-Belt state has religious connotation. It was to be a state meant for the Christians in the then Northern region. This perhaps, explains for its failure right from the start. There is no geo-political entity within the then Northern region that is homogenously Christian in nature. Both Christians and Moslems could be found even in the lower River Benue region. A good number of the Idomas, Igalas, Agatus, the Yorubas in Kwara as well as the Igbiras are Moslems who found themselves living among predominantly Christian dominated settlements.

### **3.6.1. Tarka's Role in the Struggle for a Middle Belt State.**

Tarka's entry into the national political scene, according to Hembe (1983) took place at the peak of inter-ethnic rivalries in the Nigerian political system. These inter-ethnic struggles for resources took place at two levels – the national level and the regional level. At the national level, three major ethnic groups competed for the control of the central government apparatus that was responsible for distributing the resources available at the center. Each of these groups (Ibo, Yoruba, and Hausa – Fulani) was in full control of a governmental apparatus and political party in its home region. Given the magnitude of the resources available to the central government, the contest at the center was extremely keen. Each major ethnic group therefore attempted to mobilize total support from its home base for the contest at the center. The regions themselves were, however, far from ethnically homogenous. In each of them, there was a dominant ethnic group co-existing with a multiplicity of minority ethnic groups. These minority groups were at that time primarily concerned with how resources were distributed at the regional level but not at the central level. Under this condition, Madunagu (1982 :46) opines that the:

Minority areas in each region were neglected socially and economically and victimized politically (Madunagu, 1982 : 46).

Thus, while the major groups were urging the minority areas in their regions to join them in the struggle at the center, the minorities were instead seeking for regions of their own where they would be dominant groups. It was at this point that Tarka emerged and entered into Tiv politics and that of the middle-belt becoming a leading figure in the struggle for the creation of Middle-

Belt States. As Hembe (2003 ; 6) noted, “Tarka became synonymous with political events in Tiv land”.

Like other regional elite, Tarka had to arm himself with a political party to effect this struggle. To this end, the UMBC became handy. The UMBC emerged from the alliance of the Middle Belt People’s Party (MBPP) and the Middle Zone League (MZL). At inception, the UMBC according to Hembe (2003 : 121; Onobu, 1975 : 213) was made up of Ethnic Unions such as the Yargem Union, the Bachama Progressive Union, the Igbira Tribal Union, the Kagoro Union, the Idoma Hope-Rising Union, Birom Tribal Union, and the Tiv Progressive Union, reflecting the ethnic diversity of the proposed state. The battle line for the struggle (for a state) was drawn with Tarka’s election into the Federal House of Representative in 1954. As a man from a minority ethnic group, however, Tarka needed an alliance with a party that would win the center to be able to influence the creation of a Middle-Belt State, and at the same time give logistics support to the UMBC. Unfortunately, however, each of the three dominant political parties controlled by the three major ethnic groups opposed the creation of new regions in their areas of control. In particular, the NPC controlled Northern Region opposed the move. As a result, Tarka and the UMBC had to go into alliance with either of the two other regional dominant political parties – the Western region,. Action Group (AG) or the Eastern region NCNC. In the end, they ended up with an alliance with the dominant party of the western region –the Action Group.

### **3.6.2. Attitude of the Other (Non-Tiv) Ethnic Groups to the Struggle**

It should be noted that the other ethnic groups in the proposed middle-belt state became luke-warm in their support. This development, according to Hembe (2003) was borne out of the realization by these other ethnic groups in the proposed Middle-Belt State that even if the proposed state was created, they would not be in a position to dominate its government. In the opinion of these groups, it was a matter of changing “Masters” from the Hausa-Fulani to the Tiv. Besides, these other tribes were inclined to abandon the struggle and embraced the Hausa-Fulani NPC government because of the desire to share the spoils of the office. This situation did not dampen Tarka’s enthusiasm however. Thus, he initiated a uniquely successful campaign to politicize the Tiv masses so as to get support for the UMBC – AG alliance. He enlisted the support of the social groups that were emerging in Tiv society as a result of British colonialism and the introduction of a money economy. (Hembe 2003:8). The first of these groups was the Tiv Progressive Union formed by the educated Tiv elites as early as 1953. Another group that aided Tarka’s mobilization efforts were the colonially created chiefs who met frequently at Tiv traditional council. Tarka also sought and enlisted the cooperation of primary school teachers; veterans from the Second World War, well-to-do farmers and petty traders who were rapidly springing up.

With this highly engineered mobilization, the UMBC – AG alliance (with its promise of creating a middle-belt state if voted in to power at the centre) went into the 1959 election. Expectedly, the government of Northern Nigeria reacted to the ‘Tiv threat’ through the use of persuasion, rewards, coercive

measures, physical attacks, denial of employment, etc to UMBC supporters.

For example, there was, according to Anifowose, (1982) a

...total exclusion of UMBC members from membership of the Tiv NA Council (a development which) meant that a significant proportion was denied access to the instrument of control and power.

(Anifowose: 1982:101)

In the end, though UMBC – AG won in Tiv land, the NPC won at the center, thereby making the promise of a middle-belt state a momentary mirage.

The period spanning 1960 to the period of military intervention (1966) was a trying period for Tarka and his UMBC supporters. He was imprisoned on charges of treason. Several attempts were made on his life and his UMBC supporters were victimised in all aspects of life.(Hembe;2003)

The coming of the military in 1966 marked a turning point in the political career of Tarka. Soon after the take over, Tarka and other prominent northerners “toured the North to preach unity” (Hembe, 2003: 14). He represented the North at the ad-hoc constitutional conference constituted by Gen. Yakubu Gowon to advise the Federal Military Government. Among other things, Tarka was influential in changing the stand of the Northern delegation from one favouring confederation to one favouring a strong federal government and the creation of states’. From this influential position Tarka moved very close to the Head of State General Yakubu Gowon, and became instrumental in the creation of states in May, 1967. This fulfilled his initial political ambition of getting a state for the Tiv people, as the Tiv were now separated from the Hausa-Fulani dominated Northern region and were placed in the defunct Benue – Plateau State, where they became the majority ethnic group.

Though the creation of Benue-Plateau state opened up more opportunities in terms of government appointment, provision of basic amenities and economic empowerment, the people of Benue province still felt short-changed in the J.D. Gowon military government of the state. For example, the supply of such amenities like electricity, water, health-care delivery, construction of roads, industries and television services, etc were, according to Bur (1996:4), largely concentrated in the Plateau area of the state. On the whole, the Benue component area of the state largely remained undeveloped, in spite of its abundant human, natural and material resources. This is not to say that the Gowon administration did not record any substantial socio-economic development in the lower part of Benue Plateau state. A good number of roads were constructed to link up several towns and villages. Equally too, some popular politicians were given key appointments in the state government as Commissioners, Board Chairman/members (Jibo, 1993:11). This development, notwithstanding, the struggle by the people of Benue province made up of Keffi, Lafia, Idoma, Tiv, and Wukari Native Authorities for a state of their own continued with intensity.

When the Justice Ayo Irikefe Panel on the creation of additional states in Nigeria was constituted, and it became apparent that Benue State would be created, forces of disunity within the Benue province were fully at work. The fear of Tiv people who were the dominant tribe in the province was generated. Religious and cultural differences were whipped and expressed openly. According to Bur:

The people of Northern Benue, made up of Keffi, Nasarawa and Lafia who were largely Moslem converts demanded to remain with Plateau state if a new Benue was to be created. Similarly, Wukari Local Government made up of Jukun people, also opted to be merged with Jalingo and other tribes in a Taraba state. What was left of Benue people, the Tiv and Idomas, was not without its problems. The Idoma people who were one-third of the population of Tiv people, had obvious fears of domination by the Tiv people. The Idomas readily found an answer to this problem by inviting their Igala kiths and kins to join them in the Benue state to be created so as to balance and ward-off any possible Tiv domination. (1996:5)

Inspite of the foregoing development, the Murtala-Obasanjo administration in 1976 broke up Benue-Plateau state.

With this development, it could safely be said that the creation of Benue State was the culmination of a struggle which pre-dates 1976. It was a culmination of struggle that was anchored on the need for ethnic identity, equitable allocation of economic resources, political representation, among others. Tarka, no doubt was the heart and soul of this struggle. (Dent, 1966; Hembe, 2003)

The question, however, remains: has the creation of the state freed the people from the 'shackles of domination, from educational backwardness and economic deprivation? Is the affairs of the state being steered in accordance with the dreams of its founding fathers such as Tarka? These, and many more are the questions that this work set out to address. In doing this, a thorough examination of the indigenous legislative practices in a traditional Benue society was done. This was juxtaposed with the modern legislative practice in the state, in subsequent chapters.

### **3.7 INDIGENOUS LEGISLATIVE PROCESS IN BENUE STATE.**

The traditional Benue society is made up of diverse ethnic groups, which includes Tiv, Idoma and Iggede, among others. In each of these societies, there was in existence a process or processes either directly or indirectly that brought about legislation. Like most other indigenous African societies, there were no written constitutions and the procedures for government were established by custom and tradition. The chief or king in collusion with a platoon of soldiers never arbitrarily decreed laws. Customary laws were, instead subjected to full public debate. This, according to Elaigwu (1976: 13) implies that chiefs and kings could not promulgate laws without the concurrence of the enlarged traditional council.

In traditional Tiv society, for instance, it is the unanimous decision of the council of elders that are regarded as a law (Ahire, 1993; Makar, 1994). The process of legislation, under this circumstance, was therefore vested on the committee of elders

Who perform social, religious and judicial functions in accordance with the customs and traditions of the people (Ahire, 1993: 26).

According to Hembe (2001), in the traditional Tiv society, authority was dispersed. There was no centralized authority for the purpose of law making. The administration of the land was carried out in village councils, and decisions were by the consensus of the elders who constituted the councils.

Makar (1994) identified four councils under which Tiv traditional administrative functions and/or law making are carried out. This includes; 'Tar', 'ltyo', 'Ingol' and 'Ya' in order of importance. Each of these councils was

autonomous in its decisions however; each of the council had power to refer cases (or matters) not within its own competence to other council.

Generally, cases and indeed, legislations on matters brought before the councils are decided on the basis of social justice, equity and fair play, and in tandem with the customs and traditions of the people.

Like the Tiv society, elders who were custodians of the norms and values of the society, largely controlled legislation both in Idoma Land, in particular Igede communities. These two communities adopted a flexible democratic political system, which though based on the lineage, or clannish structure was characterized by autonomous federations of lineages, organized through lineage heads, age grades, and other persons of influence. The Ojiya' (or village arena) constitute the mass meeting of all adult males and the supreme council of the community (Armstrong 1955: 107). It should be noted here that just like the Tiv society, discussion at Ojiya are dominated by the elders (Igabo) and other persons of influence. Young men, although represented, were only observers and could not speak except through their elders. (Eliagwu, 1976; Omenka, 1993. Ochefu, 2002). Generally, a consensual democratic principle governed the decision making process at the Ojiya, making it extremely difficult for an individual or faction to control the assembly. For example, while holders or custodians of the ancestral and the earth cults like 'Achukwu', 'Akpan', 'Ogirinye' and 'Aiobia lekwu' formed a gerontocratic class in the Ojiya, they were not in a slightest means able to convert their organs into a select council of elders that could tilt decisions or legislations in a particular or favoured direction. This is because every crucial matter affecting

the community that is brought before the council of elders must openly be subjected to thorough discussion, debates and negotiations and a consensus decision is arrived at. Such decisions were taken in the interest of the larger society; and not on the basis of parochial interest of an individual or a group.

A critical examination of indigenous legislative process in the various societies that made up Benue State indicates that even though laws passed were not codified, they were based on customary practices of the people which were well known and observed strictly. These were customs and values, which frowned on adultery, stealing, cheating, etc. There were traditions and beliefs, which extolled virtues such as hard work, honesty and chastity; among others. It was a culture, which believed in the equitable distribution of resources.

Again, while it may be argued that the pluralistic nature of the traditional Benue society did not make for uniformity in the types of laws that were formulated, legislation or laws passed nevertheless relied heavily on the powers of unseen forces such as 'Tsav,' Akombo,' Alegwu,' etc.

In spite of the institutionalization of formal governmental structures that is patterned after the western democracies, these customary practices still endured and influence behaviours in many ways today. For instance, most contemporary laws and government policies have indirect bearing with our cultural values and customs. It is not an exaggeration to state that our customary courts today are a consequence of our indigenous legislation and on which some of the policies, legislation and judgements concerning marriages and land issues are based.

The practice of '*ya na angbian*' among the Tiv, discussed earlier in 3.3, is at the core of power sharing among the people of Benue State today. It is what determines which section of the Benue community should produce a leader for a particular office at a particular time. As noted, this practice is also adopted by other ethnic groups in the state in the form of a 'zoning formula' whereby modern day political offices, such as the office of local government chairmen, House of Assembly, and even Councillorship are zoned among the different components of the larger society. But the question still remains: to what extent do the indigenous ways of policy making and legislation have direct bearings on modern day legislative practices in the state? In other words, what lessons have the modern democratic dispensation, particularly the Legislative arm of government, learnt from our indigenous legislative practices? For an answer, a critical examination of the Second Republic Assembly Under Aper Aku administration (1979-83) and the Third Republic (Jan. 1992 – Nov 1993) Assembly are undertaken with the aim of determining how these houses of Assembly which operated at different, but very critical times have impacted the lives of the Benue people.

## **CHAPTER FOUR**

### **THE ROLE OF THE SECOND REPUBLIC LEGISLATURE IN THE DEVELOPMENT OF BENUE STATE (1979-1983)**

This chapter focuses attention on the activities of the Second Republic legislature in Benue State. This Legislature operated between October 1979 and December 1983. This is done with the aim of determining how the legislative process during this period that Nigeria, first experimented the presidential system of government has affected the pace of socio-economic development of the State.

#### **4.1 THE ROLE OF THE LEGISLATURE IN THE SECOND REPUBLIC (1979 – 83) IN THE DEVELOPMENT OF BENUE STATE.**

The creation of Benue State out of the then Benue – Plateau State in 1976 by Gen. Murtala Mohammed administration was greeted with a lot of expectation. This was because, before 1976, the state of socio-economic development in Benue was very low. Even though, more Local Government Areas were created, their impacts were not felt very much politically at the grass-roots. Thus, when the state took off in 1976, the then military administrations had to come up with policy decisions that would impact on the lives of the people. According to Makar (1983: 16) these decisions included:

the decision to establish and create educational institutions, opening up of new roads, building of hospitals, health care clinics, establishment of industries like the Benue Cement Factory, Sanitary ware, Idah, Benue Brewery Ltd, Makurdi, etc. (Makar, 1983 : 16 ).

Most of the programmes and projects were not completed before the ushering in of the civilian administration of Governor Aper Aku in 1979. This

was due largely to the short period (3 yrs) that the military regime in the state lasted. The later part of these years was the transition to civil rule period, and it was characterized by not only distraction of attention, but also diversion of resources to prosecute the transition period successfully. This development meant that the Aperc Aku administration had the responsibility of not just initiating its own new programmes but also the completion of those already started by the military government before it. The ability of the Aperc Aku regime to carry out this onerous task successfully depended so much on the cooperation enjoyed from the legislative branch of government. This is expected as section 126 (1), (2) of the Constitution of the Federal Republic of Nigeria, 1979 requested the Executive Governor to not only submit to the house of Assembly for consideration and approval lists of political nominees and bills, including appropriations bills but, also empowers the house to investigate and/or exercise oversight functions over the executive arm of the government.

#### **4.1.1. Composition of the Benue State House of Assembly between 1979 – 1983.**

The first Assembly of the Benue State legislature was inaugurated on Tuesday 2<sup>nd</sup> October, 1979. A total of fifty seven (57) people constituted the membership, with Hon. Ayua Num, an NPN elected member representing Ngochor constituency as the speaker. The election of the speaker generated a lot of ethnic tensions and acrimony in the house, and beyond. When a motion was made and seconded that Mr. Ayua Num be elected speaker, a counter motion nominating Mr. Innocent Audu Ogbu was made. According to a member of the assembly, Hon. Omirigbe Ode, in an interview in Makurdi on 17/12/2004,

what informed the counter motion nominating Mr. Ogbe was the feeling by the Idomas that the state was made up of three major ethnic groups namely: Tiv, Igala and Idoma. Since the elected Governor is Tiv and the deputy is Igala, the Idomas argued that the third most important political office, the speaker of the House of Assembly of the state, should logically be held by them. The tension generated, notwithstanding, the two nominations were put to vote and Hon. Ayua Num was declared duly elected to the office of speaker of the House. Ho. Innocent Audu Ogbe, representing Otukpa constituency, was later elected the Deputy speaker.

The membership of the Assembly cuts across three political parties namely: the National Party of Nigeria (NPN), the Nigeria Peoples Party (NPP) and the Great Nigeria People Party (GNPP). Two other registered political parties, the United Party of Nigeria (UPN) and the Peoples Redemption Party (PRP) had no members. The National Party of Nigeria (NPN) had the majority in the house with a total number of forty-four (44) members. The party also controlled the Executive arm of the government in the state.

In the period of about four years that the First Benue States House of Assembly lasted (1979 – 1983) a good number of bills were passed into law. These laws were of great importance and assistance not just to the administration of Governor Aper Aku but also to the generality of the Benue people. This is because, these laws tried very much to mirror the development needs of the new state. Some of these laws, which were passed and assented to by the governor, include:

**Table 7: Bills passed by Benue State House of Assembly (BSHA) and Assented to by Mr. Governor, 1979 – 1982.**

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1. Supplementary Appropriation Law, 1979
  2. Land Tenure Law, 1981
  3. Local Government Edict (Amendment Law), 1981
  4. Statutory Corporations Edict (Amendment Law), 1979
  5. Contingencies Funds Laws, 1979
  6. Education Law, 1981
  7. Capital Expenditure Laws, 1980, 1982.
  8. Prohibition of Bush Burning Law, 1980
  9. Allocation of Revenue (Joint Local Government Account) Law, 1982
  10. Benue State Relief Agency Law, 1982
  11. Benue State Library Board Law, 1982
  12. College of Agriculture Law, 1982
  13. Chiefs (Remuneration) Law, 1982.
- 

**Source:** Government Printer, Makurdi (1983)

A look at the laws passed by the BSHA and assented to by Mr. Governor reveals that they passed through gamut of areas of needs – from Agriculture, industry, and rural development to Education, among others. Out of these many laws, the appropriations (or budgetary) laws were particularly important. This is because; they (budgetary laws) represent avenues in which money is made available to the government to execute its programmes. It equally enables the legislature to monitor the performance of the executive closely. For this reason, the Assembly members developed a keen interest on its passing. Records (BSHA, votes and proceedings, 1979, 1980, 1981 and 1982) showed that attempt were made to either reduce items on the budget, increase appropriations beyond executive desires, and even insert programmes that the executive opposed. For instance, a deliberation on the general principles of the 1980/81 Appropriation bill as it affects the Benue people was done and the House made the following pertinent observations,

... that very little provision was made for tourism, bearing in mind that tourists projects would generate funds for the state. The House (also) feared whether the bill would be able to sustain the automatic scholarship programme. It further observed that though the basic needs of the masses were reflected in the Bill, but this was not enough. It was therefore considered necessary that more emphasis be given to Health and Rural Development to enhance the health and welfare of the common man. To this end, the House called on the Government to provide adequate supply of water to places with problems of water scarcity through the sinking of wells.

(BSHA, Votes & Proceedings, Wed. 14<sup>th</sup> May 1980:2).

Even before the formal deliberation of the budget, Hon. Ude, S. O. an NPP member representing Agila, Ijigbam, Ulayi constituency on Friday 18<sup>th</sup> Jan, 1980 successfully moved a motion that made the Honourable House to resolve that:

Development projects in Benue State be shared between the local Government headquarters and the constituencies within the Local Government Area. (BSHA, Votes & Proceedings, 18<sup>th</sup> January 1980).

In spite of these divergent interests, the executive enjoyed tremendous good will and cooperation from the legislature and this led to speedy passage of Appropriation Bills. This was made possible, perhaps, because out of the total number of 57 members, the National party of Nigeria (NPN) which controlled the executive arm, had a majority of forty-four members/seats. Beside this, the executive, through deft political moves constantly liaised with the leaders of the House when draft proposals were being formulated. The result was the execution of several programmes, projects and infrastructures.

Hon. Omaba Ogbo alluded to the deft handling of the house by the Governor when, in an interview, he confessed that:

....before any major bill from the Executive is introduced on the floor of the House for deliberation, the Governor will reach out to the key members of the Assembly and discuss it with them in an informal meeting held, mostly in the evenings... (Interview at Otukpo, 03/06/05)

For example, the Statutory Corporations Edict (Amendment law 1979) enabled the completion of some of the projects started by the previous military administrations. These projects included the Benue Brewery, Makurdi, Idah sanitary ware industry; the Oturkpo Burnt Bricks factory and Tarku Oil mill. Apart from industries, public utilities such as rural water supply scheme, and construction of the international (modern) market, Makurdi were also carried out.

The Bush Burning (prohibition) law, 1980 and the College of Agriculture law 1982 were two important agricultural development laws passed by the House. While the former law sought to maintain the fertility of the soil by barring indiscriminate bush-burning which impoverished the soil, the later sought to upgrade the School of Agriculture, Yandev to the status of a college to form the nucleus of the proposed University of Technology. The purpose of this was to improve agricultural engineering and facilitate mechanization of agriculture.

In the area of Education necessary laws were passed to enhance its development. This facilitated the establishment of many post-primary schools as well as colleges of education in Makurdi, Katsina-Alla, Oju and Ankpa. It should be noted that the provision of qualitative education was one of the cardinal programmes of the National Party of Nigeria (NPN) controlled government. The Governor, Mr. Aper Aku, in an address to the Assembly on 13<sup>th</sup> November, 1979 alluded to this fact when he stated:

...we are set to execute our National Party of Nigeria (NPN) programme as contained in the manifesto...Not only will we expand our programme for Teacher Training...so that more grade two teachers will be produced for the Universal Primary Education,...we are (also) committed to opening a University of Technology...

(source: BSHA, Votes & Proceedings, 13/11/1979. See also Appendix B)

In the social realm, laws were passed to create more traditional institutions and to make provision for the salaries and allowance of certain chiefs within the state. For the first time in the state, the government took over the payment of salaries and allowances of all chiefs of the First, Second and Third class grades within the state.

The relevant Local Government paid the salaries and allowances of District/Kindred Heads and Village Heads/Gagos. The development enhanced the well being and/or welfare of the traditional rulers who are the custodians of the people's culture.

Laws were also passed for the establishment of more Local Government Areas to enhance the democratic participation of the people as well as bring government closer to the people. When more Local Government Council Areas were later established, the majority of the Benue people hailed the exercise. Altogether, Thirty-Four (34) 34 Local Government Areas were created as shown in Table Eight in the next page:

A cursory look at the various laws passed by the First BSHA (1979 – 82) reveals public-spirited and carefully packaged laws designed to stimulate rapid socio-economic development of the then young state. The statutory corporations' law has far-reaching effects on the larger economy of the state. The setting up of industries like the Tarku Mills and Benue Brewery Limited boosted the economy of Benue farmers as farm products like soya-beans, sorghum and guinea-corns were greatly patronized. It equally created more employment opportunities for the people, among several other benefits.

**Table 8: Local Government (Establishment and constitution) Amendment) Law, 1981.**

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<b>S/N</b>	<b>Local Government</b>	<b>Hqtrs.</b>
1.	Ado	Igumale
2.	Agasha	Agasha
3.	Ankpa	Ankpa
4.	Apa	Ugbokpo
5.	Barakuv	Ikyogen
6.	Bassa	Oguma
7.	Dekina	Dekina
8.	Gboko	Gboko
9.	Guma	Uikpam
10.	Gwer	Aliade
11.	Ibaji	Onyedega
12.	Idah	Idah
13.	Katsina-Ala	Katsina-Ala
14.	Konshisha	Tse-Agberagba
15.	Kwande	Adikpo
16.	Logo	Abeda
17.	Makurdi	Makurdi
18.	Nagi	Naka
19.	Obi	Obusa
20.	Ofu	Ugwolawo
21.	Ogbadibo	Obu junction
22.	Oju	Oju
23.	Okpokwu	Okpoga
24.	Okura	Egume
25.	Olamaboro	Okpo
26.	Omala	Abejukolo
27.	Otukpo	Otukpo
28.	Sambe	Ihugh
29.	Tarka	Ikpa
30.	Tombo	Buruku
31.	Ukum	Sankera
32.	Ushongo	Lessel
33.	Vandeikya	Vandeikya
34.	Yonov	Ikpa-yongo

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**Source:** Laws passed by BSHA, 1982. Government Printer, Makurdi. Pg 1

Laudable as the setting up of these industries were, it must be pointed out that some of them have faulty starting which eventually led to their collapse. For example, the location of Taraku Mills is borne more out of political expediency than economic viability. As at the time of its location, there was no water or electricity supply in Taraku. Beside, the community is not noted for the production of soya-beans, a major raw material needed in the Mill. This development meant a very high cost of production, with all the attendant negative effects.

The establishment of Colleges of Education, Makurdi, Ankpa, Oju and Katsina-Ala; and the proliferation of post primary schools enhanced the educational development of the state. In addition, the government made concerted efforts to open up a state own University of Technology (see appendix B, attached). Even though, this effort did not materialize before the end of the administration, the establishment of Federal Universities of Technology by the Military Regime of General Babangida and the eventual setting up of Benue State University Makurdi must be credited to the foresight and pioneering efforts of Governor Aper Aku. Despite the fact that the educational policy and, in particular, the proliferation of these institutions were hailed by the people at the time, subsequent developments revealed that the economy of the state can not sustain them. Consequently, the military regime of Brig. Atom Kpera which took over from Gov. Aper Aku in 1984 scrapped the Makurdi and Oju Colleges of Education.

In similar vein, the creation of more LGAS, even though, enjoyed a lot of support by the beneficiaries at the time, they were considered unviable and

consequently scrapped by the Brig. Atom Kpera regime. Indeed, the LGAs were considered to be politically motivated. According to Hon. A.O. Ode, a member of the Benue State First Assembly, in an interview at Obarike- ito , Obi LGA on 13/4/2004:

The local government creation exercise was a politically motivated one that Gov. Aper Aku used for his re-election campaign. Their creation and city of headquarters were done to favour NPN supporters only. The issue of population and infrastructure developments was not taking into consideration.

Hon. Ode cited the location of the then Obi LGA at Obusa instead of Obarike-Ito, which was better developed as an example.

In spite of the view such as the one above, the point must be made that the BSHA, in the period under review passed pragmatic and people oriented laws that impacted greatly on the lives of the Benue People. Interestingly, however, all the laws, except the bush burning prohibition law, passed by the House originated from the Executive arm of the government. Records available indicated that most members and private individual bills hardly become laws. Indeed, some of such bills that ever got to the stage of second reading on the floor of the House were either controversial or about minor matters. A good example was the Bill on the conversion of Commissioner's Quarters to Benue Hotel sponsored by one of the members in 1982.

A common explanation for this development was that the BSHA during the period under review was new and members were inexperienced in the arts of legislation. For instance, the house, at its first sitting, adopted the amended

standing orders of the House of Representatives as its temporary standing orders. (BSHA, Votes & Proceedings, 2/10/1979, P.3). This situation arose because the Assembly had no standing orders with which to base its own proceedings at this time. This, not with standing, it must be pointed out that the success of Governor Aper Aku regime in Benue State owed so much to the cooperation enjoyed from the BSHA. As a pioneer House, it became a reference point for subsequent republican legislatures in Benue State, including the 4<sup>th</sup> republican legislature that is the focus of our study.

#### **4.1.2 Composition of the Second Benue State House of Assembly (Oct. 1983 - Dec. 1983).**

The Second Assembly of the Benue State legislature was inaugurated in Oct. 1983 and it operated for three months only - Oct. – Dec. 1983. Its short life span was due to the military take over of government on Dec. 31<sup>st</sup>, 1983.

The membership of the Assembly is largely a carry over from the First Assembly. The National Party of Nigeria (NPN) had the majority in the house. The Nigeria People's Party (NPP) with the second majority members formed the opposition. Three other registered political parties, the Great Nigeria People party (GNPP) , the United Party of Nigeria (UPN) and the Peoples Redemption Party had no members.

Hon. Joseph Tor Bosua (NPN member) who was elected as speaker to replace Hon. Julius Ayua Num in May, 1983 was re-elected as speaker of the Second Assembly on inauguration in **October**, 1983. Hon. Andrew Abah (NPN)

was, on the other hand, elected Deputy Speaker to replace Hon. Joseph Omaba Ogbo.

During the three months that the second Assembly lasted, it passed into law two bills. These bills are represented in Table Nine, in the next page.

The passing of only two laws by the second Assembly is due to its short life span. Investigations revealed that the House was bugged down with problem of settlement for most part of the three months. The House was actually on Christmas recess in December 1983 when it was disbanded following the military take over of government of the federation. According to Hon. J.T. Orkar in an interview in his house in Makurdi on 21<sup>st</sup> June 2004, the two bills passed into law were actually a carry over (bills) from the First Assembly.

The Education amendment law was necessitated by the realization that it was becoming increasingly difficult funding education adequately following the proliferation of post-primary and tertiary institutions like the colleges of Education in Ankpa, Makurdi and Oju.

On the other hand, the Chiefs (Remuneration) law was first passed in 1982 during the first Assembly. Its amendment in 1983 was to pave way for the payment of salaries and allowances of Chiefs below second-class status, such as District Heads (or Tyoors in Tiv land).

**Table 9: Bills Passed by Benue State House of Assembly and Assented to by MR. Governor, Oct. – Dec. 1983.**

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1. A law to amend the Education law, 1981 to provide for the payment of fees in primary school and other matters connected there with (1983).
  2. A law to make the provision for the salaries and allowances of certain chiefs within the state (1983).
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**Source:** Govt. Printer, Makurdi (1983)

## **CHAPTER FIVE**

### **THE THIRD REPUBLIC LEGISLATURE AND THE DEVELOPMENT OF BENUE STATE**

The Third Assembly of the Benue State legislature operated under a peculiar circumstance whereby a military controlled federal government dictated its proceedings and activities generally. To start with, the Assembly came into being following the promulgation of Decree 50 (6<sup>th</sup> Dec., 1991) others wise known as; Basic constitutional and Transition provisions, Decree 1991. The decree itself was an excerpt from the Constitution of the Federal Republic of Nigeria, 1989 and it was instituted to guide the operations of State House of Assemblies in the Country against conflict with the subsisting Federal Military government. It will be recall that by 1990, Nigeria operated a diarchical arrangement of government whereby the two lower tiers of government (States and Local Governments) were run by elected civilian officials while the Federal government was controlled by the military.

#### **5.1 COMPOSITION OF THE THIRD REPUBLIC ASSEMBLY**

The Third Assembly is made up of thirty six members. In the run off to the inauguration of this Assembly, in Jan, 1992, two registered political parties were allowed by the then military regime of Gen Ibrahim Babengida to field candidates and contest elections at the states and local government levels. These were the Social Democratic Party (SDP), and the National Republican Convention (NRC).

The SDP controlled the Third Assembly with twenty-three members while the NRC had thirteen members. At inauguration, Hon. Stephen Tsav, representing Daudu constituency was elected Speaker, while Hon. Ibu Okwe, Igede constituency was elected Deputy Speaker. For the period of twenty-three months that the Assembly lasted, it passed nine bills into law. Out of these numbers eight were assented to by the Executive Governor while one was not. These laws are presented in Table Ten below.

Out of the nine laws passed, the two in education turned out to be very outstanding. The College of Education, Oju law paved way for the reinstatement of the scrapped Advanced Teachers College, Oju by the Brig. Atom Kpera Military administration in 1994. On the other hand, the Benue State University (amendment) law facilitated the establishment of Benue state University, Makurdi. In Benue State today, these two institutions have turned out to be major cornerstone of education development. In particular, Benue State University, Makurdi has turned out not only to be the first State owned University in the whole of the former Northern Region, its products are also all over the country serving in various capacities. Considering the fact that different governments since the regime of Gov. Aper Aku in 1979 have toyed with the idea of establishing a State University, the passing of this law by the Third Assembly and the eventual establishment of the University is a major land mark in the educational development of the state.

**TABLE 10: LAWS PASSED BY THE BENUE STATE HOUSE OF ASSEMBLY–JAN. 1992-NOV. 1993.**

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1. Supplementary Appropriation for Recurrent expenditure law, 1992
  2. Supplementary Appropriation for Capital Expenditure law, 1992
  3. State Council of Chiefs (amendment)(law, 1992
  4. Voluntary Agency Hospitals (Payment of Salaries) law, 1992.
  5. The construction of Roads law, 1992
  6. Local Government (payment of Salaries) law, 1992.
  7. College of Education, Oju law, 1993
  8. Benue State Tourism Board law, 1993 (not signed)
  9. Benue State University (amendment) law. 1993.
- 

**Source:** Government Printer, Makurdi (1993).

Landmarks such as these became a campaign issue in the run off to the 1999 general elections in Benue State. Both the Executive Governor and members of the legislature promised to embark on programmes and /or projects that will surpass the ones that were carried out by the previous administrations. Have these promises been fulfilled? Have the legislature enacted necessary laws that enhanced rapid socio-economic development of the state? These questions will be addressed in the next chapter where a critical appraisal of the role of the Fourth Assembly is done. Before this is done, however, a critical examination of the relationship between the House and the Executive will be done.

## **5.2 RELATIONSHIP BETWEEN THE EXECUTIVE AND THE THIRD REPUBLIC LEGISLATURE IN BENUE STATE.**

The Third republic Legislature in Benue State, headed by Hon. Stephen Tsav, witnessed a very turbulent relationship with the executive. This situation resulted in to two major developments: an impeachment notice on the Executive Governor and, a change in the House leadership.

Initially, the relationship between the Executive and the House was cordial. There was no interference what so ever. The House was left to choose its leadership on its own. In turn, the House passed the 1992 Budget proposal without lobbying or financial inducement from the Executive. Similarly, the House approved the list of commissioners forwarded to it by the Executive Governor without delay.

This spirit of good will and cordiality between the two arms of government in the State started withering when rumours had it that chief Abu King Shuluwa, a notable politician in the State, boasted he sponsored Hon. Stephen Tsav for the office of the Speaker so as to use him to checkmate Governor Adasu's excesses. Before his election as speaker, Hon. Tsav was a close associate of chief Shuluwa.

At about the same time that this rumour was spreading, the House rose in unison against the implementation of certain controversial policies of Governor Adasu, like the scrapping of the Benue Printing and Publishing Corporation (BPPC). According to a member of the Assembly, Hon. Timothy Idyu, in an interview in Makurdi on 20/9.2004, the House felt that BPPC was a creation of the law and it can only be scrapped through the due process of the law.

Beside this, the House picked holes with the 1993 Budget proposal forwarded to it for consideration and approval. For instance, the House queried the provisions made for the construction of Beach road and New Government House. Hon. Sylvester Atachin, the Majority leader of the Assembly disclosed in an interview in Makurdi on 18/8/2004 that the House carried out an investigation and discovered that Governor Adasu acquired a land and was building what he called a "retirement home for the clergy" along the proposed Beach road. The House felt the building was Governor Adasu's private property and that the construction of the Beach road was motivated by selfish interest. It therefore rejected the construction of the road. In its stead, it passed a law for the construction of 50 Kilometers of roads in each constituency in the state. The

disagreement that followed did not only heighten tensions in the state, it also delayed the passing of the 1993 Budget estimates.

What finally pushed the fragile relationship between the Executive and the Legislature to the brinks was the setting up of the Bureau for Public enterprises in the Governor's office, headed by Mr. Sabastine Agbinda, one of the Governor's special Assistants. The House viewed the establishment of the Bureau as an unnecessary duplication and usurpation of the functions and responsibilities of the Ministry of Trade, Commerce and Industries as well as the Benue Investment Company (BIC). Besides, the House opined that such a Bureau needed an enabling law for its creation, instead of executive fiat. It was particularly irked by the discovery that Money was expended on the Bureau without Budgetary approval.

The House set up an ad-hoc committee to investigate the activities of the Bureau. The committee's findings revealed that money was illegally spent on the Bureau. It recommended the scrapping of the Bureau. The House accepted the recommendation of the committee and went further to ask for the removal of Mr. Agbinda from Governor Adasu's government. The Governor viewed the action of the House as a direct affront on his administration. He refused to oblige the House.

The then senate President, Sen. Iyorchia Ayu, an indigene of the State, brokered a peace meeting and it was agreed that Mr. Agbinda should be relieved of his assignment. The Governor reneged on this agreement.

It was at this stage that the House served a Notice of Allegation of Gross Misconduct against the Governor. (See Appendix attached).

The Governor in turn made a counter move by initiating the impeachment of the House leadership. The Governor's move resulted in the removal of the Speaker, Hon. Tsav and his replacement by Hon. Emmanuel Jime, from Makurdi North constituency. Commenting on this development, the majority leader, Hon. Sylvester Atachin, said:

The conduct of the Speaker, Hon. Tsav, was responsible for his removal. It has nothing to do with Gov. Adasu's moves...The Speaker collected a car gift and financial gratifications from some prominent Benue people. He actually sought the support of one of them publicly against the Governor. He traveled all over, even to Sokoto to solicit the caliphate's support for the Governor's impeachment. The House membership felt the Speaker was taking things too far and had to call him to order.  
(Interview, 18/9/04, Makurdi).

Asked to know why prominent Benue indigenes should be united against Governor Adasu's government, one of the Governor's close aide who spoke on the pledge of anonymity said that their action was as a result of undue demands made which the Governor refused to oblige.

...one of them asked for a free access to the Presidential lodge and the sum of N500, 000.00 as monthly up keep. Another one wanted his wife made a commissioner. They was a third one who requested for the appointment of his younger sister as commissioner. Adasu's refusal to oblige these requests was what set them against his administration. (Field interview, 18/2/05, Makurdi).

Hon. Stephen Tsav, the man in the eye of the storm, dismissed these allegations as "untrue and baseless insinuations" that Governor Adasu's cronies were peddling at the time to win sympathy. He alleged that Adasu as an individual and a leader was brash, stubborn and abrasive; and could therefore not carry people along.

Both Hon. Atachin and Dr. G. U. Moti, a Special Assistant to Governor Adasu, refuted Hon. Tsav's accusation. To them, Governor Adasu was a democrat who did not interfere in the conduct of the House business. He was a pro-active Governor who wanted quick results. They argued that Governor Adasu's setting up of the Bureau for Public Enterprises was informed by the need to minimize the civil service bureaucracy with all the attendant ineptitudes. If he turned down certain requests, it was because he was a man who does not believe in undue advantages. He was a man who believes in merit, probity and selfless service to the community. The doggedness with which he pursued some of his public policies, particularly the establishment of Benue State University, Makurdi is a clear testimony.

On the whole, Governor Adasu's performance as Governor of Benue State is highly notable. Looking back to his era; taking into consideration the fact that he operated at a time when the military were still in charge at the Federal level, and in view of the turbulent relationships he had with the House of Assembly and some prominent Benue indigenes, his achievements in office under a period of less than two years was very commendable. Some of the projects he set out to establish like Fruitcon, Katsina-Ala, New Benue Cement Company, Mbatlav, etc. were vital to the industrial and economic development of the state. Even the Beach road project, which generated a lot of controversy, is a visionary and worthwhile project needed to ease movement in Makurdi metropolis. But the question remains; does the experience of Governor Adasu and, indeed, the Third Republic Legislature has any impact on the conduct of business of the Fourth Republic Legislature? What was the relationship

between the two arms of government like and how has this impacted on the socio-economic development of the state? These and other questions will be addressed in the subsequent chapters of this work.

## **CHAPTER SIX**

### **AN EVALUATION OF THE FOURTH REPUBLIC LEGISLATURE'S CONTRIBUTIONS TO THE SOCIO-ECONOMIC DEVELOPMENT OF BENUE STATE (1999-2003)**

This chapter discusses and analyses the role of the legislature in the process of societal change. Attention is focused on the Fourth Assembly (1999–2003) of the Benue State legislature with the aim of determining whether it has played any significant role in the socio-economic growth and development of Benue State. Towards this end, emphasis is placed on the Law Making, Representation, Oversight and System Maintenance roles of the legislature.

The laws passed by the Fourth Assembly and how these laws reflect the developmental needs of the Benue society are brought into focus. A comparison of laws passed by two State Houses of Assembly in Nigeria: Lagos (a highly developed, urban state) and Nasarawa (a rural, agrarian state like Benue) is equally done. Finally, data were analyzed and interpreted to determine the extent to which individual legislators have contributed to their specific constituencies, and indeed the larger Benue Community. Before this is done, however, a brief examination of the transition programmes that led to the emergence of the Fourth Republic is done. This is necessary so as to get a clearer picture of events and issues that became reference points for political agitation in the period leading to the birth of the current civilian democratic government.

## 6.1 A BRIEF HISTORICAL APPRAISAL OF THE TRANSITION TO CIVIL RULE IN 1999.

The history of the Fourth Republican democratic political dispensation can be traced to the General Ibrahim Babangida Political Transition Programme. In 1986, the Babangida administration set up a **Political Bureau** charged with the responsibility of establishing “a viable and enduring people-oriented political system devoid of perennial disruptions” (Oyovbaire and Olagunju, 1996:17), The Bureau called for the introduction of a political transition programme—a phased and cautious programme of military disengagement from the political process.

The transition was to serve as a period of learning in democracy. It was also to afford the military the opportunity to supervise and monitor the process of the return to civilian rule in order to ensure the development of a solid and enduring democratic system. Secondly, a two-party system was recommended as a means of domesticating competition and rectifying the instability inherent in a multiple party system which hitherto had promoted ethnic, regional and religious cleavages.

On the strength of the recommendations of the Bureau, a number of institutional and structural reforms like the promulgation of a new constitution, setting up of the National Electoral Commission, creation of more Local Government Areas and States, etc were done to ensure a smooth transition to civil rule. The series of political and socio-economic activities carried out on the basis of the recommendations of the political Bureau culminated eventually in the conduction of a presidential election on June 12, 1993, the results of which was unfortunately annulled. The annulment threw the country into turmoil and

forced General Babangida to hand-over power to Chief Ernest Shonekan under an interim government arrangement.

The deepening crisis caused by the annulment of the June 12, 1993 presidential election and the insecurity that was witnessed during the short period of the Shonekan led government resulted in the take over of government by General Sani Abacha.

The first two years of the General Abacha regime were spent in trying to restore sanity and confidence in the socio-economic and political system of the nation. Thereafter, he rolled out a Transition Time-Table which began with the lifting of all restrictions on political activities between October-December, 1995 and designed to end with the presidential elections and swearing in of elected president on October 1<sup>st</sup> 1998 (Bingel, B.T., 2000:118).

Rather than faithfully adhering to the transition time-table set out, the Abacha regime became increasingly draconian, hounding perceived enemies. Assassination of high profile individuals like Pa Rewalhe and Kudariat Abiola, Wife of Chief M.K.O Abiola, the acclaimed winner of the annulled June 12, 1993 presidential elections were the order of the day. ((NewsWatch, Feb, 21, 2000). The general morale of the people was low and national leadership was less than credible. The Nigerian state was, indeed, on the brink of paralysis when, by divine intervention, Abacha died on June 8, 1998.

Following General Abacha's death, General Abdulsalami Abubakar emerged as the new leader and embarked on a short-lived transition programme that led to a successful transfer of power to the civilian government on May 29, 1999.

Three registered political parties: the Peoples Democratic Party (PDP); the All Nigerian People's Party (ANPP), and the Alliance for Democracy (AD) contested the general elections. The PDP won the election and formed government both at the Federal and Benue State levels.

The point to note here is that by the time the Fourth Republic came into being on May 29, 1999, the nation had got close to the verge of collapse.

Quite a good number of the population became apathetic to political participation because of past experience of unfulfilled promises. The many years of scuttled political transition by the Babangida government and the suffocating autocracy of the Gen. Abacha administration had engendered a culture of political cynicism among Nigerians.

Considering this scenarios, the emergence of the Fourth Republic was welcome with a lot of enthusiasm. This is because it was expected to usher in a period of renewed commitment to national survival, freedom and development. Above all, it was understandably expected to restore the battered confidence of the people in themselves and in the government. But the question is: have these aspirations been fulfilled? These question is address in the subsequent chapters.

## **6.2 A CRITICAL APPRAISAL OF THE ROLE OF THE FOURTH REPUBLICAN ASSEMBLY OF THE BENUE STATE LEGISLATURE IN THE DEVELOPMENT OF THE STATE**

The Fourth Assembly of the Benue State legislature was inaugurated on Monday, 31<sup>st</sup> May 1999. On inauguration, Hon. (Mrs) Margaret Mwuese Icheen, a PDP elected member representing Kwande East Constituency was elected

the speaker and, Alhaji Sule Audu, another PDP elected member from Ohimini constituency was elected Deputy Speaker. The House was made up of Peoples Democratic Party (PDP) and the All Peoples Party (APP) elected members. The third registered political party, the Alliance for Democracy (AD) had no member in the House. The PDP formed the majority with eighteen (18) members while the APP was the minority with eleven (11) members. This brings the total number of members to twenty nine (29).

At inception, the House lacked both human and material resources. There was insufficient supportive staff, particularly professionals like legal draftsmen, legislative researchers, etc. In similar vein, office accommodations were grossly lacking. This situation forced the House to adjourn its sitting for two weeks beginning from Thursday 3<sup>rd</sup> June, 1999 (barely three days after inauguration), to enable the government 'make necessary arrangements' for the smooth operations of the House. Even after the House reconvened, these teething problems still persisted for a long time. Most of the supportive staff that were seconded from government ministries had no prior knowledge in legislative procedures and/or operations and, had to be trained extensively at great cost. It should be noted that when the Late General Sani Abacha took over government in 1993, Legislative Assemblies all over the country were disbanded. Consequently, administrative staff of these Assemblies were deployed to various government ministries and parastatals. By the time the country returns to civil rule in 1999, some of these staff were no longer in the civil service. Those remaining have lost touch with current operations of the Legislature and have to be trained. Except the principal officers, all other

members including committee chairmen could not be provided with well furnished office accommodation immediately. To worsen matters, the Assembly was not self-accounting. It depended on monthly subvention from the Executive for its operations. This situation continued till the end of the tenure of the Assembly. Not being self-accounting, the Assembly, including the members, became beggars. In particular, the members, were not only docile, they could not muster the necessary courage to challenge the Chief Executive when the need arises; such as non proper implementation of budgetary provisions, etc that our analyses will later reveal.

The foregoing development affected the operations of the Assembly greatly. It is important that we bear this fact in mind as we examine the activities of this assembly.

The activities of the Fourth Assembly of the Benue State Legislature covered a period of Four years (May 31st, 1999 – May, 2003). During this period, several Resolutions were taken on the floor of the House while about 28 (twenty eight) Bills were passed into law. In the same period, three (3) Bills were killed; seven (7) expired and two (2) were withdrawn by the sponsors. A total of Nine hundred (900) petitions were received. Out of these numbers, six hundred (600) were treated, leaving a balance of three hundred (300) pending. Most of these petitions were complaints from the general public. These complaints bothers on civil service staff rationalization, non or delayed payment of gratuity and pension benefits. They also have to do with non-broadcast of programmes in certain indigenous languages like Akweya by Radio Benue etc. Specifically, Tables 11, 12, and 13 respectively shows Bills that were Passed, Expired and Withdrawn by the Fourth Assembly.

A critical analysis of these tables is taken together immediately after the tables. This is done to enhance a better understanding of the issues involved.

**Table 11. – Bills Passed by the Fourth Assembly of the Benue State Legislature**

<b>S/N</b>	<b>Title</b>	<b>Remarks</b>
1.	A bill for a law to make provision for supplementary Appropriation for Recurrent Expenditure Benue State for the year ending 31 <sup>st</sup> Dec. 1999 and for purposes connected there with.	Passed on 22 <sup>nd</sup> Nov 1999.
2.	A bill for a law to make provision for supplementary Appropriation for capital Expenditure for Benue State for the year ending 31 <sup>st</sup> Dec, 1999 and for purposes connected there with.	Passed 22 <sup>nd</sup> Nov, 1999
3.	A bill for a law to make provision for the establishment of the community volunteer Guards (Vigilantes) and for purposes connected there with, 1999.	Passed on 31 <sup>st</sup> May, 2000.
4.	A bill for a law to make provision for the establishment of Benue State Independent Electoral Commission and for purposes Connected therewith, 1999.	Passed on 31 <sup>st</sup> May 2000.
5.	A Bill for recurrent expenditure 2000.	Passed, 17 <sup>th</sup> Feb, 2000
6.	A Bill for capital Expenditure, 2000.	Passed, 17 <sup>th</sup> Feb, 2000
7.	A bill for the establishment of Local Government Councils in the State, 2000.	Passed, 30 <sup>th</sup> Aug, 2000.
8.	A bill to amend the Benue State Independent Electoral Commission law, 2000.	Passed 15 <sup>th</sup> Nov. 2000.
9.	A bill to make provision for the salaries, Allowances and fringe Benefits of political and public office Holders in Benue State, 2000.	Passed, 21 <sup>st</sup> Dec, 2000.
10.	A bill to amend the Local Government. (Establishment) law, 2000.	Passed 11 <sup>th</sup> Jan, 2001

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| 11. | A Bill for Recurrent Expenditure, 2001  | Passed, 7 <sup>th</sup><br>Feb, 2001.       |
| 12. | A bill for capital Expenditure, 2001  | Passed, 7 <sup>th</sup><br>Feb, 2001.       |
| 13. | A bill for the establishment of the Benue State planning Commission, 2001.              | Passed<br>Feb, 2001.                        |
| 14. | A bill for the establishment of the Benue State Tourism Board, 2001.                    | Passed,<br>19 <sup>th</sup> March,<br>2001. |
| 15. | A bill to amend the commissions of inquiry law (cap. 25 laws of Northern Nigeria )2001. | Passed, 3 <sup>rd</sup><br>Dec. 2001.       |
| 16. | A bill to amend the children and young persons law, 1963                                | Passed 5 <sup>th</sup><br>Sept., 2001       |
| 17. | A bill for appropriation of Recurrent Expenditure, 2002.                                | Passed 30 <sup>th</sup><br>Jan, 2002.       |
| 18. | A bill for appropriation of capital Expenditure, 2002.                                  | Passed 30 <sup>th</sup><br>Jan, 2002.       |
| 19. | A bill for the conduct of local government elections in Benue State, 2002.              | Passed 16 <sup>th</sup><br>April, 2002.     |
| 20. | A bill to amend the State political and public office Holders (Remuneration) Law, 2000. | Passed, 7 <sup>th</sup><br>May, 2002.       |
| 21. | A bill to amend the Local Government Law, 2000  | Passed,<br>May 20 <sup>th</sup> ,<br>2002.  |
| 22. | A bill to control Traffic at the Motor Parks and Roundabouts in the State, 2002.        | Passed<br>22 <sup>nd</sup> July<br>2002.    |
| 23. | A bill to amend the State political and public office Holders (Remuneration) law, 2000. | Passed 19 <sup>th</sup><br>Aug, 2002        |
| 24. | A bill to amend the Local Government (Amendment) Law, 2002.                             | Passed,<br>29 <sup>th</sup> Aug.<br>2002.   |
| 25. | A bill to amend the Local Government (Establishment) Law, 2000.                         | Passed, 9 <sup>th</sup><br>Dec. 2002        |

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| 26. | A bill for appropriation of Recurrent Expenditure, 2003.        | Passed 10 <sup>th</sup><br>March,<br>2003 |
| 27. | A Bill for appropriation of capital Expenditure, 2003.          | Passed 10 <sup>th</sup><br>March,<br>2003 |
| 28. | A Bill to make provision for the Review of Revenue Rates, 2002. | Passed,<br>27 <sup>th</sup> May,<br>2000  |

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**Source:-** Report of the Business and Rules committee on the Main Business Transacted by the Fourth Assembly (1999 – 2003) of the Benue State Legislature. 27<sup>th</sup> May, 2003.

**Table 12: -Expired Bills of the 4<sup>th</sup> Assembly of the Benue State Legislature.**

S/N	Title	Remarks
1.	A Bill to make Benue State House of Assembly self-Accounting, 2000.	Read 1 <sup>st</sup> time on 9 <sup>th</sup> Feb 2000 and the second time on 5 <sup>th</sup> July 2000 when it was referred to Appropriation Committee. Reported out of Committee on 6 <sup>th</sup> Dec., 2000. No further action taken, however.
2.	A Bill to make provision for the prohibition of female circumcision in Benue State.	Referred to the health comm. For further scrutiny after second reading on 16 <sup>th</sup> July, 2002.
3.	A Bill to provide for the Establishment of Benue State Television Corporation.	Referred to the information comm. For further scrutiny after second reading on 12/9/01.
4.	A Bill for the Maintenance of clean environment in Benue State	1 <sup>st</sup> reading, 23/5/02.
5.	A Law to provide for the method funding of tertiary institutions in Benue State.	Referred to the Appropriation & Education Committees after second reading on 12/8/02.
6.	A Bill to Establish the Benue State Science & Technical Education Board.	First reading 29 <sup>th</sup> Oct, 2002.
7.	A Bill to provide against Domestic Violence.	First Reading 20 <sup>th</sup> Dec., 2002.

**Source:** Report of the Business and Rules Committee, 4<sup>th</sup> Assembly (1999 – 2003) of the Benue State Legislature. 27/5/2003.

**Table 13: Bills Withdrawn by the Sponsors during the Fourth Assembly**

<b>S/N</b>	<b>Title</b>	<b>Remarks</b>
1.	A Bill for the prevention of the spread of H.I.V./A.I.D.S. in Benue State, 1999	Read the 1 <sup>st</sup> time on 24/11/99; 2 <sup>nd</sup> time on 8/12/09. Withdrawn by the sponsor on 21 <sup>st</sup> Sept, 2000.
2.	A bill for the protection of Rural Infrastructures, 2000.	Withdrawn by the sponsor during the 2 <sup>nd</sup> Reading on 8/5/00.

**Source:** Report of the Business and Rules Comm. Fourth Assembly (1999 – 2003) of the Benue State Legislature. 27<sup>th</sup> May, 2003.

**Table 14: Bills Killed by the 4<sup>th</sup> Assembly of the Benue State Legislature.**

<b>S/N</b>	<b>Title</b>	<b>Remarks</b>
1.	A Bill to provide for the method of funding of Tertiary Institutions in the State, 2000.	Set aside till further notice after 2 <sup>nd</sup> reading on 4/5/00.
2.	Bill to make provision for the Design and construction of Affordable Houses in BN/S.	Kill during the 2 <sup>nd</sup> reading on 6/9/00
3.	A Bill for the control of Water Vending and vendors in Benue State.	Set aside after 2 <sup>nd</sup> reading on 20/9/00.

**Source:** Report of the Business and Rules Committee, 4<sup>th</sup> Assembly (1999 – 2003) of the Benue State Legislature. 27/5/03.

A close look at the Bills passed by the Fourth Assembly of the Benue State Legislature reveals an interesting trend. In the first place, it must be emphasized that all the bills, without an exception, emanated from the Executive Arm. This development underscores the fact that the tempo and the general operations of the Fourth Assembly of the Benue State Legislature were dictated by the Executive arm of the government. Members and Private bills were, interestingly, either left to expire, or killed. An example of such a bill includes the Benue State House of Assembly Self-Accounting Bill, 2000 and a bill to prohibit Female Circumcision in Benue State among several others. Also, there appears to be a preponderance of Appropriations, Local Government, and Remuneration of Public Officers' Bills. On its own, Appropriation Bills represent a good instrument by which members of the legislature can positively address socio-economic problems of their various constituencies, since it affords them the opportunities to lobby and, possibly, rolled-on constituency needs. Besides, appropriation bills represent the income and expenditure profile (or Budget estimates) of the government and it is a yearly ritual. Its frequency on the Bill table therefore is excusable.

But the same excuse is not tenable for the Local Government and Public Officers Remuneration Bills which were passed and re-passed Five (5) and Three (3) times, respectively. Investigation indicates that votes and proceedings on the various days (BSHA, 4<sup>th</sup> Assembly Votes & Proceeding; 21/12/00; 7/5/02 & 19/8/02 respectively) preceding the passing of the laws were characterized by rowdiness, uninformed debate often focusing on parochial or mundane interests of members and other political office holders, For example debates

leading to the decisions on the tenures, composition and administration of Local Government Councils in the State were informed more by the political calculations for the April, 2003 General elections than stability and developmental needs of these Local Government Areas. In like manner too, deliberations on the Remuneration of Public Officers' Bill generated a lot of interest because of the need to make life comfortable for political office holders as much as possible, and not necessarily the welfare of the larger Benue people.

Unfortunately, however, while a lot of energy and time were dissipated on bills that border on mundane issues, very sensitive and development-oriented Bills like Tertiary Institutions Funding; establishment of Benue State Television Corporation; Maintenance of clean environment, etc were either left to expire or killed out rightly. This development came about because the House was made up of political neophytes who are not well grounded in legislative practices. Lacking in experience, the members were slow in developing legislative initiatives and discharging their responsibilities effectively.

While this ineptitude situation is the experience of the Fourth Republican Assembly of Benue State, Lagos and Nasarawa States Houses of Assembly during the same period under review passed in to Law pragmatic and result-oriented Bills that enhanced steady transformation of these states and their people. For instance, Lagos state passed a total of twenty seven (27) Bills into law while Nasarawa State passed into law twenty-nine (29) Bills. Most of these Bills bother on concrete socio-economic development-oriented issues. Highlights of some of the bills are shown on Tables 15 and 16 below.

**Table 15: -Bills Passed by the Lagos State House of Assembly and Authenticated by the Governor.**

<b>S/N</b>	<b>Title</b>	<b>Remarks</b>
1.	Lagos State (constituency) project Development Law, 1999	Passed by 2/3 majorities, 28 /1/2000.
2.	Lagos State Environmental sanitation Corps and Connected Matters Law	Passed, 21/11/2000
3.	Property land use charge law	Passed, 22/6/02
4.	Lagos Metropolitan Area Transport Authority and Connected matters, law	Passed 13/1/2002
5.	Lagos State Waterfront and Tourism Development Corporation law	Passed, 11/6/2002.
6.	A law to create New Local Government Areas in Lagos State	Passed 24/6/2002.

**Source:-** Report of the Business and Rules Committee (1999 – 2003) of the Lagos State House of Assembly.

**Table 16: Bills Passed by the Nasarawa State House of Assembly (1999 – 2003)**

<b>S/N</b>	<b>Title</b>	<b>Remarks</b>
1.	Nasarawa State Directorate for Science and Technology Bill	Passed, 1/6/2000.
2.	Nasarawa State Natural Reserve Areas Bill	Passed, 1/6/2000
3.	Nasarawa State Specialist Hospital management Board, Bill.	Passed, 20/6/2000
4.	Nasarawa State university and other Auxiliary purposes connected there of Bill	Passed 15/2/2001
5.	Nasarawa State Rural Water supply and sanitation Agency Bill	Passed, 12/12/2001.
6.	A bill for a law to create additional Local Government Area in Nasarawa State	Passed 13/3/2002.
7.	Rent control and Recovery of premises Bill	Passed, 5/6/2002.

**Source:** - Report of the Business and Rules Committee (1999 – 2003) of Nasarawa State House of Assembly.

A comparison of some of the bills passed into law by both Lagos and Nasarawa State Houses of Assembly with that of Benue shows much more focused and pragmatic laws that mirrored the developmental needs of their individual states. For instance, the bills on creation of additional Local Government Areas in the two states were passed as a direct response to the yearnings of the people in these states to bring democratic governance to the grassroots. While these laws were passed and the governments of Lagos and Nasarawa State went to create additional Local Government Areas, both the legislature and the Executive in Benue State were more concerned with the determination of the tenure, composition and administration of existing Local Government Areas. And, as we pointed out earlier, this effort was underlined by the need to have political or electoral advantage in the 2003 general elections.

Apart from the Local Government Bill, both Lagos and Nasarawa States passed into law other concrete bills aimed at directly addressing the socio-economic needs of their respective societies. The property land use charge law in Lagos, and Rent Control Bill in Nasarawa were both aimed at curbing the excesses of land lords in these states, Being a new and rural state where the rate of socio-economic development is very low, Nasarawa felt the need to pass into law necessary bills that will enhance rapid development in Educational, Environmental and Rural areas. On its part, Lagos being an urban metropolitan state with problems of epileptic transport services and filthy environmental conditions has to pass necessary bills to address these problems.

Finally, the Lagos State (constituency) project law was a novel one which mandated the Executive arm to build into the annual Budget or Appropriation Bills reasonable amount of money for individual legislator's constituency needs. Such monies were mandatorily released for the execution of specific developmental project in the legislator's constituency. It may be argued that the release of funds to members for project execution is not appropriate considering the fact that constitutionally, project execution is in the realm of the executive. But the point may be made that with the aid of this law, all the members of the House of Assembly have concrete projects developed in their various constituencies. These projects, as our investigation (field survey) revealed, ranges from motorized boreholes, hand-pump boreholes, Health centers, Electrification projects, to construction and/or renovation of roads and classrooms, etc. It should be noted that this particular bill which was vetoed by the chief Executive but later passed into law through two-third majority of the members of the legislature have proved that beyond law-making and constitutional oversight functions, legislators can directly dispense dividends of democracy to the electorate.

The passing and implementation of a legislation such as this, in spite of the Chief Executive's initial opposition and veto, shows that the Lagos State House of Assembly is more vibrant and independent than its counter part in Benue State. As earlier pointed out, the Fourth Benue State Legislature could not pass into law any private or member's bill. All the bills passed into law emanate from the Executive. This action has portrayed the BSHA in a bad light. Some keen observers, especially past members of the legislature like Hon.

Ugba Uyeh, a three times former elected member of the Northern and National Houses of Assembly felt that, the Fourth Assembly of the Benue State Legislature is made up of “pugnacious men and women who are subservient to the executive”.

They are all ‘yes’ men and women. But this is not surprising. Most of them did not win their elections. They were rigged into the Assembly by the same forces that rigged the Executive into Government House. Being partners in ‘electoral thieveries’, you should not expect them to hold contrary opinions or disagree with each other. Unfortunately, however, the result is the sorry state of underdevelopment in which we find ourselves today in Benue State. (Field interview:03/07/05, Mkar, Gboko).

In spite of the above view about the Fourth Assembly of the Benue State legislature, its members claimed to have individually embarked on development of constituency projects, or programmes. The members themselves funded most of these programmes. Others were executed through lobbying of the executive branch. There is a plethora of these projects in each of the twenty-nine State constituencies. They are however subsumed under the following titles as indicated in Table 17 below.

The inference drawn from the table may suggest that members of the Fourth Assembly of the Benue State legislature have done tremendously well in terms of meeting constituency needs. While it must be acknowledged that a good number of the members have tried, within the limits of their resources, to address problems of their constituencies, investigation revealed however that their efforts have not met the expectations of the people.

**Table 17: -Constituency Programmes/Projects claimed to have been Executed by Members of the Fourth Assembly of the Benue State Legislature**

<b>S/N</b>	<b>Programme/Project</b>	<b>Remarks</b>
1.	Scholarship Schemes	-Ado, Tarka, Guma
2.	Grading of Feeder Roads	-Logo, Obi, K/Ala
3.	Construction of culverts and Bridges	-Obi, K/Ala west, Oju
4.	Renovation/construction of Blocks of Classrooms	-All constituencies
5.	Financial assistance (in various forms) to the needy e.g. the sick	-All constituencies
6.	Donation of Bags of cement and other Building materials	-All constituencies
7.	Donation of Bags of Fertilizer and other farm improvement materials	-All constituencies
8.	Donation of educational (instructional) materials like Desks, books, chalks, etc.	-All constituencies
9.	Floating of mass Transport service	-All constituencies
10.	Institution of sporting competitions e.g. football competition among schools, etc	-Otukpo, Oju, Ushongo
11.	Sinking of boreholes	-Tarka, Gboko, K/Ala
12.	Construction/Renovation of Health centers, and donation of drugs	-Logo, Ohimini, Okpokwu
13.	Rural electrification projects	-Gwer west, Gwer, Ado
14.	Securing of employment for constituency members;	-All constituencies
15.	Securing of admission into schools	-All constituencies

**Source:** Field Survey Report, 2003.

In virtually all the constituencies visited in the course of our field study, the general complain is that the services rendered by these elected representatives were short of their campaign promises. The people of Katsina-Ala Local Government Area cannot understand why Ityoanye-Ijoo - Mbatyo-Taku road, for instance, cannot be tarred as promised during campaign. According to the people of Agatu and Guma Local Government Areas, the non-tarring of roads linking their Local Government Headquarters four years on was unpardonable. To the Igede people of Obi and Oju Local Government Areas, there are no dividends of democracy since their elected representatives could not get the government to provide them with electricity. On their part, the Ukum people wondered why no effort was made to actualize the construction of cottage industries to take care of farm products that are wasted after harvest every year.

The electorates in Katsina-Ala West constituency, for instance, disputed the claim that their elected representative in the state House of Assembly sunk the borehole at Imande Kure-Ator leprosy center. Similarly, the people of Ado Local Government Area could not point to any student from the area that benefited from the purported scholarship scheme instituted by their representative. As for the institution of sporting competitions and floating of Mass Transport Services, our investigation revealed that they were re-election campaign gimmicks as these programmes (or projects) were abandoned shortly after the 2003 General elections.

In summary, it could be said that, individually and collectively, members of the Fourth Assembly of the Benue State Legislature have not been able to

bring home dividends of democracy in the physical sense that the electorates in their constituency expected.

This is not to say, however, that they have done nothing completely. They have made some efforts, no doubt, but not enough efforts to better the lots of people they represented. As a result, they were viewed generally as self-seeking and lackeys of the executive.

Indeed, all the relevant stake holders interviewed argued that members of the Fourth Assembly of the state legislature only represented their personal interest and not the people. This, they pointed out, is exemplified by the opulence in which they live.

According to Hon. Omaba Ogbo, a former deputy speaker, Benue State House of Assembly (1980 – 83)

They have houses all over the places – Abuja, Makurdi and their respective villages. Go to the New GRA, Otukpo and see the mansion the man representing my constituency built and compare it to what I have here (a simple 3 bed room bungalow located at No 26, Enugu Street Otukpo). I was in the house longer than him. I was even a Deputy Speaker... During my time, the interest of the people is uppermost. You don't go chasing contracts and taking bribe from the executive...

(Field interview, 03/06/05 No 26, Enugu St. Otukpo)

A leading executive member of the ruling Peoples Democratic Party (PDP) in the state attested to the accusation that members of the house were subservient to the executive. On a pledge of anonymity, the party leader disclosed in an interview that:

...except the minority leader and the minority whip that were decided by the state executive of the All Peoples Party (APP), the leadership of the Fourth Assembly of the Benue State Legislature was determined by the Executive Governor of the state, Mr. George Akume, through the instrumentality of the ruling Peoples Democratic Party (PDP) machinery.

(Field Interview with a PDP Exco member, in Makurdi, Sunday 12<sup>th</sup> December, 2004.)

As a result of this development, the House was unflinchingly loyal to the Executive, and was often times teleguided by it. Confirming this, the Speaker, Hon. Chief (Mrs) Margaret Icheen, a PDP elected member representing Kwande East constituency, in a press release in Makurdi on 11<sup>th</sup> March, 2002 asserted that:

My cooperation with the Governor was so harmonious that at a point I was accused of sacrificing the autonomy of the legislature and breaching the principles of separation of powers.

(Press Release by the Speaker, Mrs. Icheen, 11/3/02)

The unquestionable loyalty of the House to the Governor manifested itself in several ways. Bills, nominees for political appointments and other instruments proposed and submitted to the House by the Governor seeking consideration and approval were unequivocally approved without recourse to due process which the Standing Rules and Regulations approved by the House for its official conduct of business stipulated. A good example of this kind of development in the House was the passage of a bill seeking the extension of the Local Government Caretaker Transition Committee on Thursday August, 29<sup>th</sup>, 2002. As reported by a local news magazine, News mate in its edition of 20<sup>th</sup> October, 2002, the Bill which was enjoying its second reading on that day elicited two factions on the floor of the House. One of the factions was those

who argued for the passage of the Bill and the other (which was the majority) was those against it.

At the end of the rowdy session, the Speaker, Mr. Mzenda Iho, adjourned sitting to Monday September, 2, 2002, following heated argument that resulted into disregard for the speaker and other house leaders of the PDP. The house and some other members were being accused of collecting N11.5m from the Commissioner for Local Government and Chieftancy Affairs, Mr. Terhemba Shija to pass the bill by all means. This money is said to have come from the 23 Local Government Transition Committees who were pressured to surrender this money in order to protect their position. Members of the opposition All Nigerian People Party (ANPP) led by the minority leader, Hon. Terfa Atii and at least four PDP members raised objection to this, contending that given the ever rising debt profile of the Local Governments in terms of emoluments, it was better to make the directors general services and administration of the Local Governments run the affairs at that tier pending the re-election of new councils.

Their argument was based on the twin fact that the DGSAs' salaries were less and as civil servants they were bound to be more humane to their colleagues.

They further argued that Governor Akume was only using the transition committees as campaign organizations and therefore, their extension of tenure was going to be the benefit of the fortunes of the PDP and Governor Akume. . It was therefore, surprising that at five O'clock on the day of adjournment it was on the Radio Benue news that the bill had been passed and assented to by the governor!

Investigations showed that the bill was passed in the speaker's office on the same Thursday by speaker Mzenda Iho, Deputy Speaker Sule Audu, majority leader Timothy Iorchor, majority Chief whip Bartholomew Orjime and clerk, Peter Or.

(News Mate, 20<sup>th</sup> Oct. 2002, P.6)

The foregoing extensive quotation is not only an attestation of the contention that the Fourth Assembly of the Benue State Legislature is a willing tool of the Executive; it equally proves that the House membership is vulnerable and corrupt. Evidence abound that the House membership is often induced with monetary and other material rewards to either tow the line of the Chief

Executive, or turn blind eyes to some of its excesses and/or ineptitudeness. For example, beside the monthly salaries and allowances as well as capital vote released for the maintenance of the Assembly, the sum of fifteen million naira (N15m) is normally released as monthly non-refundable personal standing imprest to members. This money is distributed or shared in a graduated form as follows:

1. Speaker	-	N1m
2. Deputy Speaker	-	N800, 000.00
3. Majority leader	-	N660, 000.00
4. Other House Leaders	-	N606, 000.00
5. Committee Chairmen	-	N335, 000.00
6. Committee Members	-	N320, 000.00

Source: Hon. (Mrs) Icheen. Press Release, 11/3/02.

At the height of the impeachment crisis against the speaker, Hon. (Mrs.) Icheen, in December 2001, however, twelve (12) members, including Mrs. Icheen herself, of the House that opposed her impeachment were denied the largesse. Instead, the seventeen (17) members that were in favour of her removal as speaker were rewarded with the sum of N1m each. (see appendix B1 attached).

The honourable speaker, Mrs. Icheen, buttressed this allegation in her press release.

Corruption which has characterized the executive arm of our present government in the state has penetrated the Benue state legislature. Hon. Members whom the people elected to represent them and bring to them dividends of democracy are becoming fat on the impeachment Saga...Millions of naira are wasted...This money can be channeled to developmental projects in our various constituencies.

(Hon. (Mrs) Icheen, Press Release, 11/3/02).

Curiously, Hon. Icheen's allegation of corruption against the Executive and the House was swept under the carpet. Instead of investigating the allegation and applying appropriate sanctions, the House suspended Mrs. Icheen and unanimously elected Hon. David Mzenda Iho, a PDP member representing Katsina-Ala East constituency as speaker in her place. It did not stop there. The House, in its sitting presided over by the Deputy Speaker on 22/4/02 ruled that:

...the former speaker Hon (Mrs.) Margaret Mwuese Icheen breached procedure as a leader for reporting fourteen of her honourable colleagues and two staff of the Benue State House of Assembly to the police and press for allegedly stealing N14m from the coffers of the Benue State House of Assembly without first reporting them to the House as enjoined in sections 98 (1) and (2) and 101 of the 1999 constitution of the Federal Republic of Nigeria and her oath of office as member/former speaker of the Benue State House of assembly.  
(BSHOA, Report of the Business & Rules Committee, 2003, 22/4/02)

In a pro-active and democratic society where leaders are accountable and government operations are guided by the rule of laws; this weighty allegations of Hon. Icheen would have been subjected to proper investigation. In such a society, even if the members of the House, who are the accused, chose to sweep the matter under the carpet, the general public, particularly the Pro-Democracy Civil Rights Groups, would have insisted on an independent judicial inquiry into the allegation. Unfortunately, this is not the case in Benue State. In the first place, the activities and presence of the Pro-Democracy Civil Rights Groups are not well pronounced in Benue State like we have in Lagos State, for instance. Besides, Benue is a heterogeneous society where ethnic or clannish sentiments are read into actions or in actions of public officials. It is a society

where a position in government is considered as an opportunity to better one's personal lots instead of rendering selfless services. In such a society, it is inevitable that most politics will be parochial and wrongs committed by public officers can easily be swept under the carpets. The result is a situation where elected members, both in the Legislature and the Executive, are allowed to do things with impunity. Governance is carried out without a sense of direction and interest of the people. It is characterized by unaccountability, mismanagement, and non-implementation of State Budget Provisions that are passed as laws. (see appendix B2 attached). The effects of this on the larger society are fully analyzed in chapter seven.

## **CHAPTER SEVEN**

### **SUMMARY, FINDINGS, CONCLUSION AND RECOMMENDATIONS**

#### **7.1 SUMMARY**

This Study has assessed the roles of the legislature in the socio-economic growth and development of Benue State. Towards this end, an activity of the Fourth Assembly of the Benue State Legislature, which operated between 1999 and 2003, was specifically brought into focus. Using the traditional Policy-Making, Representation, Oversight and System Maintenance roles of the legislature as benchmark, the study determined how laws passed by the Fourth Assembly impacted on the people of Benue State. In doing this, it compared the activities of this Assembly with the First Benue State House of Assembly (1979 – 83) and the Lagos and Nasarawa State Houses of Assemblies. As part of the study too, the general pace of socio-economic growth and development of Benue State were examined.

Finally, the contributions of individual legislators to the growth and development of their respective constituencies were highlighted.

#### **7.2 FINDINGS:**

A major problem that confronted the Fourth Assembly of the Benue State Legislature was Inadequacy of staff: The Assembly came into life in 1999 with a very skeletal staff most of which were inexperienced in legislative procedures and operations.

For example, the committees had only one secretary each, who did all manner of staff work. About five committees shared one typist and messenger.

Specialized staffs like Researchers were lacking. Legal drafters were non-existent several months after the House began its operations.

In addition, there were no investigating staff, no fiscal or budgetary experts, and even the principal officers of the House like the Speaker had no Political Adviser.

Poor resource materials and incomplete and inaccurate data also hampered work at the Assembly. There was a library, but it could not even provide accurate records of debates and activities of the previous Assemblies. Office accommodation available was not well furnished and none of them had access to information technology.

Above all these, the House was made up of what could better be described as **political imbeciles**. As a result of disillusionment with politics following repeated abortion (or termination) of democratic regimes by the military in the immediate past, the political scene proceeding the 1998 General elections was, to a large extent, bereft of experienced politicians. This is especially true of those seeking elective positions in Benue State. It is no wonder then that young unemployed and non-professionals who have no previous experience in legislative matters, or public service dominated the Fourth Assembly of the Benue State legislature. The Assembly was full of men and women who had no prior grasp of the meaning and ways of public governance; people who had no good understanding of the inner-workings of government; no reservoir of knowledge on state and national issues and

problems, and no familiarity with the policies of past administrations. Indeed, out of the total number of twenty-nine (29) members, only eight (8) had university degrees and four (4) had N.C.E and its equivalent. The rest had G.C.E. Certificates and its equivalent.

It is only one member that was a lawyer. Equally too, it is only one member that was an Accountant by training. In terms of working experience nine were retired school teachers; two retired police sergeants; and five were middle class civil servants. The rest of the members were either businessmen or unemployed school leavers.

Under this situation, the composition of the House Committees, particularly their leadership, were made up of men and women who were appointed not for their expertise or capability but based on party patronage.

These committee chairmen, being both educationally and functionally handicapped could not discharge their responsibilities effectively. In like manner, the larger membership of the House being unschooled in the business of law-making, were slow in developing legislative initiatives.

Being a House lacking solid background, a situation was created whereby laws that are passed were mainly initiated, drafted and passed on from the Executive branch.

It was revealed that Benue is a poor, agrarian state where basic infrastructures like electricity, motor-able roads, pipe borne water, industries, etc are grossly lacking and there is a general poverty in the population. It was noted that in a state such as this, the role of the government as a prime mover of socio-economic growth and development is indispensable.

The study also pointed out that a sustainable government development programme that is aimed at eliminating extreme poverty of the people in a state such as Benue is better achieved in a democratic government in which officials are not only popularly elected on equal representative basis; but the apparatus of government operations are hinged on checks and balances between the tripod Executive, Judicial and Legislative arms of government.

The study after a thorough examination of the roles of the legislature in an agrarian state like Benue, however found it lacking in the performances of each of its three major functions namely: Law making; Representation, and Over-sight duties.

For instance, the Fourth Assembly of the Benue State Legislature, which operated between May 1999 – May, 2003 could not pass into law a single private or member's bill. All the twenty-eight (28) bills that were successfully passed and assented to, by the Executive Governor as laws emanated from the Executive arm of the government. Private and members' bills were either left to expire, or killed out rightly. The implication of this situation is grave for the even development of the state. The Executive Governor has the whole state made up of the twenty-three Local Government Areas as his constituency. This makes his interaction with the component parts difficult and less frequent. As a result, he could not adequately feel the pulse of the people in every community. He could not determine their needs and aspirations appropriately enough. On the other hand, the member of the State House of Assembly has a more definite and smaller constituency, as he represents just one LGA, or a section of it. This gets him closer to the people and places him in a position to better

articulate, and champion their cause. And, of course, such causes are better championed through appropriate legislation. Unfortunately, however, Legislators in Benue State abdicated this responsibility to the Executive. As a former Speaker, Federal House of Representative, Chief (Hon) Benjamin Chaha, aptly noted:

..the fourth assembly legislators in Benue State merely watch and concur while the Executive takes prime initiatives in the socio-economic growth and development of the poor state (interview, 14/06/05).

In the area of constituency representation, we found equally that the legislators of the Fourth Assembly in Benue State could not fulfill their electioneering campaign promises of providing electrification, feeder roads, Water, building of hospitals, and especially the establishment of industries. Agreed, a number of programmes or projects (Table 17) were claimed to have been executed by individual members in their various constituencies; but as we found out, these claims were either false, or where projects were at all executed; they fell short of the expectations of the electorates. It may be argued that it is not the duty of the legislature to execute projects. Why this line of thinking may be correct, the fact must not be lost that members of the Assembly are placed in a vantage position that enables them to easily lobby and attract projects to their respective constituencies. In any case, they can, through the instrumentality of the Appropriation Bills roll-on projects of their desires and see to it that they are executed. The fact that they fail to do this, is a gross dereliction of duty and trust repose on them by the people. It is an abuse of the concept of representation.

The study equally recorded a woeful performance in the area of oversight functions by members of the Fourth Assembly of the Benue State Legislature. The Assembly, like its counter parts else where considered the committee system germane to its legislative and oversight duties. As such, it provided for the establishment of both special and standing committees in its standing orders. The standing committees, as the experience of Benue State has shown were constituted to take care of the activities of the various ministries and agencies set up by the Executive.

As part of their supervisory functions, the committees are expected to examine in detail, the annual budget proposal presented to the House by the Executive in respect of the Ministries/Department or Agencies under their jurisdictions.

In other words, the House Committee on Commerce and Industry is expected to examine thoroughly monies appropriated to the ministry for Commerce and Industry in the annual budget estimate presented by the Executive. It is equally expected to monitor the implementation of the approved budget for the ministry.

The committee on Information; Judiciary; Education, etc are equally expected to oversee activities of ministries and departments under their respective areas of jurisdiction.

In particular, the Assembly has a Standing Committee on Project Monitoring and Implementation, which is charged with the responsibility of carrying out an inspection tour of all the state government capital projects spread in various parts of the state. The oversight functions/powers is conferred

on the committee by Section 103 of the Constitution of the Federal Republic of Nigeria, 1999 and the Benue State House of Assembly standing Rules Sixty Six (SR 66).

Since capital projects play a critical role in the overall well being of the people of the state, the committee's monitoring activities was needed to appraise budget performance with respect to them. Besides, the appraisal would act as a guide to the general House during the next year budget hearings.

Consequently, the Committee was empowered to visit project sites to evaluate the extent and quality of work done vis-à-vis the payments made so far. It was also expected to hold interactive sessions with client ministries, supervising ministries, contractors, local government officials and indigenes where some of these projects are sited.

The fact that this supervisory role is needed to ensure account- ability, equity and fairness in the discharge of public service, is not in doubt. However, in Benue State, this important committee assignment is, to say the least, taken with levity. As a result, cases abound where monies were appropriated for projects in the annual budgets for three or more years running without much work done to justify such repeated appropriations. For instance, millions of Naira were voted and approved for the Benue State Television project in the 2000, 2001, 2002, and 2003 Appropriation Bills submitted to the House. The project was needed to broaden the scope of news dissemination, mass mobilization and public enlightenment in the state. Even though the foundation laying ceremony of the project was done in 2000, it was not commissioned as at May 2003 when the term of the Fourth Assembly of the Benue State

legislature expired. The same situation was obtained in the case of the Fertilizer Blending plant and the Judges Quarters, in addition to several other projects spanning road construction, water and electricity supply to rural communities. (see Appendixes attached).

Interestingly, these developments took place under the watchful eyes of relevant committees of the House such as Information; Judiciary; Commerce and Industry and, especially Project Monitoring and Implementation. Yet, it is not on record that any of these committees have sanctioned any of the government functionaries, or organ charged with the responsibilities of executing these projects.

Finally, it was noted that the traditional Benue society believes in 'obligatory sharing' and the 'spirit of equality'. No individual in the community is considered to be higher or lower in status than the other. What one kinsman can do, it is believed that another one can also do it. For this reason, power or political offices are zoned and rotated among the different families that make up the larger community. The Igedes and the Idomas alike imbibe this practice. Among the Tiv, it is referred to as 'ya na angbian'.

Significantly, this practice is adopted in the form of a 'zoning formula' whereby modern day political offices such as the office of the Governor of the state, House of Assembly, Commissionership and even chairmanship of political parties are zoned among the different components of the larger Benue society. The practice is equally gaining grounds at the national level as exemplified by the zoning of key political offices like the Presidency, National Assembly leadership, and key offices of the ruling Peoples Democratic Party.

While the practice may be acknowledged for its ability to minimize tension, acrimony and undue waste of resources in the electoral process, it nevertheless encourages mediocrity as it limit peoples' choices. And, as we noted in 3.3, it discourages political office holders from rendering selfless service. Knowing that their tenure ship is limited and no amount of hard work and community service is likely to get them retained in the office, they may choose to accumulate wealth for themselves. Interestingly, this was one of the major reasons that was advanced when we analyzed the dearth of performance by the Fourth Assembly of the Benue State legislature in chapter six.

### **7.3 CONCLUSION**

In this study, we contended that legislatures are the hub of modern day democratic government. Apart from making laws for the good governance of the society, they ensure checks and balances in the day-to-day operations of government. In a poor state like Benue and, indeed the larger Nigerian nation, they guard against loss, waste and undesirable or sharp practices. In this kind of societies, they ensure that resources are distributed or shared on the basis of equity, fairness and justice. The evidence which were collected and are presented in this work seem to indicate that our contention is, at least, one sided. In fact, it proves to the contrary.

The study is not, nor was it ever conceived to be a damning critique of the Legislature. But as it has shown, a catalogue of ineptitude that characterised legislative performances in Benue state has cast the institution in poor public light. The principal ailments identified were, the sacrifice of the

larger community interest for mundane personal gains by members; the development of party rule that undermined the Legislature's deliberative function and made it a 'mere voting machine; the poor working environment, and the inability of the members to harness their constitutional powers in such a way as to be the initiator of public policies and programmes. These deficiencies were compounded by the indisposition of the most qualified citizens to run for legislative office as a result of power rotation phenomenon. The resultant effect was a situation where the Legislature in the state became dependent on the executive for every initiative; a situation where debates and proceedings including the larger activities of the members were seldom enlightening and of interest, even to the uneducated classes.

There is no doubt, the Fourth Assembly of the Benue State Legislature mirrors the values and contradictions in the larger Benue and, indeed, Nigerian society. This is a society that is enormously complex and vastly heterogeneous. A society that contains all manner of socio-economic interests; ethnic and religious groups; tribal or clannish political loyalties; and assorted values, beliefs, and sentiments. It is a society that glorifies mediocrity and undue opportunism. Above all, it is a society that believes that a position in government is an opportunity to better one's personal lots instead of rendering selfless service. In a society such as this, it is inevitable that most politics will be parochial, and uninspiring to the enlightened. Indeed, it is only a few institutions and individuals that could be "angels" in such a society.

Whether Benue people, and indeed Nigerians will ever become sufficiently frustrated to insist that something drastic be done in their body

politics is far from certain. True, it is public sensitivity and interest that sharpens the cutting edge of change. Where these are lacking, change comes hard, or not at all. This understanding, as we noted in the previous chapters requires a vigorous and sustained re-orientation of the polity in such a manner that selfish demands of individuals and sections or groups are watered down for the overall benefits of the larger Benue society.

For now however, the critical point is unavoidable: Given the poverty level in the society which makes the majority beggarly, weak and unable to ask their leaders certain questions; given the highly educated class' lukewarm attitude to elective offices, and in particular, given all the problems identified with the legislature in Benue State, a sudden change in the legislative operations is not very likely. For some years to come, legislative politics, especially at the state level in Nigeria, is likely to be strikingly similar to what is obtained in the Fourth Assembly of the Benue State Legislature. As a key member of that Assembly (Hon. Clement Uhondu, representing Guma State Constituency who was interviewed in the course of this study noted rather pessimistically:

Legislatures (at the state level in Nigeria) will continue to be dominated by political neophytes; the key bills passed will continue to be those of the executive. Indeed, its leadership will continue to lean on the executive branch, not only for survival, but also for its programmes and for the momentum to see such programmes through.

(Field interview: North Bank Makurdi, 15/12/2004)

#### 7.4 RECOMMENDATIONS

The analysis and the subsequent findings of this study identified poor quality of the legislators and inadequate supportive staff as a major problem militating against efficient and effective operations of the Fourth Assembly of the Benue State Legislature. Political and administrative neophytes who on their own could not initiate and/or push forward certain public policies successfully, as we noted, dominated the Assembly. This development hampered the Assembly from performing its Legislative, Oversight and Representative roles adequately. Against this backdrop therefore, it is recommended that the operations of the legislature be strengthened in the country through appropriate and timely in-house training and development of both the members and the supportive staff. Accepted, there have been such trainings but individuals, corporate organizations and not professional institutions specifically established for this purpose, mainly organized them. This situation has resulted sometimes to inappropriate and non-sustenance of training. In the light of this realization, it is the recommendation of this study that a **Legislative Training Institute**, similar to the Administrative Staff College Of Nigeria (ASCON) at Badagary be established to cater for the training needs of both members of the legislature and their supportive staff. Such a training institute would be expected to develop appropriate curricula and carry out research that would mirror our environmental peculiarities or needs.

In addition to the above, an **Assembly Commission** charged with the responsibilities of staff recruitment, development and discipline should be set up as a matter of necessity. Such a commission, when established, would

alleviate problems associated with inadequacy of supportive staff. It will also take care of problems that have to do with dearth of specialized staff like researchers and legal draftsmen, among others.

Above all, there is the need for the Assembly to pass into law the ***Assembly Autonomy Bill*** that would provide the Assembly with the necessary independence that it requires in terms of being self-accounting. If the Assembly were no longer dependent on the Executive for resources for its day-to-day operations, it would be in a position to handle such matters or problems that borders on poor accommodation, training, and welfare of both members and staff. Its leadership would go about its assignment with more confidence or independence.

In enhancing further, the operations of the legislature in a poor, agrarian community like Benue State, the problem of poverty and its debilitating effects identified in the study should be properly addressed. We noted that Benue State is a zone of chronic poverty where there is an absence of incentives for wealth generation such as good access road, electricity and modern industries. It is a zone, which records high level of illiteracy among the electorates and youth unemployment is very prevalent.

This poverty situation of the state has implications at two levels. First, it creates a lot of expectations. With the dawn of democracy and the subsequent election of indigenes into key government positions, the people expectedly hoped that their lots would adequately be addressed.

At a second level, the poverty level of the state created problems of transparency on the side of both the electorates who get easily induced by little

money and other material offers, and the elected officials who felt their present position is an opportunity to better their personal lots. The result is that the larger state becomes worse off in terms of real socio-economic development. In order to stem the tide, a sustained public education and/or enlightenment is particularly of great importance. Such enlightenment, which should place emphasis on concrete developmental issues of the society and the benefits to be derived from there, has, unfortunately, remained poor in the state. This development should be guided against. Opposition parties, relevant governmental, non-governmental civil society organizations as well as international and foreign agencies should be involved in public enlightenment either directly or in sponsoring bodies which will carry out such enlightenment that places emphasis on a disregard for mundane interests of individuals in the polity.

In implementing this particular recommendation, this study would like to caution that the activities of such public enlightenment agencies should not be done in a way that would undermine the operations of a constituted legislative authority, or bring into disrepute the integrity of an individual legislator unduly.

To further enhance the operations of the legislature and, in effect, stimulate socio-economic growth and development in a poor state like Benue, blind loyalty to political parties should be minimized as much as possible. We recall that one of the major problems facing the Fourth Assembly of the Benue State Legislature, and, indeed state Legislatures in the country is the over bearing influence of political parties. Constitution of House leadership is based on party affiliation. It is the political party with the majority membership in the

House that forms its leadership. The shapes and forms debates on certain issues (or bills) take in the House are dictated to a large extent by the party. It is suicidal for a member to cast a vote, or express contrary opinion to that of the party. Where the party controls both the Legislature and the Executive as is the experience of the Fourth Assembly of the Benue State Legislature; and where the party structure is unfortunately weak and relies heavily on the support of the Executive for its operations, the dictates of the Executive becomes the norm of both the party and by extension the Legislature. In a situation such as this, experience, merit, competence and the ability to perform is not taken into consideration when constituting House leadership and Committee Chairmanships. Such appointments are preserve for the lackeys of the Executive. Needless to say, this situation leads to the erosion of legislative autonomy, and as our study of Benue state has shown lack of direction. This situation was worsened by the quality of House membership. We noted that the majority of the members of the Fourth Assembly of the Benue State Legislature were political and administrative neophytes and as such have no stamina or stature of their own to withstand undue pressures from the outside. The change in the House leadership in late 2002 and, in particular non-passing of Members or Private Bill was explained in this light.

This understanding requires the strengthening of the legislature through a deliberate membership drive that is based on competence and ability to perform. The constitutional provision, which puts minimum educational qualification of members at G.C.E O'L and its equivalent, can be reviewed

upwards. A minimum of First University degree or its equivalent should be provided for.

With such minimum educational qualification, it is our belief that the membership of the Legislature will be made up of analytical minds that are self-assured and could not easily be pushed around.

On another note, it is the recommendation of this study that members of the opposition be armed to play their watchdog roles properly. The opposition group in the House can get into an alliance with Civil Society Organizations with the aim of obtaining vital information and assistance needed to curtail certain excesses of the ruling party or government. In view of the fact that individual legislators may have busy schedules, or the possibility that they may have 'small horizons', necessitated their getting into an alliance with civil society groups that are engaged in legislative related activities that bothers on research and reference assistance, bill-drafting, statutory revision, preparation of recommendations for legislation, and review of state revenues and appropriations.

In addition to the above, it is further recommended that House proceedings and/or deliberations should be digitalized. Internet facilities should be provided in the Assembly complex and members should be made to undergo an orientation programme on the use of computers and Internet services. There is no doubt; such exposures would sharpen the decision-making capabilities of the legislators, as they would learn at first hand how legislative activities are carried out in other climes.

Beside a well-developed information systems advocated for above, necessary laws to 'open up' the political process and to increase the accountability of Legislators and other public officials to the public is needed. Such a law would be different from the Code of Conduct Act, which makes the declaration of public officials' assets a secret affair of the Bureau and the official concern. The new law to be enacted would provide for public disclosure of the personal finances and other assets of public officials, thus introducing means for identifying and combating conflict of interest. The law should equally make party caucuses' activities to be open to the public.

Finally, the phenomenon of power rotation as practiced in Benue state should be discouraged. The practice, as our analysis and subsequent findings indicated, involve a consensual arrangement in which candidates for political offices are chosen or adopted by the community without much regard for experience, competence and continuity in office. While it may be argued that the arrangement has made electoral politics to develop in an orderly and peaceful manner, it must not be forgotten that it breeds mediocrity and stifle active competition. During elections, the practice, according to Ajene and Omenka (2003:19) led to some abnormal practices whereby formal polling did not take place in most communities. Specifically, the practice is responsible for the large and/or frequent turnover of legislators in the slate. The effect of such turnover in Benue State is a Fourth House of Assembly full of freshers with all the attendant consequences.

Indeed, the accusation of ineptitude leveled against the Fourth Assembly of the Benue State Legislature could be traced largely to the doors of power

rotation: All the members were freshers and had to be trained on the basic rudiment of legislation. This took a lot of time and resources. Besides, as we noted earlier, the members knowing that their tenure was limited devoted a lot of time and energy to satisfying personal mundane needs. Inevitably, the larger state was worse off for it. As the tripod functions of legislation, oversight and representation suffered, the much-expected dividends of democracy as exemplified by real or concrete socioeconomic growth and development become a far cry.

## **7.5 CONTRIBUTION TO KNOWLEDGE**

This thesis has contributed to knowledge in a number of ways. It is primarily an expose on the workings and dynamics of the Legislative arm of government at the state level. In specific terms, the thesis's contributions to knowledge are summarized as follows:

**7.5.1.** It cast more light on the nature and process of legislation particularly at the State level in Nigeria. It revealed that Legislation at the State level in Nigeria (as exemplified by the Benue State House of Assembly) is constrained by poor quality of the legislators, inadequate supportive staff, lack of financial autonomy as well as poor resource materials, among others. As a result of this development, the legislature at this level of government is inefficient and ineffective. It could not initiate developmental policy programmes on its own. Laws that it passed were mainly initiated, drafted and passed on from the executive branch. This situation is abnormal in an ideal democratic setting

where the principle of separation of powers among the different arms of government is imbibed.

**7.5.2.** The above development notwithstanding, the study noted that in a poor, agrarian state like Benue where basic infrastructures like electricity, motor-able roads, pipe borne water, Industries, etc are grossly lacking and there is a general poverty in the population, the role of the legislature as a prime mover of socio-economic growth and development is indispensable. It pointed out that through the instrumentality of Appropriation Bills, Members of the legislature can positively address socio-economic problems of their constituencies by lobbying and rolling-on projects of their desires and see to it that they are executed. This implies that in a less developed state like Benue, the legislator could be a veritable catalyst of socio-economic development. His role is not only confined to law making.

**7.5.3.** The study also revealed that politics in Benue State centered around the phenomenon of power rotation. The practice which is a carryover from the traditional belief system of the Benue people emphasized on obligatory sharing and rotation of political offices among the different families and/or components that make up the larger society. Interestingly, this practice is fast gaining grounds at the national level as exemplified by the persistent agitation for “power-shift” or rotation of the Presidency among the different geo-political blocs in the country.

While the practice may be acknowledged for its ability to minimize tension, acrimony and undue waste of resources in the electoral process, it never the less encourages mediocrity as it limits peoples’ choices. Besides, as

the experience of Benue State has shown, it discouraged political office holders from rendering selfless service to the community. Instead, they devoted a lot of their time and energy to satisfying personal and mundane needs. In particular, it is responsible for the large and frequent turnover of legislators in Benue State. This situation had dire consequences in terms of the quality of legislation and general performances of the legislators in the State, and it should be discouraged from our body politics in entirety.

**7.5.4.** Finally, the study provided a good expose on the relationship between the legislature and political parties in Nigeria. It was noted that the operation of the Benue State Legislature and, indeed state Legislatures in the country, is stifled by the over bearing influence of political parties. The shapes and forms that debates on certain issues (or bills) took in the Assembly are dictated, to a large extent, by the party.

In Benue State, the Peoples Democratic Party controlled both the Legislature and the Executive. Unfortunately, however, the party structure was weak and it relied heavily on the support of the Executive for its day to day operations. As a result of this development, the dictates of the Executive became the norm of the party and by extension the legislature. The Executive emasculated the Legislature. Consequently, experience, merit, competence and the ability to perform were not taken into consideration in the constitution of House leadership and committee Chairmanships. Such appointments were, instead, a preserved of the executive lackeys. This situation led to the erosion of legislative autonomy and, indeed, lack of direction. In an ideal democracy,

the experience of the Benue State Legislature is a complete negation of principles of separations of powers.

## **7.6. RECOMMENDATIONS ON AREAS OF FURTHER RESEARCH**

In this research, road map to socio-economic development through the instrumentality of the Legislature at the State level was enunciated. Even though this research is confined to the role of the Legislature in the socio-economic development of Benue state, the following areas are recommended for further research.

1. Political Parties and the Legislative Process in Nigeria.
2. The Legislative Process in the Local Government: Problems and Perspectives.
3. The Legislature and the Executive: An overview.
4. Legislative Process under Parliamentary and Presidential System of Government: A Comparative Analysis
5. Indigenous Legislative Process in Nigeria: Lessons in History

A thorough research into any or all of these areas will further enhance knowledge about the dynamics and operations of the legislative arm of government in Nigeria. It will equally enrich our understanding of the interplays of democracy.

## BIBLIOGRAPHY

### JOURNAL ARTICLES

- Ajeji, S. O. (2002). Agricultural Development in Benue State: An Appraisal. *Journal of Economic and Social Research*. 1 (1): 25-44.
- Akpa, P. and Omenka, J. I. (2003). Legislation in Democratic Local Government in Nigeria. *Nigeria Journal of Political and Administrative Studies*. 1 (4):99-206.
- Apam, J. (2002). The challenge of Constitutionalism and the Future of Democracy in Nigeria. *Nigerian Journal of Political and Administrative Studies*. 1 (3):31-38.
- Bingel, B.T. (2000). A Historical Appraisal of The Endless Transition to Civil Rule Programmes in Nigeria from Gowon to Abacha. *University of Jos Journal of Political Science*. II (II):108-125.
- Edoh, T. (2003). Poverty and the Survival of Democracy. *Nigerian Journal of Political and Administrative Studies*. 1 (4):26-32.
- Eliagwu, J. I. (1976). Self-Regulation in a Traditional Society: Integration and order in pre-colonial Otukpo of Nigeria. *Monthly Newsletter*. 5 (2):16-24.
- Eulau, H. and Karps, P. D. (1977). The Puzzle of Representation; Specifying components for Responsiveness. *Legislative Studies Quarterly*. 2: 51-66.
- Jewel, M. E., (1979). Towards a new model of Legislative Representation. *Legislative Studies quarterly*. 2:36-50.
- Jibo, M. (2000). The Executive and the Legislature: The Theory and Practice of the Separation of Powers. *University of Jos Journal of Political Sciences*. 11 (11): 1-14.
- Herman, F. (Spring, 1951). Congressional Investigations; The British System *University of Chicago Law Review*. xviii: 20-33.
- Omenka J. I. (2002). Rural –Rural Migration: The “Kurumi” Migrants and the State of Agricultural Development in Benue State. *Journal of Economic and social Research*. 1 (1):21-32.

## NEWSPAPERS AND MAGAZINES

Akume, G. My Agenda for Benue State. *The Voice* (Makurdi), 26 July, 1998 p.21.

Nomwhange, I. My Mission in Benue State. *Newswatch* (Lagos), 18 February, 1998 p.36.

Waziri, M. OBJ Adviser on Inter-party Affairs. *Newswatch* (Lagos) 19 June, 2000 p.40.

Waziri, M. APP National Chairman Appointed Adviser. *Tell* (Lagos) 19 June, 2000 p.23.

## Books

Aborisade, O. (ed., 1985). *Local Government and the Traditional Rulers in Nigeria*. Ile-ife, Nigeria: University of Ife Press, 236p.

Abraham, R. C. (1933). *The Tiv People*. Lagos: Government Printers, 220p.

Ahire, T. P. (ed., 1993). *The Tiv in contemporary Nigeria*. Samaru-Zaria, Nigeria: The Writers organization, 129p.

Akintayo, J. O. (1999). *Legislation in Democratic Governance in Nigeria*. Ibadan, Nigeria: HRC, 69p.

Almond, C. A. (1970). *Political Development: Essays in Heuristic Theory*. Boston: Little Brown, 328p.

Amali, S. O. O. (ed., 2002). *Consolidation and Sustenance of Democracy: The United States of America and Nigeria*. Ibadan: Hope Publications Limited, 320p.

Anifowose, R. (1983). *Violence and Politics in Nigeria: The Tiv and Yoruba Experience*. Lagos: Nok Publishers, 354p.

Anyaeqbunam, E. O. (2000). *Assembly Handbook: A Legislator's Companion*. Lagos, Nigeria: Friedrich Ebert Foundation, 156p.

Bingham, S. D and Hedge, D. (1985). *State and Local Government in a changing Society*. New York: McGraw Hill, Inc., 287p.

- Bohannan, L and Bohannan, P. (1953). *The Tiv of Central Nigeria*. London: Oxford University Press, 246p.
- Bohanan, P. (1957). *Justice and Judgement among the Tiv*. London: Oxford University Press, 178p.
- Charlesworth, J. C. (1967). *Contemporary Political Analysis*. New York: Free Press, 286p.
- Chazan, N. (1992). *Politics And society in Contemporary Africa*. Boulder County: East View Press, 321p.
- Chilcotch, H. (1981). *Theories of Comparative Politics: The Search for Paradigm*. Boulder West Press, 276p.
- Clark, T. (1991). *A Right Honourable Gentleman: the life and times of Alhaji Sir Abubakar Tafawa Balewa*. Zaria: Hudahuda Publishing Company, 858p.
- Coleman, J. S. (1986). *Nigeria: Background to Nationalism*. Benin City: Ilupeju Press Limited, 510p.
- Denga, D. I. (ed., 1995). *Benue State: The Land of Great Potentials: A compendium*. Calabar, Nigeria: REP., 178p.
- Dudley, B. J. (1982). *An Introduction to Nigerian Government and Politics*. Nigeria: Macmillan, 367p.
- Easton, D. (1965). *A Systems Analysis of Political Life*. New York: John Wiley and Sons, 262p.
- Egouwan, J. A. (1984). *Public Policy Analysis: Concept and Application*. Benin, Nigeria: SMO Aka Press, 243p.
- Fortes, M. and Evans-Pritchard, E. E. (1980). *African Political Systems*. London: Oxford University Press, 318p.
- Hayward, J. and Norton, P. (ed., 1986). *The Political Science of British Politics*. Brighton, Sussex: Wheatsheet Books, 228p.
- Hembe, G. N. (2003). *J.S Tarka: The Dilemma of Ethnic Minority politics in Nigeria*. Makurdi: Aboki Publishers, 453p.
- Ibezim, T. I. (1985). *Government and Politics of West Africa*. Enugu: Fourth Dimension publishers, 116p.
- Jibo, M (1993). *Tiv Politics Since 1959*. Katsina-Ala: Mandate International Limited, 93p.

- Jibo, M. (1996). *Politics, Mass Media and National Development*. Ikeja, Lagos: Malthouse Press, 181p.
- Jibo, M., Simbine, A. T. and Galadima, H. S. (2001). *Ethnic Groups and Conflicts in Nigeria: The North Central Zone of Nigeria*. Ibadan: The Lord's Creation, 182p.
- Jibo, M. & Simbine, A. T. (2003). *Contemporary Issues in Nigerian Politics*. Ibadan: Jodad Publishers, 106p.
- Keefe, W. J. & Ogul, M.S. (1981). *The American Legislative Process: Congress and the States*. Enlewood Cliff: Prentice-Hall Inc., 326p.
- Key, V. O. Jr. (1978). *Pubic Opinion and American Democracy*. Knoff, 192p.
- Lijphart, A. (1997). *Democracy in Plural Societies: A Comparative Exploration*. London: Oxford University Press, 248p.
- Loewenbery, G. (1985). *Hand book of Legislative Research*,126p.
- Madunagu, E. (1982). *Problems of Socialism: A Nigerian Challenge*, London: Zad Press, 124p.
- Makar, T. (1994). *The History of Political change Among the Tiv in the 19<sup>th</sup> and 20<sup>th</sup> Centuries*. Enugu: Forth Dimension Publishing Company Limited, 92p.
- May, E. (1976). *Parliamentary Practice*. London: Butterworths,962p.
- Mezey, M. L. (1979). *Comparative Legislatures*. Durham, North Carolina: Duke University Press, 320p.
- Mill, J. S. (1958). *Considerations on Representative Government*. New York: Liberal Arts Press, 714p.
- Molcolm, J. (1985). *Legislators and constituents in the Representatives Process*. New York: Harvard University Press, 267p.
- Nigro, F. A. and Nigro, L. G. (1986). *Modern Public Administration*. London: Macmillan, 468p.
- Nnoli, O. (1980). *Ethnic Politics in Nigeria*. Enugu: Fourth Dimenson Publishing Company Limited, 238p.
- Obilade, O. (1999). *The Nigerian Legal System*. Ibadan: Spectrum Books, 261p.

- Ojigbo, O. (1980). *Nigeria Returns to Civilian Rule*. Lagos: Tokion (Nig) Limited, 128p.
- Oladosu S. A. (1980). *Kaduna Essays in Local Government*. Ilorin: Gbenle Press Limited, 214p.
- Oni, S. B., (1987). *Community Development: The Backbone for Promoting Socio-Economic Growth*. Zaria, Nigeria: Gaskiya Corporation, 231p.
- Oyovbaire, S. E. (ed.1987). *Democratic Experiment in Nigeria: Interpretative Essays*. Lagos: Academy Press, 194p.
- Oyovbaire, S. E. and Olagunju, O. (ed. 1996). *Foundations of a New Nigeria: The IBB Era*. Lagos: Precision Press, 74p.
- Parker, J. (1977). *Social Policy and Citizenship*. London: Macmillan, 214p.
- Pitkin, A. (1987). *The Concept of Representation*. Berkeley: Uni. of California Press, 213p.
- Price, J. H. (1985). *Comparative Government*. London: Hutchinson corporations, 318p.
- Sartori, G. (1976). *Parties and Party Systems: A Frame work for Analysis*. New York: Vail Ballou Press, 326p.
- Shango, S. (ed.,1982). *Tributes to a Great Leader, J. S.Tarka*. Enugu, Nigeria: Ejike Associates, 102p.
- Suberu, R (2003). *Ethnic minority Conflicts and Governance in Nigeria*. Ibadan: Spectrum Books Limited, 123p.
- Squire, P., (1997). *Dynamics of Democracy*. Chicago: Brown and Benchmarks Publishers, 732p.
- Todaro, M.P (1991). *Economic Development in the World*. London: Longman, 454p.
- Tyoden, S. G. (ed.,1998). *Legislators and the Legislature: A Guide to Legislators in Nigeria*. Jos: Sikitse Consults, 138p.
- Utov, I. C. (2002). *The Underdevelopment of Tiv Land Through Land Disputes and Communal Clashes*. Makurdi, Nigeria: Return Press, 110p.
- Varma, S. P. (2000). *Modern Political Theory*. Delhi: Vikas Publishing Company, 464p.

Wilson, W. (1956). Congressional Government. New York: Meridian Books (First Published in 1885), 283p.

## CHAPTERS IN BOOKS

Ayatse, J. O. I. (1995). The State of Industrial Development in Benue State. In: Denga D. I. (ed.), Benue State: The Land of Great Potentials: A compendium. Calabar, Nigeria: Rapid Educational Publishers Limited, pp.22-36.

Best, S. G. (1998). The Legislature in a Democratic setting. In: Tyoden, S. G. (1 ed.), Legislators and the Legislature: A guide to Legislators in Nigeria. Jos, Nigeria: Sikitse Consults, pp.31-43.

Dent, M.J. (1966). The UMBC: A Minority Political Party. In: Makintosh, J.P. (ed.) Nigerian Government and Politics, London, Allen and Arwin, pp.86-102.

Dent, M. J. (1982). J. S. Tarka. In: Shango, S. (ed.) J. S. Tarka: Tribute to a great Leader. Enugu: Nwankwo Associates, pp.36-72.

Hembe, G. N (1995). The Tiv Farmer as key to the Food Basket Status of Benue State. In: Denga, D. I (ed) Benue State: The Land of Great Potentials. A Compendium. Calabar, Nigeria: REP, pp.56-72.

Jibo, M. (1995). Politics in Benue State. In: Denga D. I (ed) Benue State: The Land of Great Potentials; A Compendium. Calabar, Nigeria: REP, pp.12-21.

Makar, T. (1995). The Evolution of Traditional Leadership in Tiv Land. In: Denga, D. I. (ed) Benue State: The Land of Great Potentials; A Compendium. Calabar, Nigeria: REP. pp.37-48.

Nyagba, J. L. (1995). The Geography of Benue State. In: Denga, D. I. (ed) Benue State: The Land of Great Potentials: A compendium. Calabar, Nigeria: REP, pp.73-82.

Oluwatoki, J.A (2002). Values and Institutions as Bastion of Democracy: A Case Study of Nigeria and the U.S.A. In: Amali, S O.O. (ed.) Consolidation and Sustenance of Democracy: The U.S.A. and Nigeria: Ibadan, Hope Publications Limited, pp.15-31.

Oyewole, A. (1987). Failure of the First Experiment: A view point. In: Oyavbaire, S. E. (ed.) Democratic Experiment in Nigeria: Interpretative Essays. Lagos: Academy Press, pp.20-32.

Riggs, F. W. (1967). *The Theory of Political Development*. In: Charlesworth, J. C. (ed.) *Contemporary Political Analysis*. New York: Free Press, pp.111-131.

Roberts, F. O. N. (2003). *The Presidential System: Separation of Powers and Stability of the Fourth Republic in Nigeria*. In: Jibo, M and Simbine, A. T. (ed.) *Contemporary issues in Nigeria Politics*. Ibadan: Jodad Publishers, pp.112-140.

## **GOVERNMENT PAPERS**

Benue Advance plan, 1999.

Benue State House of Assembly: *Report of the House Standing Committee on Project Monitoring and Implementation on its inspection Tour of some State Government Capital Projects*. Vol. 1. Nov. 2004.

*Constitution of the Federal Republic of Nigeria, 1999*. Lagos: Federal Government Press.

Lagos State House of Assembly, *Votes and Proceeding*. (1999 –2003). Lagos: Government Printers.

*Recurrent and Capital Estimates of Benue State Government (Vol.1)*. 1<sup>st</sup> Jan – 31<sup>st</sup> Dec. 2000. Produced and printed by Central Budget Dept. Min. of Finance and Economic Planning. Makurdi, Benue State.

*Report of the Business and Rules Committee, Fourth Assembly*. (1999 – 2003) of the Benue State Legislature. May, 2003. Makurdi: Government Printers.

*Report of the Business and Rules Committee, Nasarawa State House of Assembly*. (1999 – 2003). Lafia: Government Printers.

*Rules of the House of Assembly*. Benue State of Nigeria, 1999. Makurdi: Government Printers.

*Votes and Proceeding, First Benue State House of Assembly (1979 – 82)*. Makurdi: Government Printers.

## **UNPUBLISHED WORKSHOP PAPERS**

Ajene, O. and Omenka, J. I. *A study of 2003 General Election in Oju LGA of Benue State*. 22<sup>nd</sup> *Annual Conference of the Nigerian Political Science Association (NPSA)*. June, 2004.

Bur, A. Political Development and the Challenge of Governance in Benue State. *Symposium to mark the 20<sup>th</sup> Anniversary of the Creation of Benue State*, 3<sup>rd</sup> February, 1996.

Dokotri, P. M. Law making Process. *Training workshop on the Legislature, Democracy and Harmonious Relations Between the Executive and the Legislature in Benue State Organized by IGRS*, Jos. June, 2000.

Eliagwu, J. I. The Legislature, Democracy and Federalism. *Training Workshop on the Legislature, Democracy and Harmonious Relations Between the Executive and the Legislature in Benue State Organized by IGRS*. Jos June, 2000.

Imhanobe, S. O. The legislature and Executive. *Training Workshop for Members of Nasarawa State House of Assembly*, Lafia. August, 2000.

Ochefu, Y. A. The Idoma and their Neighbours: Past and Contemporary Issues and perception of the future. *Idoma National Conference*, Sept. 16, 2000.

Nchil, S. I. Conduct of Business in Legislative Chambers: General Practice and Principles. *Workshop for State Legislators and Clerks of State House of Assemblies at the National conference Centre*, Abuja. Sept. 1999.

## GLOSSARY

This glossary catalogues both the indigenous terms and professional concepts used in this Thesis. Please note that, they are not necessarily arranged in the order in which they appeared in the thesis.

**Akpan:** a powerful deity in Igede, the third largest ethnic group in Benue State. The deity is believed to have powers of warding off witchcraft and related occult practices in Igede land. Occasionally, the spirits of this deity is invoked to settle matters of grave nature affecting the community.

**Igabo:** refers to the council of Elders in both Idoma and Igede lands. The Igabos are the highest decision-making body. In matters of arbitration, their decisions are binding. Membership of Igabo are selected from each of the component sub units or families that make up the village; or clan. The Igabos deliberated over matters relating to marriage, death, burials and so on. They are usually supported by the **Ikolobia**, a group of middle age men who are responsible for executive functions in the village.

**Ojiya:** in both the Idoma and Igede societies, the term, Ojiya, referred to both the people gathered and the venue of the gathering. Ojiya is the highest organ of government and ultimate authority in traditional Idoma and Igede political systems. It is the mass meeting of all adult males and the supreme council of the community.

**Ya na angbian:** a Tiv aphorism meaning 'eat and give to your brother'.

It is a traditional belief system among the Tiv who are dominant tribe in Benue State. It is a practice which emphasizes on obligatory sharing and rotation of power among the different families and/or components that make up the larger society. Interestingly, this practice has gain grounds in the whole of Benue State and it is responsible for the rotation of political offices in the State.

**Bills:** this refers to the draft of a propose law to be discussed by the

Legislature. In its raw form, or draft stage, a bill does not have the force of a law. It becomes a law with legal force only when it has gone through the normal process and is assented to by the appropriate authority (President, Governor, or passed by two thirds majority of the House). A Bill could emanate from the Executive arm, the Judiciary, the Legislature itself, or private individual representatives.

**Laws:** refers to the whole system of rules that everyone in a State or society must obey. In Nigeria, law-making is a constitutional matter. The National Assembly and a State House of Assembly is empowered to make laws for the peace, order and good governance of the Nation or a State, respectively.

**Democracy:** originated from the Greek word, **demos**, meaning people. It is therefore, a people-oriented form of government. It is a form of government in which the people are involved. They elect or

determine their own leaders, and the leaders are accountable, supposedly, to them. In other words, those who rule get their mandate from those over whom they rule. It encompasses ideas relating to issues that have to do with quality of life, liberty, equality before the law, widespread participation in the direction of societal affairs, among others.

**The State:** this refers to a territorial entity, normally abstract, but backed by government and a population. The state is characterized by permanence, sovereignty, government, territoriality, population, the capacity to make its own laws and relate with other states in the federation. Nigeria is made up of Thirty six (36) nation states.

**Legislature:** is the arm of government that is charged with the responsibility of making laws. It also has the job of changing laws, where necessary. In Nigeria, there is a Bi-camera legislature (the Senate and House of Representatives) at the Federal level, and a Uni-camera legislature (Houses of Assembly) at the State level.

**Motion:** is a formal proposal that is discussed and voted on at Assembly sessions. It is a prayer over a cause of action or matter.

**Resolution:** is a decision over a motion. The Legislature has powers to pass resolutions on topical issues bothering on the security and welfare of the people.

**Public Petitions:** are complaints or grievances against the government or other institutions by members of the public. The legislature in the process of discharging its basic constitutional functions, through

its committee on public petitions, entertain complaints from the public bothering on issues such as illegal termination of appointment, demolition of houses, etc. Most of the public petitions are heard, determined and the appropriate authorities made to act accordingly.

**Standing Order:** is a document that guides the proceeding of a Legislative House. It contains the rules, regulations, procedures and processes that govern legislative business. Although, they are supposed to be standard practices accepted the world-over, each Legislative House has the mandate to modify them to suit its own peculiar environment. In Nigeria, the Senate, House of Representatives and State Houses of Assembly have their separate Standing Orders.

**APPENDIX A**  
**INTERVIEW SCHEDULE FOR LEGISLATORS.**

Dept. Political Science,  
University of Jos,  
Jos.

Dear Respondents,

I am a PhD candidate in the Department of Political Science, University of Jos researching on THE LEGISLATURE AND SOCIO-ECONOMIC DEVELOPMENT: A CASE STUDY OF BENUE STATE.

I solicit your kind assistance in responding as freely as possible to the following questions. All our discussion is strictly confidential and will enhance better understanding of the workings of the Benue State House of Assembly.

Thanks,

Jacob Iba Omenka (Mr.)

1. Can you briefly describe the nature of the legislature in Nigeria today?
2. What, in your opinion, should be the appropriate pattern of relations between the legislature and other arms of government?
3. In a similar vein, what do you think should be the appropriate pattern of relations between the legislature and the political parties?
4. What is your opinion about political parties determining legislative leadership?
5. In the absence of political parties' influence, how do you want the legislative leadership to be determined, or formed?
6. As a member of the BSHA, can you tell us how many bills you have sponsored, or got successfully passed?
7. What is the relationship with your constituency like?
8. Have you been able to attract any project (s) to your constituency?
9. What is the stage of the project (s)?
10. Comment briefly on the state of staffing and infrastructural facilities at the Assembly complex.
11. Do you think that the state of staffing and infrastructural facilities in the assembly have in any way affected your performances?
12. On a personal note, have you any experience in Legislation before now?
13. Generally, have you any experience in any other elected office?
14. Have you undergone any legislative training prior to, or since your election into the House? What is the nature of the training like? Be specific.

15. Can you think of any cultural norm of practice (e.g. 'Ya na angbian') in the larger Benue Community that may have a direct bearing on democratic practices in the state today?
16. Compared to the first Assembly (1979 –1983), what is your opinion about the performances of the Fourth Assembly (1999 – 2003) in which you served?
17. In view of the fact that several projects like the fertilizer Blending plant, etc which have monies appropriated for them annually have not recorded any appreciable progress, do you think that the house has carried out its oversight functions well?
18. In your opinion, have the legislation passed by Assembly impacted on the lives of the people of the states in anyway?
19. Comment freely on the extent to which you think that the level of the social-economic development in the state is dependent on the roles of your Assembly.
20. Give appropriate suggestions for the strengthening of the legislative institution and its activities in the state.

**APPENDIX A (I)**  
**INTERVIEW SCHEDULE FOR NON-LEGISLATORS.**

Dept. Political Science,  
University of Jos,  
Jos.

Dear Respondents,

I am a PhD candidate in the Department of Political Science, University of Jos researching on THE LEGISLATURE AND SOCIO-ECONOMIC DEVELOPMENT: A CASE STUDY OF BENUE STATE.

I solicit your kind assistance in responding as freely as possible to the following questions. All our discussion is strictly confidential and will enhance better understanding of the workings of the Benue State House of Assembly.

Thanks,

Jacob Iba Omenka (Mr.)

1. Were there Assemblies (such as the LG councils, state or National Assemblies that we have today) making laws for the good governance of your traditional society?
2. How were these Assemblies (or law making bodies) in your society structured?
3. What were their operations like?
4. In terms of performances, what is your opinion about these traditional law making bodies?
5. Compared to today, how would you rate the legislative practices in your traditional society?
6. Can you briefly describe the nature of the legislature in Nigeria today?
7. What, in your opinion, should be the appropriate pattern of relations between the legislature and other arms of government?
8. In a similar vein, what do you think should be the appropriate pattern of relations between the legislators and their constituencies?
9. What is your assessment of the performances of the members of the Fourth Assembly (1999 – 2003) of the Benue State Legislature?
10. Compared to their counterparts in the first Assembly (1979 – 1983), what is your rating of the Fourth Assembly?
11. Can you tell us about any programme, or project (s) that the member representing your constituency in the BSHA has attracted to your community?
12. What is the stage of the project (s)? Be Specific

13. In your opinion, have the legislation passed by the Fourth Assembly (1999 – 2003) of the Benue State legislature impacted on the lives of the people of the state in any way?
14. Comment freely on the extent to which you think that the level of the socio-economic development in the state is dependent on the roles of this Assembly.
15. Comment freely on the legislature institution under the present democratic dispensation in the state.
16. Give appropriate suggestions for the strengthening of the legislative institution and its activities in the states.

## APPENDIX A (II)

### LIST OF LEGISLATORS INTERVIEWED (FOURTH ASSEMBLY)

S/N	Name of Legislator	Constituency	Date & Place Of Interview
1.	Hon, Tordue Yev	K/Ala West	16/6/03-Makurdi
2.	Hon. Margaret Ichen	Kwande East	15/2/03-Makurdi
3.	Hon. James Iwar	Logo	18/4/03-Makurdi
4.	Hon. Terfa Atill	Ushongo	10/4/03 -Gboko
5.	Hon. J. Hangeor	Gboko West	10/4/03-Makurdi
6.	Hon. M. Sarwuan	Buruku	30/5/03-Makurdi
7.	Hon. Godwin Atser	Konshisha	16/5/03-Makurdi
8.	Hon. Felix Anongo	Kyaan (V.Kya)	15/5/03-Makurdi
9.	Hon. I. Uhondo	Guma	12/4/03-15/12/04N/B Makurdi
10.	Hon. B. Ashaver	Gwer	12/6/03-Makurdi
11.	Hon. Nyam Ahula	Gwer West	13/6/03-Makurdi
12.	Hon. B. Torbunde	Makurdi South	12/6/03-Makurdi
13.	Hon. Ochai Onazi	Ado	14/5/03-Makurdi
14.	Hon. Moses Ejeh	Obi	12/12/2-Makurdi
15.	Hon. (Alh) S. Audu	Ohimini	14/12/02-Makurdi
16.	Hon. Egbiri Idaah	Oju	16/6/03-Makurdi
17.	Hon. (Mrs.) M. Aikolola	Okpokwu	12/5/03-Makurdi
18.	Hon. R. Igbago	Otukpo/Akpa	12/6/03-Makurdi

### LIST OF LEGISLATORS INTERVIEW (PREVIOUS ASSEMBLIES)

<b>S/N</b>	<b>Name of Legislator</b>	<b>Constituency</b>	<b>Date &amp; Place Of Interview</b>
1.	Julius Atom	Toran (Kwande)	16/6/04-Makurdi
2.	J.T. Orkar	Yonov (Gwer)	Sun24/7/5-Makurdi
3.	Pius Ukande	Gaav (Vkya)	16/7/5-Vkya
4.	A. Atero	Daudu (Makurdi)	13/8/5-Makurd
5.	Hon. J. U. Uyeh	Mkar	3/07/05- Gboko
6.	Hon B.A. Chaha	Zaki-Biam	14/06/05
7.	Chief (Hon) D. Afaityo	-	Sun 23/1/5-Buruku
8.	Omirigbe Ode	Igede (Oju)	17/12/4-Makurdi
9.	Omaba Ogbo	Akpa/Oglewu (Otukpo)	3/6/5-Otukpo
10.	A.O. Ode	Ito (Obi)	13/4/4-Obarike
11.	Hon. Stephen Tsav	Daudu (Guma)	13/404/-Makurdi
12.	Timothy Idyu	Tiev (Vkya)	20/9/4-Makurdi
13.	Sylvester Atachin	Afia	18/9/4-Makurdi
14.	Tamen, D.T.	Turan-Ikurav	14/4/3-Gboko
15.	Jonah Okwoche	Ito/Uwokwu	23/9/4-Makurdi

**OTHER PROMINENT PEOPLE INTERVIEWED**

<b>S/N</b>	<b>Name</b>	<b>Date and place of interview</b>
1.	Dr. U.G. Moti	Sun.17/7/05-Makurdi
2.	Senator Daniel Saror	Sun.6/6/04-Makurdi
3.	Bill Anaka	ues.22/11/05-Makurdi
4.	Mr. S.Ugoh	Wed.18/2/04- Makurdi
5.	Chief Ignatius Nomhwange	19/12/02- Makurdi
6.	Samuel Ortom	Wed.18/8/04- Makurdi
7.	Chief Ason Bur	22/3/04 & 13/7/04. Makurdi
8.	Gabriel Onyilo	10/8/04- Makurdi
9.	Bar. Joe Abagu	Thurs.22/7/04- Makurdi
10.	Chief John Enyi	12/3/02 & 24/8/04- Makurdi
11.	Bernard Ochepea	21/5/03 - Makurdi
12.	Chia Adingi	16/4/02 - Makurdi
13.	Hon. Paul Ogbu	30/7/04 – Oju.

**NB:**

Apart from the people listed above, a random interview of some indigenes from the selected constituencies was done.

**APPENDIX B****SUPPLEMENT TO VOTES AND PROCEEDING NO. 18 BEING THE TEXT OF  
THE ADDRESS TO THE HONOURABLE MEMBERS OF BENUE STATE  
HOUSE OF ASSEMBLY BY MR APER AKU, GOVERNOR OF BENUE  
STATE ON THE 13<sup>TH</sup> NOVEMBER, 1979.**

Mr. Speaker Sir,

Honourable Member:

It has been my long-standing desire to come and address you in this house much earlier; various factors beyond my control however have prevented this. It is gratifying however to note that these delays have enabled you to settle down, elect your officials as well as set up all the appropriate committees. It has also enabled me to start finding my feet in a situation where handing –over was rather clumsy.

It has not been easy at all trying to find my feet and in this respect I must express my sincere gratitude for your own goodwill and cooperation especially as you did not delay the approval of the list of Commissioners that I sent to you. For that I must once again say thank you.

I also wish to comment on matters affecting your welfare; especially regarding accommodation. My Administration does realize that to spend a minimum of 181 days of the year in Makurdi entails full time business in the State House of Assembly and the provision of one-bedroom accommodation is insufficient. We have therefore decided that two-bedroom accommodation will be made available to you from the present Housing Scheme at High Level; of

which the master bedroom will be air-conditioned. I am therefore going to speed up work on the houses so that they would be ready for occupation at the earliest possible time. Mobility is the other problem. I will be meeting with my counterparts from other states to try and establish some form of uniformity. It is my opinion that car loans should be made available to all Honourable Members.

As you are all aware, the civil service was sick when we arrived and is still sick, hence the tribunals and panels that were set up by the former administration. That administration seemed to interfere with the findings at source and with the results. Consequently the aim for which these panels were set was defeated bringing more frustration within the service. With such a fragile ethnic society, dented with corruption. Mr. Speaker, you will probably appreciate my problem of trying to find my feet swiftly and why I have not been able to come down to address you earlier.

As we gradually get the situation under control, it is my privilege to inform you that we have inherited liabilities amounting to well over one hundred million naira (N100, 000.000). Diversion of funds, lack of project planning amongst other factors led to over contracting when we knew that there was financial depression. Consequently no single project of importance was completed during the three and a half years of the existence of this state. Benue State is therefore the most depressed state economically.

### **Our Programme**

It is with this background that we are set to execute our National Party of Nigeria (N.P.N) programme as contained in the manifesto. Our re-organization

of the ministries is tailored to suit the implementation and three new ministries have been created. These are:

- (a) Ministry of Rural Development and Cooperative;
- (b) Ministry of Housing and Environment;
- (c) Ministry of Economic Planning.

Our entire development programme are carefully being scrutinized by the ministry of economic planning to enable us be precise for whatever we wish to implement.

#### **(A) FOOD PRODUCTION AND AGRO-ALIED INDUSTRIES**

My administration is aware of the tremendous agricultural potentialities of this state. Although we are aware that all the parts of this state are productive, we are set to commission full feasibility study to cover the whole state, have it documented in order to attract investment from various quarters. It is our intention soon to earmark a minimum of one thousand (1,000) hectares of land to be cleared in all the state constituencies, except where there is no land available. The farms established will be managed by the Farmers Cooperative Societies or unions. The formation of such unions has already been initiated, The ministries of Agriculture and Rural Development and Cooperatives will cooperate and co-ordinate the programme. The programme will introduce our farmers to large-scale mechanization. The Government will provide all the inputs such as seeds, fertilizers and tractors, while members of the Cooperative Unions on each cleared land would provide manual labour. From the proceeds, the Government inputs will be subtracted and the rest would be

shared amongst members of the cooperative farmers according to their labour imputes.

Crops that form raw materials for agro-allied industries will be encouraged such as soya beans, groundnuts, beniseeds, cassava, yams, maize and oil palm. Feasibility study is already on the way with reference to soya beans and cassava for oil and starch processing respectively.

### **(B) HOUSE PROGRAMME**

My administration intends to provide an average of 50 –100 housing units in all the thirteen Local Government area Headquarters. Both private and public sectors with the aim of the occupier gradually paying of the cost of the house and getting the ownership. Low cost scheme will be preferred to enable people in the lower income group to own houses. The establishment of the Cement Factory in Gboko and the Burnt Bricks industry in Otukpo are particularly significant in the implementation of this programme. May be I should add that the Cement Factory may probably start producing before April, 1980.

### **(C) RURAL DEVELOPMENT**

In the field, we intend to extend facilities to rural areas from many directions in form of infrastructure to open the rural areas to new modes of life. There is already a plan to supply water and Electricity to all Local Government Area Headquarters as well as some other major villages. Beyond these we intend to build access roads to link up the farming centers already referred to elsewhere with major roads so that food produced on such areas could be

easily evacuated. All abandoned water projects for the rural areas will be reactivated and more will be started.

**(D) QALITATIVE EDUCATION**

My administration will involve all local communities in the rehabilitation of all the primary school buildings. Not only will we expand our programme for Teacher Training, we shall also recruit more qualified teachers to teach there so that more grade two teachers will be produced for the Universal Primary Education. My Administration is considering the possibility of establishing a Book Depot in order to supply books cheaply for all the schools.

With the rapid expansion of Post-Primary education, the quality has declined sharply. Government now intends to take over the Financial Administration of all the private owned and community owned institutions. A bill will soon be tabled before you, Mr. Speaker Sir, spelling out how we intend to achieve this end. It will deal with complete re-organization of the present state schools Boards.

There will also come a bill before you soon seeking the dissolution of the Benue Institute for Higher Education (BIHE). This will cut down the meaningless administrative costs and allow more efficient organization of its present components.

We are committed to opening a University of Technology with the blessings of the Federal Government. It is my sincere hope that your arm of the Government will give us all necessary support as we fight this matter out at the Federal level.

**(E) LOCAL GOVERNMENT REFORMS**

This administration intends to reform some aspects of the present Local Government Edict to make it more democratic and more responsible in fulfillment of the fact that Local Governments form the third tier of Government. To this end a bill will be placed before you soon Mr. Speaker, spelling out some aspects of the reforms that we intend to bring. We also intend to table a bill for creation of more Local Government areas, starting with Konshisha Local Government Area from the present Vandeikya Local Government Area.

**(F) HEALTH**

We found that all our Hospitals and other health centers have no drugs at all. My Administration has taken this matter seriously and arrangements are on the way to give out contract for the supply of drugs and we hope within the next eight weeks the situation will improve. We are not happy with the Medical Centre Programme, which will now cost (N44.00m) Forty-Four Million Naira. But our hands are tied. There is a penalty clause in the signed agreement which stipulates that incase we wish to revoke the contract; we must pay the sum of (N6m) six million naira. Besides (N8.8m) eight million, eight hundred thousand naira have already been committed to the foreign firm. We shall however try to re-negotiate with them with the aim of extending hospitals to the seven Local Government areas that have not yet got a Hospital.

**SUPPLEMENTARY BUDGET**

You may have read from the papers about the additional statutory allocation of Benue State and other states of the Federation owing to the increase in oil revenue. This state got the lion share of (N67m) sixty seven million naira. We could have gone ahead to use this money since it was allocated before the military handed over to us. But consider it more appropriate to bring before you for consideration as to how we intend to spend the money. We intend to spend most of it on capital projects that have either been neglected or abandoned. We also intend to spend at least (N10m) ten million naira to reduce the number of the piled vouchers in our sub-treasures. The bill will soon be brought before you for consideration.

Mr. Speaker Sir, it is my sincere desire that we all unite in this task of piloting Benue State out of this stage of poverty, disease, ignorance and under-development, into an enviable stage where we shall all be proud.

It is my observation that our channel of communication is highly limited. I hereby propose therefore, that I put one day of the week for a period of no less than two hours opened to all honourable members of this Assembly for free discussions on all matters of interest. If this is the wish of this House, I shall communicate with Mr. Speaker and fix the day and time.

I wish you happy deliberations in this House. May God bless you all.

**APPENDIX B (I)**

**BENUE STATE OF NIGERIA  
OFFICE OF THE SPEAKER**

Benue State House of Assembly  
P.M.B. 102356 Makurdi  
TEL: 044-531612, 531566  
Fax: 044-531566  
11<sup>th</sup> March 2002

**PRESS RELEASE**

Gentleman of the press, I find it wise to address you once again on the situation in the Benue State House of Assembly.

I won election on the plat form of PDP to represent the people of Kwande East in the Benue State House of Assembly. On inauguration, I was elected as the Speaker of the House. Upon my election I adopted Humanity as my principle, I also promised myself to work in harmony with my colleagues and other arms of government. My cooperation with the governor was so harmonious that at a point I was accused of sacrificing the autonomy of the legislature and breaching the principle of separation of power.

Gentlemen of the press, since the inauguration of the House, over six impeachment moves were made against me. Out of these, three were induced by the Executive. My Humanity and Gentleness were mistaken for lack of focus and inaction.

By November 2001 the Executive Governor Mr. George Akume imitated an impeachment move against me and he was unable to secure the required

2/3 majority even after using state funds to induce members. Some of the members stood on the side of truth and honour.

At this juncture I want to salute the courage of most of the distinguished Hon. Members who stood for the truth and honour even at the expense of their daily carrots. They refused bread and butter but chose the most noble path of truth. The society is watching all of us, the prize is near, I can see light at the end of the tunnel. God will be with you all and I pray Him to guide you in the right direction. The era of politics of deceit and intimidation is over.

I called this press conference to highlight some burning issues in the state legislature. Corruption which has characterized the executive arm of our present government in the state has penetrated the Benue State legislature. Hon. Members whom the people elected to represent them and bring to them dividends of democracy are becoming fat on the impeachment saga.

It will interest you to know millions of naira are wasted for the impeachment process. This money can be channeled to developmental projects in our various constituencies.

What worries me most is that since I have exposed corruption in the House, my life is threatened. My sins against the executive Governor are my disdain over his insensitivity to the plight of the Benue people, media abuse and my relationship with Chief Barnabas Gemade who is my political Godfather.

Gentlemen of the press, I am a widow and God has been so kind to me. I have never plotted evil against any one and those who are planning evil against me, I leave vengeance to God.

At this juncture, I want to say that to avoid wasting resources which could have been channeled towards more productive ventures, and the need not to hold the people of the state at ransom with the suspension of the House, coupled with my refusal to preside over a corrupt system, I hereby resign my position as the Speaker of the Benue State House of Assembly.

Thank you.

Signed

**Hon. Chief Mrs. Margaret Icheen**  
Speaker, BSHA

**NB.** On the occasion of this press release, Hon. Icheen also resigned as the speaker of the Benue state House of Assembly, on allegation of corruption.

**APPENDIX B (II)**

Benue State Estimates (Capital Expenditures – 2000 – 2003), showing key projects purported to have been executed and the total amount of money allocated and approved for them.