



The Oversight Function of the Legislature as an Instrument of Accountability in the Rivers State Local Government System

Anthony Egobueze*

Department of Political Science Faculty of Social Sciences Rivers State University Nkpolu–Oroworukwu Port Harcourt, Nigeria

Email: anthonyegobueze@gmail.com

Dumnu Lekie Anthony

Post Graduate Student Department of Political and Administrative Studies Faculty of Social Sciences University of Port Harcourt, Choba Rivers State, Nigeria

Abstract

In democratic societies, the legislature is the watchdog over other organs of government and the society. It is one of the major instruments of entrenching accountability. Accountability at the Local Government level in Rivers State in particular and Nigeria at large has been a subject of debate because of the state of corruption noticed at that tier of governance. Adopting content analysis as its methodology, the study interrogates the role played by the Legislative Councils of Local Government in ensuring accountability and transparency in the Local Government system in Rivers State. The study observed weak institutions as a result of the overbearing influence of the State Government and corruption in local government administration and recommends institutional reforms as a panacea for good governance.

Keywords: Accountability; Corruption; Local government; Legislative; Rivers state; Transparency.

1. Introduction

Representation lies at the heart of modern democracy as a core function of parliament, along with legislation and oversight (Baskin, 2013). In any democracy, the legislature is the watchdog over other organs of government and the society (Njemanze, 2013), it is a unique institution and, probably, the symbol of democracy (Egobueze, 2020). Through the legislature, the citizens of the nation express their wishes (Okoosi-Simbine, 2010). The legislature is ‘the yardstick for measuring the views of the people in a democracy. It is also the watchdog of public funds in that it not only appropriates for the State but scrutinizes how the funds so appropriated are spent (Egobueze, 2016).’ Everywhere they pass laws, determine the ways of raising and spending public revenue, and discuss matters of public importance and accountability. Benjamin (2010) states thus, ‘legislature, which is the main engine of democracy, forms one of the main organs of government in every nation – state; it is the hallmark of democracy and the platform on which other institutions are built.’ Commenting on the importance of the legislature, Remy (1994) as cited in Okoosi-Simbine (2010) States: ‘the significance of the legislature can be discerned from Abraham Lincoln’s classical definition of democracy during his Gettysburg Address of 1863, as ‘government of the people, by the people and for the people.’ An analysis of that classical definition shows that the legislature is central to liberal democracy and at the centre of representative government. The legislature is the signpost and symbol of democracy. Other organs, namely the executive and the judiciary may exist without the legislature the, especially in authoritarian regimes like militocracy, some sections of the Constitutions that are related to the functionality of the legislature are suspended and the State is ruled obnoxiously by fiat through military decrees and edicts enacted by unprofessional and unelected persons in different nomenclatures across the world. The legislature legalizes liberal democracy and provides the framework for indirect participation of the citizens in governance. As noted by Fashagba (2013), ‘the presence of a legislative institution in any modern polity suggests the indirect participation of the electorates in the making of decisions on issues that affect their daily lives.’

Legislatures are known by different nomenclature in different countries. In the U.S, the Federal legislature is called the Congress. In Nigeria, the federal legislature is known as the National Assembly, while the State legislature, as the House of Assembly and the Local Government Legislative Council at the third tier of administration. While the federal legislature is bicameral, it consists of the Senate and the House of Representatives, the states and local governments have unicameral type, which is one Chamber. Members of legislatures engage in law making, reviewing legislations in committees and perform other constituent functions such as representation and oversight. The provisions of the Constitution and the Standing Orders or rules of the Legislative House set the formal rules and practice that govern legislative Houses.

Accountability is one of the most important procedural characteristics of a well-functioning democracy (Pelizzo, 2013). It is all about questionability and answerability to those who have invested their trust, faith, belief and resources for you. It aims to serve the public effectively in accordance with the laws of the land. Accountability is the responsibility to show that work has been done in accordance with agreed rules and those saddled with the responsibility reports accurately on performance results vis-à-vis authorization and plans. Accountability has been a subject of discourse related to challenges in the public sector, non-profit and private domains and a key issue in

*Corresponding Author

evaluation of good governance. Indeed, political and fiscal accountability have become critically associated with modern liberal democracy; thus, [World Bank \(2012, p.xii\)](#), refers ‘good governance as a policy approach that highlights the roles of the political, organisational and economic standards of lawfulness and efficacy in the daily operations of the public sector.’ In this regard ‘the legislature makes use of oversight committees to promote good governance, which implies that government and in this instance local government should fulfill their responsibilities while oversight committees assist to create greater accountability on behalf of the executive.’ ([Kraai et al., 2017](#)).

Accountability flows in different directions and it means:

- every act or action is transparent, that is open to law;
- regulation and prudent judgment;
- all participants are responsible for their own actions;
- every act or action is subject to independent, professional, unbiased review (audit) and the results made available to all concerned ([World Bank, 1995](#)).

Government business is handled by Public officers either elected or appointed. That is, the political class and the bureaucracy. They are the people that the citizens have handed on their sovereignty to and accountable to the citizens. In Nigeria and many other developing climes, these leaders rather than being frugal in the management of the State’s resources have voraciously mismanaged the economy. This scenario is common in the Local Government system in Rivers State in particular and the Nigeria at large. The quest for primitive accumulation by these officers has raised questions about the possibility of the much clamoured autonomy by Local Government Councils. Many leaders of thoughts have located poor performance of local government councils in Rivers State in particular and the states of the Federation to institutional failure, corruption and nepotism which are habited by accountability questions. [Olorunfoba and Gbemigun \(2019\)](#), sums up the argument by stating, ‘the continued deterioration of the level of accountability among public officials in the country shows that the adoption of multiparty system has not contributed to good governance.

In most countries, the legislature has the constitutional power to both oversee and hold other governmental agencies to be accountable and transparent. In the light of the increased focus on good governance, academics are increasing public awareness on the importance of legislative oversight in order to curb corruption, increase public financial management, enhance accountability and contribute to institutional stability which would drastically reduce and or eliminate poverty and engender development. The oversight tools available to legislature vary based on the typology of the legislature or the instrument that directs the affairs of such legislature.

2. Techniques Used By the Legislature for Ensuring Accountability in the Local Government System in Rivers State

There are many ways through which the Local Government Legislative Council ensures accountability in the local government system in Rivers State in particular and Nigeria large. They include:

- Legislative oversight
- The power of appropriation
- Power to conduct investigation
- Legislative veto
- Impeachment, and
- Review of the report of the Auditor General of Local Government

2.1. Legislative Oversight

The term ‘oversight’ is used to define an array of activities applied by legislatures to check executive action. It is the active interface between a legislature with the executive and administrative structures that improve the delivery of predetermined objectives of government priorities ([Kraai et al., 2017](#)). The oversight function of the legislature implies the surveillance of the executive agencies, especially by the legislature and it is founded on the fact that the legislature enacts the laws that creates administrative agencies and governance architecture needed to manage the affairs of the State. When a legislature performs its oversight functions, it is supervising or overseeing the business of executive branch departments, ministries or agencies in order to ensure prudent management of funds and frugality in governance. Legislative oversight is achieved effectively through committees and the committee system is an effective tool for accountability. [Egobueze \(2018\)](#), states, inter alia: ‘committee is a group of people appointed for a specific function by a larger group and typically consisting of members of that group.’ Consequently, every legislative House has Special, Standing and Ad-hoc Committees establish to support its affairs. Through their oversight functions, legislative committees monitor how well agencies are administering the laws passed in order to ascertain the efficacy and impacts on the citizens. Dugara as cited in [The Guardian \(2016\)](#), the use of the term ‘oversight’ is credited to Prof. Woodrow Wilson and it connotes the assessment, monitoring and control of government and public agencies, including the implementation of policy and legislation. Basically, oversight is the crucial role the legislatures plays in monitoring and reviewing the actions of the executive organs of government. The term embraces a large number of activities performed by the Legislature in relation to checking the compliance to the laws by the other organs of government, namely, the Executive and the Judiciary. In other words, oversight traverses a far wider range of activity than does the concept of accountability, thus, making it a commodious concept. [Griffin and Newman \(2005\)](#), argues that ‘legislator’s efficiently position themselves as overseers of the executive and act as protectors of morality on behalf of the residents.’

2.2. Purpose of Oversight

- Legislative oversight promotes checks and balances, instills fiscal discipline, good governance, accountability and transparency in public offices.
- It improves economic efficiency and effectiveness of governmental operations;
- It ensures administrative compliance with legislative intent and prevents executive encroachment on legislative authority and prerogatives’.
- It enhances the evaluation of programmes and performance of public organizations;
- Legislative oversight checks corruption, prevent poor administration, waste in public expenditure, abuse, arbitrary and capricious behaviour, or illegal and unconstitutional conducts by public officials;
- It galvanizes the general public in understanding government programmes and policies and ensuring that executive they reflect the public interest;
- It assists the Legislature to evaluate public policies and evaluate areas that require amendment or repeal.

The imperatives of legislative oversight are to ensure that executive officials accountable for the implementation of delegated authority. This objective is especially important given the huge expansion of executive influence in the modern governance. Oversight encompasses accountability. Accountability on the other hand, as noted above implies ‘giving an account’ of action or policies or to account for spending and so forth. Accountability can be said to require a person to explain and justify- against criteria of any kind- their decisions or actions. It also requires that the person goes on to make amends for any fault or error and takes steps to prevent its recurrence in the future. A situation of the exercise of power in a democracy is that, the organization or executive is checked by being held accountable to an organ of government dissimilar from it. However, central to all discussions of legislative oversight and indeed any form of oversight, are the broader, but associated issues of accountability, control and governance. The concept of accountability today represents the integration of two different ideas. They are political accountability and stewardship. Political accountability dates back to the development of society and social structure, when individuals were given the responsibility to carry out tasks on behalf of their fellow citizens. To have responsible officials is what differentiated the emergence of democracy from those under tyrants and despots. The second was the idea of stewardship associated with estate management and governance. In contrast to the earlier, stewardship and estate management led to the introduction of the concepts of financial accountability, managerial accountability and audit. Much of the perplexity over accountability arises from the fact that different scholars and commentators are talking about different things when they use the word accountability.

It is the second type of accountability has expanded potentially to the detriment of the first. The tradition of stewardship has been transformed into the practice of audit, which has come to have an increasing dominant social and political role, particularly within the public sector. The power of auditing is a process of building credibility and constructing legitimacy. Given the growth of these regimes of audit and inspection within the public sector, many aspects that may have previously been the jurisdiction of the elected politician or the legislature have become the jurisdiction of the professional accountants. Audit is a key issue of Public Financial Management (PFM).

Legislative oversight guarantees horizontal checks on the executive agencies and provides many opportunities for exercising social accountability. This action is basically achieved through legislative Committees. Legislative Committees have statutory authority in many countries to investigate virtually any executive behaviour and make legislative corrective action where it is needed. For this kind of oversight to be effective, the legislators must move beyond the patronage course that presently characterizes so many of the Houses and be focused with integrity and the mindset to deliver on the dividends of democracy. They should speak on issues without being gagged by their ‘godfathers’. Politicians who see their main interest as nurturing neo-patrimonial linkage rather than pursuing a larger public interest are unlikely to employ the powerful tools that entrench good governance.

Political philosophers and social scientists through the years have been explicit about the need for legislative control of administrative action, if representative government is to function properly. The establishment of representative legislatures by the constitution is to ensure that government is accountable to the people based on constitutional provisions. In Nigeria, the presidential system which is operational ensures horizontal accountability. The independence and survival of the executive and the legislature are expected to produce countervailing ambitions that motivate mutual checks and minimize the risk of tyranny of the majority. This is because tyrants will not be benevolent rulers simply because the constitution says so. In order to guard against the letter and the spirit of the constitution, there is a need for an institutional arrangement that guarantees good governance and accountability.

The oversight function of the legislature in Nigeria finds legislative importance in Section 88 (i)-(2) (b) and 128, 129 respectively for the National Assembly and Houses of Assembly of states. Similarly, this provision is contained in Section 30 of [RSHA \(2018\)](#).

Implicit from the above section is the Legislative Council is conferred with the power to expose corruption, inefficiency or waste in the execution or administration of laws within its legislative competence and in the disbursement and administration of funds appropriated by it. It must however be recognized that the legislature’s power to investigate is not absolute as it has some legal impediments. The power of investigation by the legislature cannot be invoked to apply to issues that are outside the purview of the legislature in the exercise of the power to make law. In Nigeria, since 1999, the investigative power the legislature has attracted some level of abuse, especially at the National and State levels. Nigeria lawmakers see this function as a means of enriching themselves. Consequently, members of the National Assembly as well as the Houses of Assembly of States lobby, sometimes, ungodly to become chairmen of “juicy” committees of the Senate or the House. This is also akin to Local Government Legislative Councils. A survey of the Councils in Rivers State indicates that all the Councillors are Chairmen of Committees, the essence of this is to check internal wrangling that may cause a rift or retard efficiency

in the system and make each of them boss over their Committees. Immediately they get this chairmanship position, their next line of action is to invoke the power of legislative oversight functions of the committees. Due to the obvious culture of corruption, ovations are usually given to such legislators for exposing corrupt practices, especially at the National level. Dino Melaye was celebrated for this reason.

Most of the Committees often abandon the cause of justice and pursue issues just to intimidate their prey to bow to pressure and then “settle” these legislators with millions of Naira at the national and state levels and thousands of Naira at the Local Government level. These are not the real intent of the Constitution or Law of legislative oversight function. It is not for political sentiment or a personal vendetta against the executive, administrative office holders or judicial officials. It is to expose corruption and enhance efficiency so as to deliver democracy to the doorsteps of the masses.

In carrying out its tasks, the Executive, whether by implementing legislation or policy, acquires considerable power through delegated legislation. A condition of the exercise of that power in a constitutional democracy is that the administration or executive is checked by being held accountable to an organ of government distinct from it, known as the legislature or judiciary. This notion is inherent in the concept of the separation of powers, which simultaneously provides for checks and balances on the exercise of executive power vis – a-vis other institutions, thereby making the executive more accountable to an elected legislature. The intention of the separation of powers governance model is founded in John Locke and Charles de Montesquieu’s constitutional theory (Landsberg and Graham, 2017). Effective oversight of the executive requires that members of the legislature and members of the executive fully understand the constitutional justification and rationale behind accountable government and the purposes it serves. Accountability and oversight can be at their most effective level if recognized by those in power as the central organizing principle of our constitution. Oversight and accountability help to ensure, that the executive implements laws in a way required by the legislature and the dictates of the constitution and existing legislations. The legislature is by this measure able to keep track over the laws that it passes, and to promote the constitutional values of accountability and good governance.

Accountability is also designed to encourage open government. It serves the function of improving public confidence in government and guarantees that the government is close and responsive to the people it governs. If the values of accountability and oversight and the purpose they serve in a constitutional democracy are realized, members of the executive will more willingly submit to them, thereby fostering and enhancing the principle of cooperative government. The requirement that the executive must justify its policies and decisions to the legislature is a mechanism for ensuring accountability.

Three critical factors are important for achieving smooth legislative oversight, these are:

1. the House is required to review programmes of agencies and to propose legislation to fix any problems that were discovered;
2. Appropriation committee is assigned fiscal oversight in order to scrutinize agency spending.
3. Investigative responsibility is assigned to Committees in order to seek inefficiency, check waste and corruption in the government. Critical is the role of the Public Account Committee, which interrogates fiscal abuse office and audit alarms as reported by the Auditor General of Local Government.

These three bases of oversight are overlapping and intended to meet the overall purpose of fiscal and administrative responsibility by public servants. The overall goal is to clarify statutory intent, evaluate programme administration and performance, eliminate fraud, abuse, and red tape, review the usefulness of programmes, ensures that programmes are cost-effective, economical and correct executive abuses of authority.

It is important to note that achieving oversight has been a mirage at the third tier of administration in Rivers State in particular and Nigeria at large. Local Government Chairmen not only have muscle the Councillors to accepting their wills, but also force them to seeing the legislative Institution as a mere executive department. Consequently, the legislature lacks both administrative and financial autonomy, which makes it to be seen as *weeping child* that goes to beg for funds from the master – the executive. In fact, financing the Legislative Councils for sustainability has been very daunting and challenging in the State. The absence of financial autonomy is an infraction into the onerous activities of the legislature like funds for investigative hearing, purchase of critical assets like cars, buses, video cameras, publicity and other instruments needed for investigation. They also stop the Supervisors, Adviser Directors and other Executive officers from attending to queries and questions proposed by the Legislature. Since the executive is not interested in achieving virile oversight, it starves the legislature of needed funds to undertake these activities. Besides, due to the absence of free and fair elections in view of the fact that the Councillors are almost handpicked, rather than elected, they find it difficult to check the financial and administrative rascality of the Chairmen of Councils and other Executive appointees and officials. Thus, the oversight capacity of the legislature is in captivity, the only solution to releasing it is financial autonomy, which could enhance administrative autonomy.

2.3. Power of Appropriation

The constitutions of many countries confer on their legislature the power of appropriation; this is part of the oversight function. In matters of public finance, it is a rule that public money cannot be raised or spent without legislature’s sanction or approval. The legislature therefore holds the power of the pus. But the proposals for raising and spending money must come from the executive. Power of appropriation involves legislation, compliance, monitoring and oversight. This means that the legislature, especially the Legislative Council has vital roles to play in the formulation and implementation of the budget of the Local Government. Sections 76, 77 and 78 of the [RSHA \(2018\)](#) grants the Legislative Council, the right to appropriate, and scrutinize proposals known as budget from the Executive. The global look at the power of the legislature over budgetary matters reveal the dominance of the

legislature, which has the power to reject the proposals of the executive and is empowered to craft its own legislation which is then subjected executive veto or approval. The major intentions of these provisions are that all money made on behalf of government should be kept in designated accounts and should not be spent without the approval of the Legislative Council. The law gives the Legislatives Councils the powers of exchequers. In other words, extra budgetary spending is criminal and it is an offense. This is a way of ensuring public accountability in democratic states, especially, at the third tier of governance in Rivers State.

Similarly, Sections 71 and 72 empowers the Legislative Councils in each Local Government Council to approve loans and overdraft. This is critical and a safeguard for frugality in governance. A Local Government Legislative Council could deny any Chairman of the request to seek for overdraft or borrow money from financial institutions. Unfortunately, most of the Councils in Rivers State are in debt, because of the multiplicity of overdrafts and loans. The irony is that, most of these loans and overdrafts are approved by the Legislative Councils.

Suffice it to state that due to the docility of the Legislative Councils in the State, the Executive arms of most Local Government Councils have been involved in many unbudgeted expenditures, but, because the Legislative Councils have been arm-twisted, they hardly have been able to apply the necessary sanctions, which includes impeachment of the recalcitrant Chairmen.

2.4. Instituting Hearings and Investigations

The conventional method of exercising legislative oversight is through committee hearings and examinations into executive branch operations. Legislatures are intended to serve as built-in mechanisms to monitor and evaluate executive implementation of public policies. In this capacity, the body seeks on the prioritization of specific policies or issues, the allocation and use of funds, and the effectiveness of unambiguous initiatives. To do this, legislators rely on such mechanisms as committee investigations, requests for regular briefings from Supervisors' representatives and public hearings to gather information from non-government sources on the issue under interrogation. It is important that legislators know if programmes are functioning correctly. This would enable them to evaluate the status of programmes and state of affairs of issues under evaluation. Although, too many investigations can clog the flow of governmental processes, this tool does provide the legislature with the ability to fix the improper legislation and inform the public of what the government is doing, and finally checkmate the Executive arm to ensure transparency and openness in governance. Section 17 of the [RSHA \(2018\)](#) guarantees this.

2.5. Confirmation of Appointments

Section 32 of the [RSHA \(2018\)](#) establishes the Executive Council of Local Government Councils and empowers every Chairman of Council to appoint not more than Six (6) Supervisors, which must include the Vice Chairman and this appointment shall be confirmed by the Legislative Council. Sub – sections 1 and three are instructive as they state inter alia:

- (1) The Chairman shall appoint not more than 6 persons as Supervisors of the Council, who shall constitute his Executive Council, one of whom shall be the Vice-Chairman.
- (3) Any nomination to the office of a Supervisor of a Local Government except that of a Vice-Chairman shall be confirmed by the Legislative Council ([RSHA, 2018](#)).

Implicit from the above, the Legislative Council is under this law directed to confirm and approve the nomination of the Chairman for such persons that should be the members of the Executive Council. The Legislative Council could reject a nominee(s) who is believed to be corrupt or who has questionable character in their opinion that may bring disrepute to the administration and convey reason for such rejection to the Chairman within 14 days of receipt of the request from the Chairman. Based on Sub – section 3, the Chairman cannot just appoint any body into office except to screened and confirmed by the Legislative Council; this is a form of control and administrative accountability.

Similarly, Section 35 of the law under appraisal empowers the Chairman to appoint not more than Five (5) persons as Special Advisers, but as a means of entrenching accountability, Subsection 2 gives the Legislative Council the power to fix the salary and allowances. The Sub – section states:

Pursuant to subsection (1), the remuneration, salary and allowances of the Special Advisers shall be prescribed by a bylaw or resolution of the Legislative Council of the Local Government ([RSHA, 2018](#)).

2.6. Legislative Veto

This is the reserved rights of the legislature to approve or disapprove executive proposals. A legislative veto allows the legislature to nullify certain actions of the executive by majority vote. In addition to legislative veto, legislative houses sometime grant House committees the power to approve or disapprove executive actions. This is known as a *committee veto*. Legislative or Committee veto is basically applied during question and answers when he Chairman or any member of the Executive branch is invited to answer some questions about the action of the Executive that require clarification or when certain policies did not comply with the rules.

2.7. Impeachment

This is essentially the “ultimate check on the executive branch, known as removal power” Even more importantly, this removal power is exclusive to the legislature. Section 13 of the Rivers State, Local Government Law, 2018 grants the Legislative Council the power to remove the Chairman or Vice – Chairman of a Local Government Council from office for gross misconduct, or any other offense. ‘**Gross misconduct**’ according to Sub – section 12 of Section 12 means ‘a grave violation or breach of any provision of this Law, the Constitution or any

other act that, in the opinion of the Legislative Council, amounts to gross misconduct'. The conditions and procedures for removal is as prescribed in that Section.

3. Other Methods Applied By the Legislative Council in Entrenching Accountability in the Rivers State Local Government System

The Local Government system in Rivers State has had several laws since the first enacted in 2000. Indeed, the Principal law was amended seven times before it was repealed and re-enacted in 2010. However, with the coming into office of the 8th Assembly, the 2010 law was repealed again in 2018 and re-enacted. The new law directs the structure and functions of Local Government Councils in the State and set parameters for the operationalization of the Councils. Part III, Section 13 of the Rivers State, Local Government Law of 2018 established the Legislative Council. Accordingly, the Local Government Legislative Council is empowered to exercise the legislative powers of a local government. The Local Government Legislative Council, in addition to any other powers conferred on it by the Fourth Schedule to the constitution has powers to perform the following functions:

- (a) Debating, approving and amending the annual budget of the local government subject to the Chairman's veto, this may be set aside by two-thirds majority of the local government legislative council.
- (b) Examining and debating statements of income and expenditure rendered to it by the local government Chairman.
- (c) Performing such other functions as may be assigned to it from time to time by law (RSFA, 2018).

These basic functions of the legislative council are the major pillars and instruments in the hands of the legislative council to ensure accountability and transparency in the business of running the council.

4. Challenges of Accountability in Rivers State Local Government System

In Rivers State and all the States in Nigeria, the legislative oversight at the Local Government level has failed due to partisan politics. Legislators are often hesitant to bring blame to on any Chairman of Council due to fear of 'godfatherism', given that in almost all the Local Government Councils, about 99% of the Councillors are from the ruling party in the State, in Rivers State, for example, the People Democratic Party (PDP) holds sway as the ruling party and all the Chairmen of Councils in the State are from the PDP, and only 0.2% of Councillors are from other opposition parties. Importantly, the Chairmen and Councillors assumed office through flawed elections that cannot stand international standards. The Rivers State Independent Electoral Commission as it were, manipulated the pool in favour of the ruling party. In this part of the world, he who pays the piper dictates the tune. In this case, the PDP led Government dictated the direction of the election. The Rivers State example is akin to other States in the Federation, with the exception of Kaduna State. This indeed is a dangerous trend to democratic consolidation in Nigeria, and it has a grievous impact on achieving accountability and transparency in governance.

The oversight function remains the major component of the activities of modern legislatures, irrespective of the form of government in practice or the party in power. However, the under listed problems undermine the effective legislative oversight and accountability in Rivers State in particular and Nigeria at large. In a nutshell, they include:

- Absence of financial autonomy
- Undue Executive interference.
- Absence of administrative independence
- Crippling internal conflict
- Inexperience and amateur legislators.
- High rate of members turns over
- Corruption.
- Constitutional history
- Lack of training
- Poor working environment
- Inaptitude and docility of the Councillor and
- Dearth of support staff and aides

All these factors hamper legislative efficiency and lead to the compromise of its role in the performance of the legislative oversight which is predicated on entrenching accountability. However, occasional flashes of a measure of assertiveness by the legislature suggest that with effective mitigation of its internal problems, its performance will improve as legislative culture improves.

5. Concluding Remarks

Through law making, legislature constructs a frame of reference for the regulation and management of lives and properties in society. In its role as overseer of government, it is responsible for encouraging transparency in the management of the affairs of State and for preventing potential abuses by government authorities. Oversight by the legislature has become an established norm. Legislative oversight is seen as the process by which a legislative body takes an active role in understanding and monitoring the performance of the executive arm, Oversight, which enhances accountability, has become unavoidable with governance process and fiscal regimes increasingly becoming complex. Legislative oversight, therefore, is very important in ensuring accountability and good governance. Consequently, this study recommends Institutional reforms that would empower financial and administrative

independence of the Legislature at the third tier of administration in Nigeria. This would guarantee freedom for the Councillors to legislate for peace and good governance without fear.

Local Government Legislative Councils are endowed with investigative power granted by the constitution of the Federal Republic of Nigeria through the enactments from the various State Houses of Assembly with respect to Sections 7 and 8 of the 1999 Constitution of the Federal Republic of Nigeria (As Amended), all these form part of the jurisprudence for managing the local government system. Power is granted the legislature to allow it expose corruption, inefficiency or waste in the execution or administration of laws within its legislative competence and in the disbursement and administration of funds appropriated by it. The power is broad, but not unlimited. Unfortunately, overseeing the executive departments through the oversight mechanism has been a Herculean task; this is due to the process that brought the officers to office. Consequently, the researcher suggests Constitutional amendments that would repeal the Section == that provides for the establishment of the State Independence Electoral Commission. This function should be taken over by the Independent National Electoral Commission of Nigeria.

References

- Baskin, M. (2013). The complexity of contemporary parliamentary representation. *Nigerian Journal of Legislative Affairs*, 5(2).
- Benjamin, A. (2010). National Assembly: the limits of party politics in legislative process. *Nigeria Journal of Legislative Affairs*, 3(1-2).
- Egobueze, A. (2016). *The legislature in conflict management*. Scholars' Press: Germany.
- Egobueze, A., 2018. "Committee system in a legislature, Titanic hotel Owerri." In *A paper presented at a three day workshop organized by A and G Hildian Ltd for the Legislative Council of Oyo Local Government Council, 8th – 10th November 2018*.
- Egobueze, A. (2020). *The state and the people*. A and G Hildian Ltd and Pearl International Publishers Ltd: Port Harcourt.
- Fashagba, J. Y., 2013. "The Nigerian Legislature and Socio-political Re- engineering in the Fourth Republic, Kwara State, Redeemer's University Omu- Aran, cited in Bintube, Y, Legislative oversight in Nigeria." In *The 7th National Assembly*.
- Griffin, J. D. and Newman, B. (2005). Are voters better represented? *Journal of Politics*, 67(4): 1206-27.
- Kraai, S., Holtzhausen, N. and Malan, L. (2017). Oversight mechanisms in local government: A case of ekurhuleni metropolitan municipality in South Africa. *African Journal of Public Affairs*, 9(6): Available: https://repository.up.ac.za/bitstream/handle/2263/61224/Kraai_Oversight_2017.pdf?
- Landsberg, C. and Graham, S. (2017). *Government and Politics in South Africa—coming of age*. 5th edn: Van Schaik Publishers: Pretoria.
- Njemanze, T. A., 2013. "The local government legislative council and accountability in Nigeria's local government system: the case of Imo state." In *Nsukka, the university of Nigeria, a project submitted in partial fulfillment of the requirements for the award of the degree of master of science (M.sc.) in political science (public administration)*.
- Okoosi-Simbine, A. T. (2010). Understanding the role and challenges of the legislature in the fourth republic: the case of the Oyo State House of Assembly. *Nigeria Journal of Legislative Affairs*, 3(1-2).
- Oloruntoba, S. R. and Gbemigun, C. O. (2019). Accountability and public sector performance in the third world country: A case study of Nigeria. *International Journal of Trends in Scientific Research and Development*, 3(3): Available: https://www.researchgate.net/publication/333701427_Accountability_and_Public_Sector_Performance_in_the_Third_World_Country_A_Case_Study_of_Nigeria
- Pelizzo, R. (2013). Democracy, accountability, and parliament. *Nigerian Journal of Legislative Affairs*, 5(2).
- Remy, R. (1994). *United States government democracy in action*. Glencoe in Okoosi: New York.
- RSHA (2018). *Rivers state local government law (2018)*. Rivers State House of Assembly: Port Harcourt.
- The Guardian (2016). Legislative oversight as a critical component of good governance. Available: <https://guardian.ng/features/legislative-oversight-as-a-critical-component-of-good-governance/>
- World Bank (1995). *World development report: Knowledge for development*. Oxford university press.
- World Bank (2012, p.xii). The world bank annual report, Main report. World bank annual report; Washington, DC. Available: <https://openknowledge.worldbank.org/handle/10986/11844>