



Research Paper

The Legislature in Conflict Management: A Study of the Rivers State House of Assembly.

Kaa Evelyn

Department of Political Science, Rivers State University, Nkpolu - Oroworukwu, Port Harcourt.

Dr. Wosu, Madubuchi

Lecturer, Department of Sociology, Rivers State University, Nkpolu - Oroworukwu, Port Harcourt.

Banigo, Ubokulom, J

Lecturer, Department of Political Science, Rivers State University, Nkpolu - Oroworukwu, Port Harcourt

Abstract

It is essential to state that the Executive and Judiciary have always been a dominant player in conflict resolution and creating political stability. However, the involvement of the Legislature has most often been considered tangential. This study interrogated the role played by the Legislature in conflict management with focus in the Rivers State House of Assembly, Methodologically, the study adopted secondary data and content analysis as methods of data collection and analysis as well as structural functionalism as theoretical framework. The study observed that the failure of the Executive and the Legislature to meaningfully manage conflicts leads to the increasing role of the Legislature in conflict management and recommends the financial autonomy of the Legislature among others as key to the increasing role of the Legislature in conflict management.

Key words: *Conflicts, legislature, management, role, study, assembly.*

Received 13 October, 2021; Revised: 25 October, 2021; Accepted 27 October, 2021 © The author(s) 2021. Published with open access at www.questjournals.org

I. Introduction

The contemporary Nigerian society is fraught with violence. From Boko Haram and Herdsmen in the North, to kidnapping, cultism, ritual killings, etcetera in the South, Nigeria appears to be a boiling cauldron waiting for its final explosion. Conflict studies may attribute the growing violence in the Nigerian society to a myriad of factors; however, it seems very likely that ethnic sentiment, resource control, environmental degradation, political division and unhealthy partisanship, religious differences and clash of authorities, especially in the case of politics and cultism, have continued to rob Nigeria of relative peace, peaceful coexistence and technological development.

Interestingly, different organizations and government parastatals have taken steps to respond to these challenges through basic programmes such as skill acquisition training, public sensitization, amnesty and other such programmes yet the much expected results of lasting peace seem to constantly elude the nation. Worrisome as the situation is, much blame seem to be accorded the government. The reason for this is, not far-fetched, given the fact that, the primary functions of government is to protect the lives and property of its citizens as stipulated in Section 33 of the 1999 Constitution of Nigeria (As Amended) which states inter alia: “every person has right to life, and no one shall be deprived internationally of his life, save in execution of sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria”.

However, the Nigerian situation seems peculiar because of the sheer indifference of the different strata of government to their legitimate obligations. Little wonder then why everything is blamed on the executive even where and when the responsibility to tackle some of such burning challenges rest on the Legislature or the Judiciary. This misplaced attention thus has remained a critical challenge for government to holistically combat security challenges. More so, state governments also have consistently shown a high level of reluctance in building a synergy with the federal government in fighting such security scourge as the Boko Haram. One observes this attitude in states which have in power a different political party from the one at the center. It is

clear, then, that security breaches will continue unabated as state governments and other government departments continue to exonerate themselves from the embattled problems of insecurity and conflict management

In the face of this institutional weakness, enabling legislatures to manage conflict in such Nigeria is among the most critical challenge even though, in a functional democracy, it serves as the first steps in the process of achieving stability. In case of Nigeria, any demand on the legislature to take a lead in conflict management would simply require the improvement of existing legislative capacity. In many instances, however, peace building requires adjustment or complete redesign of the institutional architecture of the state in order to address structural deficiencies that may have contributed to conflicts.

The legislature, as the representative body of government, has the potential to be an extremely effective institution for conflict management (Egobueze, Ogele, Ajunwo, 2020). "Legislatures are the guarantors of pluralism and can play a significant role in ensuring the proper workings of government while protecting the interests of minorities (Taylor 2005, p.105)" or disenfranchised groups. Stakeholders can transfer their grievances from the battlefield to the political sphere, and power-sharing mechanisms can be adopted to bring all segments of society into the political framework (Sisk 2001, p.789). In addition, stakeholders can pursue compromises and participate in making difficult decisions on contentious issues of national policy through the legislative and committee processes in the legislature. Finally, an effective legislature can exercise oversight over the executive, acting as a check on an authority that, if unfettered, could ignore or abuse minority interests.

The Legislatures operate in a broader system of political incentives and disincentives. Individual legislators will naturally give greater credence to activities that further their own political positioning. The Legislature is the institution of government whose main role is to make, amend or repeal laws. No form of human organization can function effectively without any rules. Legislative oversight of the security sector is a crucial element of the balance of power within a democracy. Egobueze (2013) opined:

Section 4 (1) and 4 (7) of the 1999 Constitution of the Federal Republic of Nigeria (as Amended) provides for the law making function of the legislature at both Federal and State levels. Consequently, there is a bicameral National Assembly made up the Senate and House of Representatives at Federal level, and 36 unicameral state houses of Assembly, all legislating for peace, order and good governance for the constituent states and the Federation (p. 4).

Section 91 of the same Constitution also establishes the State House of Assembly.

Interestingly, the Rivers State House of Assembly is the Legislative arm of the Rivers State Government, Nigeria. The Assembly is a creation of the Constitution of the Federal Republic of Nigeria, 1999. The Rivers State House of Assembly has 32 Members and it is located in Port Harcourt, Nigeria. The Assembly seems to appreciate the fragile nature of the state and has, intermittently responded to some cases of conflict. However, it is still not out of place to review the extent to which it has carried out this function given the fact that Rivers State has remained the hub of the Niger Delta crises. Since the 1990s, following from resource conflicts (the Ogoni case in particular), agitations to a renewed cross-Niger Delta agitation, the State has witnessed several conflicts. Ibeanu (2006, p.1) argues that "there persists today a myth of Hobbesian Niger Delta. Gang wars, cult killings, kidnapping of oil workers, hijacking of oil tankers, and violent occupation of oil installations, armed robbery, election violence and communal conflicts are raw materials for this mythology of the Niger Delta." However some of these conflicts have been adequately responded to by the Rivers State House of Assembly. The 2015 Ebocha Gas explosion conflict, the 2017 Eligbolo water ways conflict in Obio- Akpor Local Government Area, unlawful, 1015 Human Engineering Company staffs management conflict, et cetera, are instances of conflict management by the Rivers State House of Assembly. Following from the above, this study addressed the involvement the legislature in conflict management, with the Rivers State House of Assembly in focus.

II. Theoretical framework

The Structural functionalism was propounded by two theorists, Robert Merton and Herbert Spencer. The main argument of the structural functionalism is that the society is a complex system whose parts must work together to promote solidarity and stability that is; parts of the society are interdependent and this interdependency imposes structure on the behavior of institutions and their members. The social system is the prior casual reality and the system parts are functionally interrelated, all social phenomena have functions for the larger social system. Concerning these functions, the theory has the following assumptions:

- i. They may be functional for the whole system or only part of it
- ii. There may be functional alternatives
- iii. There may be multiple consequences from particular phenomena,
- iv. Dysfunctions account for tension and change in the system
- v. Approaches assume that systems can be identified and specified, that the boundaries are measurable
- vi. They cannot explain the existence of social change and social conflict

In developed countries, the process of government are ‘elaborately differentiated, discrete and easy to identify,’ but in simpler societies the same processes are rarely differentiated and discrete”. They occur within the context of institutional activities that are difficult to analyze for political processes. The more “differentiated and complex” the government processes, the ‘greater the range and complexity’ of content. Since content and process are ‘interdependent,’ they require independent criteria for studying government. The functional approach does not have the same limitations a process and content. It defines government as all those activities that influence ‘way in which authoritative decisions are formulated and executed for the society’ (Easton, 1957).

From this definition, various schemata were developed to study the functions of government. Easton listed five modes of actions as elements of all political system: legislation, administration, adjudication, the development of demands and the development of support and solidarity. (Umar & Ogbu, 2019, p.5). Umar & Ogbu (2019) in their article, *the constitutionalism of intra governmental relations in Nigeria’s Fourth Republic* opined that a functional aspect of the doctrine of separation of power is operationalized to mean checks and balances based on constitutional schematics. It is the duty of the judiciary to protect the constitution and laws of the country which are not contrary to the constitution (James & Kassam, 1973). They further states that, the judiciary stands between the citizens and the state as a balance against executive excesses or abuse of power, transgression of constitutional or legal limitations by the executive as well as the legislative (Bhagwati 1989). Thus checks and balances are desirable and feasible rather than an absolute separation of powers, which is impracticable. The power may be distinct but not really separate. This is palpable under the Nigerian constitutional arrangement. The president has veto power on any bill passed by the legislative but the legislative can impeach the president. Also, the president’s nomination for appointment as Supreme Court justices is subject to confirmation by the senate. The legislature has powers including the power over public finance and the power of investigation. On the other hand, the judiciary exercises the power of judicial review over executive and legislative actions.

From the structural theory, society is being structured to carry out specific functions, this gives rise to the following questions; why are there traces to the flaw in human nature which is seen to be selfish and engaging in the pursuit of personalized self-interest defined as power affecting the structured organs of government? Why do the Legislative perform the duties of the Judiciary and Executive?

III. Conceptualizing the terms - the Legislature and Conflict Management

3.1 The Legislature

The Legislature is the engine of democratic governance as laws made by it set the agenda for the government and regulate the conduct of the people. The legislature in Nigeria, being it the National Assembly or State Houses of Assembly, has a very significant role to play in creating the legal and institutional frameworks for ensuring the existence and sustainability of transparency and accountability in the public service. Assemblies have increasingly become scrutinizing bodies, the principal role of which is to deliver responsible or accountable government. Most Assemblies have developed institutional mechanisms designed to facilitate this role. The legislature emerged from the need to make government accountable to the people. This need for accountability has ensured that all activities of parliament are open to public scrutiny.

The legislature is referred to as parliament in Britain, national assembly in Nigeria, congress in United States. The legislature occupies a key position in the democratic process of government, with the purpose of articulating the collective will of the people through representative government (Egobueze & Dumnu 2020; Okoosi-Simbine, 2010, Bogdanor, 1991). Awotokun (1998) avers that the legislature is an arm of government that is made up of elected representatives or constituted assembly people whose duty is to make laws, control the activities of the executive and safeguard the collective interest of the society. The centrality of the legislature is captured by Awotokun (1998) when he asserts that legislature is the pivot of modern democratic systems. Edosa & Azelama (1995) states that legislatures vary in design, structure, organisation, operational procedures, and selection process as well as sizes, tenure of office and nature of meetings. The legislature is an assemblage of the representatives of the people elected under a legal framework to make laws for the good health of the society (Mbah & Egobueze, 2016).

In light of the foregoing, a state can not be said to be democratic without the legislature. Indeed, the legislature is at the very heart of any democratic arrangement or what scholars often refer to as “representative governance”.

Baldwin (1989) categorized legislatures according to their capacity to influence policy. Consequently, the four types of legislatures can be identified: - policy – making legislatures (active legislatures) - policy – influencing legislatures (reactive legislatures) - legislatures with minimal or marginal policy effect - legislatures with no real policy effect or “rubber-stamp” legislatures. Of these categorization, the Nigerian legislatures be they at the National, State or Local Government Council levels are supposedly that of policy-making

legislatures which enjoy significant level of autonomy and cannot only amend or reject measures brought forward by the executive, but can substitute for its policy of its own.

However, there are more to legislatures than either formulating policies or influencing the formulation of policies. This is because indeed, a wide-range of functions – some intended and some unintended, can be identified. In the Nigerian context, these functions can be looked upon from the backdrop of its powers and responsibilities. These can be classified into three:

- a) Expressed powers – as stated in the constitution
- b) Implied powers – arising from extension of the constitution
- c) Assumed powers – arising from constitutional lacuna “Consensus building”.

In Nigeria, a presidential republic with a bi-cameral National Assembly consisting of a Senate with 109 members, and a House of Representatives with 360 members, as well as thirty-six State Assemblies and 774 Local Council Legislatures, the legislature has powers and responsibilities enshrined in the statutes especially the constitution through which it can ensure public service accountability.

The influential position of the legislature is expressed by section 4 of the amended 1999 Nigerian Constitution which deals elaborately with legislative powers, enables this arm of government to formulate and express the will of the people through legislation.

One of the most important functions of the legislature that is the concern of this work is the check it provides on the other arms of government (Executive and Judiciary) in pursuance of the doctrine of the doctrine of check and balances. Thus, for purposes of ensuring accountability in the public service, the legislature acts as an active supervisor or “watchdog” of the activities of the other arms of government as provided in sections 88 and 89 of the 1999 constitution for the National Assembly and sections 128 and 129 for States Houses of Assembly.

Loewenberg (1995, p.736) conceptualizes legislatures as “assemblies of elected representatives from geographically defined constituencies, with law-making functions in the governmental process.” Two features that distinguish legislatures from other branches of government. According to him, “they” (legislatures) have formal authority to pass laws, which are implemented and interpreted by the executive and judicial branches and their members normally are elected to represent various elements in the population.”

It is significant to note that legislatures vary in terms of composition, structure and role, from one democracy to another. It is important to note that despite this close affinity and the close emphasis of law making echoed by most analyst as the principal function of the legislature, the term still faces complex definitional problems as our knowledge about legislatures has become more sophisticated. For instance, it was discovered that legislators in some of these systems had little or no role in law making.

The Nigeria’s Presidential Constitution, for the purpose of promoting transparency and accountability in the public service, vests on the legislature the power over appropriation and control of public funds. It is for this obvious reason that the legislature is described as the “watchdog of public funds”. In this capacity, it exercises its power to audit public finances as well as the power of investigation into the affairs of government departments or public officers in order to scrutinize the use of such funds for purpose of accountability. The constitutional functions of the legislature with regards to control over public funds for purpose of accountability include among others:

- i. Pre and post-appropriation control
- ii. Authorization of expenditure from the consolidated revenue funds
- iii. Its role in the auditing of public accounts
- iv. Directing or causing to be directed, investigations into “the conduct of affairs of any person, authority, ministry or government department charged or intended to be charged with the duty of or responsibility for disbursing or administering moneys appropriated by the legislature.

In bicameral arrangement as is the case in Nigeria, two legislative chambers exist in a country; one chamber seems to dominate the other. Nwabueze and Mueller (1985) noted that when they viewed that there exists some forms of dominance of one chamber to the other in some legislation, term of office, size of the constituencies represented. However, they intricate rules adopted usually harmonize the legislative function of the two chambers (upper and lower chamber). Edosa and Azelama (1995) assert that bicameral legislative is common in federal states that stem from the imperative of one house to protect the interests of minority groups in such states. Nigeria operates in a federally bicameral arrangement on the dictates of 1954 Lyttleton Constitution. The House of Senate (Upper House) and House of Representatives (Lower House) jointly called National Assembly of Nigeria. The two chambers act as a check on other arms of government; such checks are minimal because the major policy demand and debate is on party affiliations rather than national interest (Edosa & Azelama, 1995).

This arrangement enhance passage of law and gives opportunity for division of labour between the two Houses (Egobueze & Dumnu 2020; Okoosi-Simbine, 2010). In addition, bicameral legislature provides an opportunity for wider representation of various

interests groups in a country from one democracy to the other. Nwabuzor and Muller (1985) note that such factors like presiding officer, order of business, legislative process, legislative committee, intra-party discipline manner of debate consideration account differently among countries. From the foregoing, it becomes apposite to state that the Legislature is at the heart of democracy. Without the legislature, there is no democracy.

3.2 Conflict Management

Conflict management is the process of reducing the negative and destructive capacity of conflict through a number of measures and by working with and through the parties involved in that conflict. It is a process that seeks to remove cognitive barriers to agreement and group synergy. It often covers an array of measures of conflict resolution: problem solving, super-ordinate goals, expansion of resources, avoidance, smoothing, compromise, authoritative command, and altering the human and structural variables, (Osisioma, 2004).

Conflict management is the implementation of strategies to limit the negative aspects of conflict and to increase the positive aspects of conflict at a level equal to or higher than where the conflict is taking place. That is, conflict management aims at the enhancement of learning and group outcomes and effectiveness in organizational setting. It is not concerned with eliminating all conflict or avoiding conflict, but limiting conflicts. Conflict management normally aims at the settlement or regulation of disputes (peaceful or violent) about conflicting relevant values, interests or preferences; and about the general access to resources at governmental level in society (Egobueze, 2021). This term is sometimes used anonymously with "conflict regulations". It covers the entire area of handling conflicts positively at different stages, including those efforts made to prevent conflict, by being proactive. It encompasses conflict limitation, containment and litigation. This may include "conflict prevention"; a term he uses to connote containment of conflict through steps introduced to promote conditions in which collaborative and valued relationships control the behavior of parties.

The term "conflict management" is perhaps an admission of the reality that conflict is inevitable, but that not all conflicts can always be resolved; therefore what practitioners can do is to manage and regulate them (Shedrack, 2017, P.95). Thus, poor conflict management remains a major bane to socio economic development in countries that suffers problem of bad governance like Nigeria.

IV. Legislature in Conflict Management

Violent conflicts can reverse decades of development gains. The costs of preventing conflicts are far lower than the costs associated with recovery. Through their everyday work of representing constituents, law-making, oversight of government activities, and the process of political contests, Legislative Houses have a critical role to play in conflict prevention and management. Legitimately, elected Houses provide a forum for the concerns of diverse societal groups to be aired and incorporated into processes of dialogue, reconstruction and conflict resolution. The legislature is a natural place for mediation, where competing points of view can be represented. By providing a forum to debate contentious issues peacefully, the House helps prevent violent socio-economic conflicts. Such dialogue can help to prevent conflicts by generating an understanding of the challenges facing society, and a consensus on how to address them. In this way, the legislature can mitigate the divisions caused by conflicts by developing an inclusive vision for society, based on commonly held values and goals. For democratic governance to peacefully manage conflicts, Executive bodies must function efficiently and effectively. This requires Legislative oversight of the Executive, (a core Legislative function). The Legislature connects citizens with the State and holds governments to account for their actions or in-actions on critical issues that have bearing on conflicts. For instance, the Legislature can ensure that government works to resolve a conflict.

Legislatures are coming to the fore more than ever before, as natural forums which are uniquely designed to address contentious issues and relationships in conflict-affected societies thereby contributing to peace building efforts and socio-economic development. The implication of the failure of the executive and judicial is that there is the growing trust and confidence by the people in the ability of the legislature to resolve conflict. The relevant question now is not whether the legislatures contribute to socio-economic development through conflict management, or change? Nonetheless, the important question is under what conditions are legislatures likely to contribute to socio-economic development as measured by conflict management and to what extent is this feasible? What combination of legislative structures and procedures is more conducive to socio-economic development, in what social, economic, and political settings are citizens more likely to trust the legislature with conflict management than they would with the Executive and the Judiciary?

Legislatures have dual tasks: encouraging political participation and managing the distribution of resources. Conflict can arise when the proceeds of good governance are not allocated in an evenhanded fashion or when there is competition for scarce resources. The failure to allocate the proceeds of good governance equitably has a twofold effect: first, it creates an environment that is conducive to actors who are motivated by

greed, to kindle conflict; and second, if groups do not share in the proceeds of good governance they will have no incentive to continue participating in the political process, and therefore may resort to violent conflict. The “greed and grievance theory” of conflict espoused by Collier, found that “economic agendas appear to be central to understanding why civil wars start” and “conflicts are far more likely to be caused by economic opportunities than by grievances.” By ensuring the enabling environment is not conducive to actors motivated by greed fuelling conflict; legislatures can reduce the potential for conflict. For instance, a violent conflict draws in young men to participate; if they “face only the option of poverty, they might be more inclined to join a rebellion than if they have better opportunities.” Accordingly, pro-poor development policies and investing in a country’s social capital through education expenditure helps to reduce some of the pre-conditions that could be used by unscrupulous actors to instigate conflict. Legislative should seek to promote such policies and facilitate any corresponding legislation. In addition to being aware of the enabling environment in which conflict is most likely to arise; Legislature also needs to understand the motivations behind conflict so as to develop appropriate strategies to counter these concerns. If groups do not share in the proceeds of good governance there will be no incentive to continue participating in the political process, and therefore may resort to violent conflict to satisfy their interests. In order to “prevent a situation of relative deprivation, the structural stability of the society should be strengthened through income distribution policies.” Ethnic minorities and indigenous groups are often the poorest groups in society, characterized by a shorter life expectancy, lower social indicators and often socio-economic exclusion. Reducing the socio-economic exclusion of any societal group requires a combination of policies, such as: Addressing unequal social investments to achieve equality of opportunity; recognizing legitimate collective claims to land and livelihoods; and taking affirmative action in favor of disadvantaged groups.

The legislature, as the representative body of government, has the potential to be an extremely effective institution for conflict management. Legislatures are the guarantors of pluralism and can play a significant role to ensure the proper workings of government while protecting the interests of minorities (Taylor, 2005, p.105) or disenfranchised groups. Stakeholders can transfer their grievances from the battlefield to the political sphere, and power-sharing mechanisms can be adopted to bring all segments of society into the political framework (Sisk, 2001, p.789). In addition, stakeholders can pursue compromises and participate in making difficult decisions on contentious issues of national policy through the legislative and committee processes in the legislature. Finally, an effective legislature can exercise oversight over the executive, acting as a check on an authority, if unfettered, could ignore or abuse minority interests. Thus, managing conflict between competing groups is an essential function of legislatures in all democracies. The very process of democratization hinges on the development of ‘tolerance, bargaining, and compromise among rival political groups. This function is especially critical in post-conflict and fragile states. In these contexts, where there is recent precedent for the use of violence to settle disputes and grievances, governance institutions must reconcile divergent interests and build effective compromises. The importance of compromise creation in conflict management is clear. In its absence, the legislature could become an ineffective institution where legislative activity is paralyzed; alternatively, it could produce decisions that are unacceptable to a wide array of social groups. Either outcome can lead to the breakdown of legislative legitimacy, as governmental inefficacy or systematic exclusion from decision-making processes lead important groups to lose faith in democratic governance structures. Democratic consolidation becomes impossible under such circumstances, for democratization is complete only when key societal stakeholders view the democratic process as the only legitimate way to pursue group interests.

Legislatures can function either in a ‘transformative’ manner or act simply as ‘arenas’. Transformative legislatures possess the independent capacity to mold and transform proposals from whatever source into laws. Arenas, in contrast, serve as formalized settings for the interplay of significant political forces in the life of a political system (Polsby 1975, 277). A metamorphosis from ‘arena’ to ‘transformative legislature’ needs to occur to equip legislatures in fragile states with the capacity to manage conflicts and build compromises. Legislatures need to serve not merely as forums for the airing of disagreements, but as creative bodies capable of producing policy solutions that a broad variety of societal actors can support. Such an outcome requires the establishment of suitably designed institutional sub-structures and regulations (Polsby 1975, p.291), with the goal of reducing the likelihood that policy creation will become deadlocked or that key groups will be excluded from the policy creation process. Legislatures that are organized to conduct negotiation and compromise processes in small groups like committees tend to manage conflicts more successfully. When self-governance mechanisms exist to ensure that these sub-structures are allowed to fulfill their designated roles and that regulations protecting opposition party participation are respected, the effectiveness of these sub-structures and regulations can be significantly enhanced. Moreover, using super-majoritarian or consensual modes of decision-making to settle particularly critical questions can create incentives for majority parties to engage and negotiate with minority parties to achieve super-majoritarian support.

Legislative restructuring alone cannot accomplish the conversion of legislatures from arenas to transformative bodies, however. Executives must be prevented from interfering in legislative compromise-

building efforts. Strong parties can help ensure that legislators have the legitimacy, resources and information needed to negotiate credibly with each other, but strong parties can also weaken legislative conflict-management mechanisms if undemocratic party governance and rigidly hierarchical methods of organization prevent legislators from negotiating freely. There are a number of ways, then, in which legislatures, executives and parties can be altered and reformed to support the transition from legislature-as-arena to legislature-as-transformative body. When it comes to building compromises, the larger social and political context plays a decisive role.

The legislature promotes integration, mobilizes support for the government and its policies, and legitimizes regimes. In several countries confronted by serious political, economic, ethnic, religious, class, or other social cleavages, the legislature provides a forum where representatives of politically salient subcultures can interact and compromise group differences. In several other countries, individual legislators are credited with building support for the government and its policies through constituency outreach and by serving as linkages between center and periphery, articulating constituent concerns to government, and explaining government policies to constituents. Even where social cleavages defy compromise and where individual legislators play minimal roles in resource allocation or linkage, the inclusion in the legislature of representatives from diverse subcultures can be of symbolic value, if only by promoting the appearance of representation.

V. Case studies of three conflicts resolved by the Rivers State House of Assembly

5.1 Ahoada conflict

Ahoada is a city in Orashi region of rivers state, Nigeria, located northwest of Port Harcourt. The Orashi region used to be called the Ahoada local government, but has since been raised in the rank to region status and is now divided into two Local government areas: Ahoada east with its seat of Ahoada, and Ahoada west, with its set in Akinima. The conflict in Ahoada East was oil related. The oil spilled at Agbauzoku farmland being owned by Umu-OduIshikoloko in Idoke community of Ahoada east local government area and was left unattended to by the Total E&P, negligence that led to the spread of crude oil through the creeks which re tributaries to the Sombreiro River to six (6) communities namely: Ihuaba, Idoke, Ihuowo, Ihuama, Oshiugbokor and Ogbele. The spread of the crude oil to the communities started on the 20th of August, 2015. On the 21st of august 2015, the company helicopter hovered around the communities without any form action to remediate the imminent havoc. Crude oil being highly inflammable spread doggedly and very difficult to extinguish. With all the nooks and crannies of most affected villages filled with crude oil, they feared an outbreak of fire which will engulf the entire community with little or no chance for survival, if nothing was done. The House set up committee look into the conflict and they resolved it.

5.2 The Ebocha conflict

The conflict in Ebocha was also oil related. An explosion occurred on the 29th and 30th of June 2015, the fire was extinguished on the 30th of June 2015. The capacity of each of the tanks was 54,000 barrels, with a sum total of 162,000 barrels. The said tanks from explosion were constructed in 1975 as at 2015 it was 40 years old. There was a joint inspection team to investigate it and remedial relief's materials were taken to the community. The community was not satisfied with the way the conflict was sorted from the company (AGIP) because of the high rate CO₂ in the air by the explosion. The coloration of water was turned, and there was high rate of pollution. The explosion brought untold hardship on them since their main source of wealth was fishing. The residents were forced to live their houses because of the hazard caused by the exploded tanks. The community brought petition to the House of Assembly.

The Assembly set up a committee to visit the site, reach out to all concerned parties and also seek for professional advice to achieve peace. The key strength of the conflict resolution by the house of assembly is mediation. The Assembly stated that since the relationship between the company and the community date back to 1950(s). the advice that peace measure should be set up and the company should provide immediate relief materials: such as water, medical etcetera and that they should commence rapid assessment of the environment and clean up the affected areas and also provide compensation to the community hence it was as a result of equipment failure and that the community should co-operate with them and give them access to the site and allow peace to reign.

5.3 Camelot Rest House Ltd

Ohuoha Okechukwu came with a petition that his appointment was of unlawfully terminated by his former employment (Camelot Rest House Ltd). The condition of service was looked into and they found out that the prayer of the petitioner for reserve of termination of the employment was not for the best interest of the subject. They prevailed on the company to take a second look at the process and if they see a window for reemployment of the petitioner they could do but not mandated to do since it was contrary to the condition to which he was employed.

VI. Concluding Remarks

The legislature's role in conflict management is defined by its ability to enact and oversee conflict prevention policies implemented by the executive, thus, its oversight of the executive is a sine qua non to its relative strength. Executive resources tend to dwarf those of the legislature; the control over its own purse then, is a centerpiece of its independence. The degrees of budgetary control range from the ability to draft the budget to the ability to consider it in detail as well as amend and approve it. The power to control internal budgets is recognized in guidelines for effective legislatures (IPU 2006, CPA and World Bank Institute 2006), because it affects the autonomy of the legislature.

The independence of the legislature at the second and third tier level of government could be further enhanced, especially in ensuring that in the forthcoming constitutional review, the accounts of the legislature at these levels mentioned above are put as first charge just like we have at the national level. This would prevent it from executive dictatorship of its budget and guarantee its independence; it will also enable it to dictate and direct its programme especially, institutional development that would include conflict management.

From the foregoing, it is obvious that the legislature occupies a principle place in a democracy. However, the fragile nature of the Nigerian legislature seems to weaken the authority that this catalytic institution possesses so that members who are elected to represent constituencies do not even understand their principal and oversight functions. Hence, the Rivers State House of Assembly should assume full independence, design pragmatic and methodical institutional framework for conflict management and create effective communication channel for connecting with the people.

Following from the above, the following recommendations are advanced:

1. The legislature should assume full independence in order to effectively design, respond to, resolve and manage conflict. Conflict management requires critical and sensitive government policies, for which the accountability of executive decision-making and its impact on peace building is vital. In conflict-prone states, the legislature is often a disempowered institution. A stronger legislature can ensure that broader views are injected into the executive's peace building and conflict management agenda, but this relies on several factors.
2. The legislature should be assigned specific constitutional roles to manage certain kinds of conflicts within the society. This will energise them to perform better in managing conflicts in the society. Donor initiatives in several sectors, such as the security sector or the media, should include the legislature to build its political legitimacy and capacity to participate in the country's peace building efforts.
3. An institutional conflict resolution and management model should be developed by the legislature and continuously reviewed to meet with the changing nature of society, values and conflicting interests. An effective communication channel should be created and maintained to facilitate healthy relationship between the political representatives especially the legislators and their constituents.
4. Constituents must have confidence in legislators and the role of the legislature in the political system as the primary mode of Communication and compromise political forces. If legislators do not bring their constituents' views to the bargaining table, these grievances, particularly minority views frequently excluded from government processes, often erupt into violence. Teaching about constituent interests allows legislators to manage existing tensions and produce policies that can more effectively deal with those unmet needs that could result in emerging or renewed conflicts.
5. Donors need to recognize the delicate balance for legislators between faithfully representing their constituents' explicit desires, and exercising leadership to build compromises with opposing factions. Programs strengthening representation must be particularly sensitive to political context to ensure legislators' adequate flexibility for conflict management.

References

- [1]. Awotokun, A. (1998): "Legislative, Executive and Judicial Duties in Sustaining Democracy: A Theoretical Discourse in Nigeria". *Indian Socio-Legal Journal*. Vol. XXIV (1-2).
- [2]. Bhagwati, P.N. (1989), "Pressure and Obstacles to the Independence of Judges and Lawyers" (CIJL) Bulletin No.23, p.15; Peter, C.M., Human Rights in Tanzania: selected cases and Materials, Cologne, *Ruediger Koeppel Verlag AG*.
- [3]. Bogdanor, V. (1991): *The Blackwell Encyclopedia of Political Science*. Oxford: Blackwell Publishers. Bowman.
- [4]. Easton, D. (1965). *A Framework for Political Analysis*. Englewood Cliffs, NJ: Prentice-Hall.
- [5]. Edosa, E. and Azelama, J. (1995): "Institution of Government." In Ikelegbe, A.O. (eds) *Politics and Government: An Introductory and Comparative Perspective*. Benin City: Uri Publishing Ltd.
- [6]. Egobueze, A. (2021). Conflicts in Nigeria: causes, types and consequences. In Ogbujah, C. N. and Egobueze, A. (Eds). *Peace and Conflict Resolution An Anthology*. 177 – 208), Port Harcourt, Geocilia International Services Ltd.
- [7]. Egobueze, A. and Dumnu, L. (2020). The Oversight Function of the Legislature as an Instrument of Accountability in the Rivers State Local Government System. *Sumerianz Journal of Political Science and International Relations*, Vol. 1, (2), 49-55.
- [8]. Egobueze, A., Ogele, E. P., and Ajunwo, D. (2020). Legislative conflicts and democratic consolidation in Nigeria's fourth republic: an interrogation of the National Assembly. *American Research Journal of Humanities and Social Sciences*, Vol 6 (1), 1-16
- [9]. Egobueze, A. (2011). *Conflict management in Rivers State: Periscoping the involvement of the Rivers State House of Assembly*, Port Harcourt.
- [10]. Ibeanu, O. (2006). Civil Society and Conflict Management in the Niger Delta: Scoping Gaps for Policy and Advocacy, Lagos: CLEEN Foundation Monograph Series, No 2.

- [11]. James R, W., and Kassam, F.M.K. (1973), (EDS), *Law and its Administration in a One Party State: Selected Speeches of Telford Georges*, Nairobi, East African Literature Bureau, 1973, p.46;
- [12]. Loewenberg, G. (1995): "Legislatures and Parliaments" in *Encyclopedia of Democracy*. U.S.A. Congressional Chatterly International.
- [13]. Mbah, P. and Egbueze, A. (2016) Political Party Rebellion, Legislative Politics and Balance of Power in the 8th National Assembly of Nigeria. *Global Journal of Human - Social Science*, Vol. 16 (1), 7 - 22.
- [14]. Nwabueze, B. (1985): *Nigeria's Presidential Constitution: the Second Experiment in Constitutional Democracy*. London: Oxford.
- [15]. Okoosi-Simbine, A. (2010): "Understanding the Role and Challenges of the Legislature in the"
- [16]. Osioma H. E. (2004), "Conflict Management in Nigeria: A Study of Selected Organizations in the Manufacturing and Service Sectors", Unpublished PhD thesis, *Department of Business Administration*, University of Nigeria, Enugu Campus
- [17]. Polsby, Nelson W. (1975), *Legislatures* in Fred Greenstein and Nelson Policy (eds), *Handbook of political Science Government Institutions and Processes* (Reading MA: Addison Wesley).
- [18]. Shedrack Gaya Best, (2006), *Introduction to peace and Conflict studies in West Africa*, (1st ed.), Spectrum Books Ltd., Ibadan
- [19]. Sisk, T. D. (2001). 'Democratization and Peace building: Perils and Promises' in Mirna S. and Vogel, T. K. (eds.), *Constitutional Reform Falter*, Transitions Online, 27 April.
- [20]. Taylor, A.J. (2005). "We are not asking you to hug each other, but we ask you to co-exist" in Joel D. Barkan and Ludovic Hood (eds.) *Strengthening Legislatures for Conflict Management in Fragile States*.
- [21]. Umar K. and Odbu C. (2020), "the constitutionalism of intra-governmental relations in Nigeria' fourth republic". *European Journal of Research in Social Sciences* vol. 7