

National Assembly Petition Committees and CSOs

Collaboration and Capacity Development



REPORTS ON

**AN INTERACTIVE MEETING BETWEEN NATIONAL ASSEMBLY
COMMITTEES ON PUBLIC PETITIONS AND CIVIL SOCIETY
ORGANISATIONS (CSOs) WORKING ON
GOVERNANCE AND HUMAN RIGHTS HELD ON MONDAY, 31ST
MARCH 2014 AT PROTEA HOTEL APO APARTMENTS, ABUJA**

AND

**TRAINING AND CAPACITY BUILDING WORKSHOP FOR NATIONAL
ASSEMBLY COMMITTEES HANDLING PUBLIC PETITIONS HELD
MONDAY ON 7TH APRIL AT PROTEA HOTEL APO APARTMENTS,
ABUJA**

Published by:
Policy and Legal Advocacy Centre (PLAC)
Off Edwin Clark Way
Via Gilmor Junction
Guzape District
Abuja, Nigeria



With support from:
The Ford Foundation



© PLAC 2014

All rights reserved under International Copyright Conventions. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise without the prior written permission of the publisher.

ISBN: 978-978-52181-4-5

ACKNOWLEDGEMENT

PLAC wishes to acknowledge the support of the Ford Foundation in the publication of this document. PLAC is also grateful to the Senate and House of Representatives Committees on Public Petitions for welcoming PLAC's intervention and Ford Foundation's Support.



TABLE OF CONTENTS

Chapter	Page
1. Interactive Meeting Report	9
2. Training Workshop Report	15
3. Appendices	
I. CSOs-Public Petitions Committees Meeting Agenda.....	19
II. Training Workshop Agenda.....	21
III. An Overview Of The Work Of The Public Petitions Committees In The National Assembly By Hon. Uzo Azubuike	23
IV. A Goodwill Address Delivered by the Honourable Chief Commissioner of the Public Complaints Commission to the Interactive Meeting of the National Assembly Committees on Public Petitions and Civil Society Organizations working on Governance Issues on 31st March, 2014 at Protea Hotel Apo Apartments Abuja.....	31
V. Fostering Visibility & Public Awareness of the Public Petitions Committees' Dispute Resolution Mechanism by Dr. Umar Aminu.....	33
VI. Promoting Engagement and Partnership Between the National Assembly Committees on Public Petitions and Civil Society Organizations Working on Rights and Governance Issues By Professor Paul Obo Idornigie.....	35
VII. An Address Presented By The Chairman Of The House Of Representatives Committee on Public Petitions, Hon. Uzo Azubuike At The Training And Capacity Building Workshop For The National Assembly Committees On Public Petitions, Monday 7th April 2014.....	43
VIII. Adopting Effective Techniques And Skills For Efficient Resolution Of Petitions by Kevin Nwosu, Esq.....	47
IX. Setting Up Systems and Processes for Effective Committee Work by Dr. Umar Aminu.....	55
X. The Importance Of Electronic Data Storage Methods In Managing Documentations And Retrieval Of Petitions By Kenneth Okerefor	61
XI. Picture Gallery 1: CSO Meeting with National Assembly Committees on Public Petitions	65
XII. Picture Gallery 2: Training for the National Assembly Committees on Public Petitions.....	67

INTERACTIVE MEETING OF NATIONAL ASSEMBLY COMMITTEES ON PUBLIC PETITIONS AND CIVIL SOCIETY ORGANISATIONS (CSOs) WORKING ON GOVERNANCE AND HUMAN RIGHTS

DATE: MONDAY, 31ST MARCH 2014
VENUE: PROTEA HOTEL APO APARTMENTS, ABUJA

1. Introduction

Policy and Legal Advocacy Centre (PLAC) organised an interactive meeting with the leadership of the House of Representatives Committee on Public Petitions and civic groups working on governance and human rights issues on Monday, 31st March 2014.

The meeting was aimed at creating awareness of the Committee's work, understanding its mode of operation and to encourage amongst civic groups, the use of its mechanism in redressing the various petitions arising from the public. The meeting was further aimed at providing an opportunity for the Committee to discuss possible areas of engagement between civic groups working on rights and governance issues and the Committees.

The meeting invited legislators from the Public Petitions Committee, staff of the committees, members of civic groups working on rights and governance issues, members of the media, resource persons and special guests from the Public Complaints Commission and the National Human Rights Commission. Hon. Uzo Azubuike, Chairman of the House of Representatives Committee on Public Petitions chaired the meeting.

2. Opening Session

In his opening remarks, Clement Nwankwo, PLAC's Executive Director stated the desire of many civic groups to collaborate with the public petitions committee and expressed confidence that the meeting would provide clarification on the means to do so.

Delivering a goodwill message on behalf of the Chief Commissioner of the Public Complaints Commission who was invited as a special guest, Mr. Chukwuemeka Nwosu gave a synopsis of the background of the Public Complaints Commission highlighting provisions in the Public Complaints Commission Act that provide a cost effective alternative to litigation to NGOs for organisations who fail to comply with requests under the Freedom of Information Act as well as to address concerns of civic groups of providing for the safety of whistle blowers. While expressing optimism on further working relationships between the Commission and civic groups, the Hon. Chief Commissioner warned against the impropriety of reporting information to the press without proper investigation.

Mr. Harry Obe who represented the Executive Secretary of the National Human Rights Commission (NHRC) stressed the importance of the public petitions committees to the Commission in his goodwill message especially as they both seek to redress the violations affecting Nigerians He concluded by thanking PLAC for providing a forum for discussion by key stakeholders in the process.

Hon. Uzo Azubuike, Chairman, House Committee on Public Petitions in his opening remarks, noted the importance of creating better public awareness of the functions and relevance of a Committee seeking to fight against administrative injustice in Nigeria.

3. Presentations

The papers presented at the meeting include the following:

- An Overview of the work of the Public Petitions Committees in the National Assembly by Hon. Uzo Azubuike, Chairman House Committee on Public Petitions
- Fostering Visibility and Public Awareness of the Public Petitions Committees' Dispute Resolution Mechanism by Dr. Umar Aminu, National Institute for Legislative Studies (NILS)
- Promoting Engagement and Partnership Between the National Assembly Committees on Public Petitions and Civil Society Organisations working on Rights and Governance Issues by Professor Paul Obo Idornigie, Nigerian Institute of Advanced Legal Studies (NIALS)

4. Discussions of the Presentations

4.1. *An Overview of the work of the Public Petitions Committees in the National Assembly by Hon. Uzo Azubuike*

Hon. Azubuike delivered the lead presentation and set the tone of the meeting by speaking to participants about the work of the Public Petitions Committees and the procedure for sending petitions to the National Assembly. He noted the successes recorded and popular cases handled by his committee. Some key points from his presentation include the following:

- All societies provide a mechanism for dispute resolution. While the most popular mechanism remains litigation, arbitration provides an alternative.
- The National Assembly presents a special platform of dispute resolution through its Committees on Public Petitions.
- In addition to dispute resolution, this platform also provides a mechanism for lawmakers to perform their role of oversight
- The Senate and the House of Representatives categorize the Public Petitions Committee as special Committees.
- Committees' work is mainly on fact finding and not decision making.
- Committee has power to issue a writ of arrest and to command persons/organisations before it.
- The Committee in the House of Representatives has recorded some successes such as resolving a Petition brought by Lead University against the Nigerian University Commission (NUC) on withdrawal of the former's license and a petition by the Itsekiri Youth Council which led to the inclusion of not less than 500 Itsekiri youths into the country's amnesty programme. One of the complicated matters that elicited much public interest was the

Petition by CSOs on the murder of Olaitan Oyerinde, former private secretary to the Edo State governor, Comrade Adams Oshiomhole, which alleged complicity and incompetence of the Police in the investigation of the murder. The governor appeared at the Committee's hearing on the matter.

- There is no special format on how petitions can be written. However, it is expected that they should be properly addressed to the President of the Senate or Speaker, be signed, dated and be devoid of foul language.
- While private or corporate personalities can present a petition, sections 88 and 89 of the 1999 Constitution (as amended) appear to limit respondents to public agencies and officers
- Petitions must be sponsored and presented at the Chamber by a Senator or Honourable Member.

In their comments and observations, participants noted the importance and need of having a Public Petitions Committee at the State level. Concerns were raised on the lack of power of the Committee to effectively carry out sanctions on an erring party. It was noted that the Committee is only as active as the political will of its members, which could pose a threat to its work. Concerns were also raised on the lack of resources to enhance the effectiveness of the Committee

4.2 Fostering Visibility and Public Awareness of the Public Petitions Committees' Dispute Resolution Mechanism by Dr. Umar Aminu

Dr. Aminu spoke on ways the Committee could improve visibility of its dispute resolution mechanism. Below are highlights from his presentation:

- The Public Petitions Committee can be found in all Parliaments around the world. In Nigeria, the Public Petitions Committee derives its power from section 60 of the 1999 Constitution (as amended). Its establishment is therefore rooted in democracy as it seeks to ensure the protection of the rights of the citizenry.
- Public awareness through sensitization of civic groups, newsletters, information sharing, media campaigns, in-house inter Committee and seminars can increase awareness of the Committees' mechanism of dispute resolution.
- Inadequate resources, inter-parliamentary conflicts and the continuous change in the composition of members of parliamentary committees remain a threat to the functioning of the Public Petitions Committee.
- Communication, careful planning, periodic evaluation, mutual relationship with the petitioner and mutual respect between the petitioner (supporters-CSOs) and Committee staff could provide solutions in enhancing the Committees' mechanism.

Dr. Aminu concluded by emphasizing the need for CSOs to support the funding of the Public Petitions Committee especially as the Committee has the advantage of using the opportunity to properly discharge its oversight function.

4.3 *Promoting Engagement and Partnership Between the National Assembly Committees on Public Petitions and Civil Society Organisations Working on Rights and Governance Issues by Professor Paul Obo Idornigie*

- The guarantee of rights of citizens and the mechanisms for redress when violated are important yardsticks for the measurement of development of a country
- Civil Society Organisations, professional associations, media based groups, trade unions and other forms of non-governmental organisations remain critical stakeholders to the advancement of human rights.
- CSOs have emerged a powerful force for social justice, equity and good governance.
- A proper framework of engagement between the CSOs and the Legislature will ensure that where there is a right, there is a remedy. Such a framework can be a Policy Document on Engagement bordering on thematic areas – rights, governance issues, etc with clear guidelines on the roles of the CSOs, the citizens and the National Assembly. Areas of engagement between CSO's and the Committee on Public Petitions could include the following:
 - * Governance Issues - CSOs as members of the public can lodge complaints against public officers before the Committee who shall in turn investigate the complaints.
 - * CSOs can monitor compliance and report on actions of government agencies particularly on key legislation such as the Public Procurement Act, the Fiscal Responsibility Act, National Budget etc.
 - * Since CSOs cut across all sectors of the economy and are functioning nationwide, a strategic partnership with the National Assembly will ensure that projects are properly monitored and regular reports submitted to the National Assembly.
 - * CSOs can institute human rights applications on behalf of any potential applicant.
 - * Oversight by Committees – CSOs can partner with the Committee on Public Petitions in educating the public on the powers and duties of the Public Complaints Commission and the Code of Conduct Bureau, which are both under oversight by the Public Petitions Committees in the House and Senate Respectively. CSOs should be able to inform the public that a Commissioner in the Commission has powers to investigate the administrative procedures of any court of law in Nigeria. CSOs as members of the public can also lodge complaints against public officers before the Bureau which the Bureau shall in turn investigate and where appropriate refer such to the Code of Conduct Tribunal.
 - * CSOs can partner with the Committees to ensure good governance and accountability by acting as whistle blowers. To do this, there must be a Policy Document in place on the procedure for reporting breaches of the Code of Conduct and the protection of informants.
 - * The National Assembly can adopt the UNDP Strategy on Civil Society and Civil Engagement (October 2012) to provide for general responsibilities and commitments as well as to enhance their partnership in an evolving global village.

In their comments and observations, participants noted the need for more qualitative engagements between Civil Society Groups and the Public Petitions Committees. Furthermore, it was argued that a reduction of the number of the Committees in the House could lead to specialization and efficiency.

5. Conclusion

The meeting was well attended and discussions robust. Participants also suggested a follow-up meeting between the groups in attendance and the Committees. CSOs in attendance at the meeting used the opportunity to interact with the Committees. Participants were asked to complete an evaluation form after the meeting and the feedback was mostly positive with participants stating that they found the meeting very useful and that their knowledge and understanding of the work of the Committee was significantly improved. Participants also responded favourably when asked if they would consider using the dispute resolution mechanism of the Committees. Closing remarks at the meeting was delivered by the Executive Director of PLAC who promised to follow-up with the request on subsequent interactive sessions with the Committees.

TRAINING AND CAPACITY BUILDING WORKSHOP FOR NATIONAL ASSEMBLY COMMITTEES HANDLING PUBLIC PETITIONS

DATE: MONDAY, 7TH APRIL 2014

VENUE: PROTEA HOTEL APO APARTMENTS, ABUJA

1. Introduction

Policy and Legal Advocacy Centre (PLAC) organised a training and capacity building workshop for National Assembly Committees handling public petitions on 7th April 2014 in Abuja. This was aimed at enhancing the knowledge, skills and capacity of the Committees to enable them carry out their functions more effectively. The Public Petitions Committees are charged with the responsibility of receiving and responding to complaints and petitions on rights violations and administrative injustice by government departments and agencies. The meeting sought to train the Committee on how to respond more effectively to the receipt of such complaints. The training focused on effective dispute resolution techniques for members, effective work processes and systems and efficient data management methods for the committee secretariat.

The training was attended by members of the Committee (legislators) in the House of Representatives, administrative staff of the Public Petitions Committees in the Senate and House of Representatives, resource persons and other guests. Senator Khairat Abdulrazaq-Gwadabe, Chairperson of the Senators' Forum chaired and facilitated the workshop. In her opening remarks, she noted the importance of a public petitions system in a democracy as it acted as a safeguard against the arbitrary abuse of power. She encouraged publicizing of the committee's work noting the lack of clarity by the general public on the procedure of laying down grievances when using the public petition machinery as well as the need for the members of the Committee to be properly equipped to handle the enormity of such complaints.

2. Presentations

Papers presented at the training include the following:

- Adopting Effective Techniques and Skills for Effective Resolution of Petitions by Kevin N. Nwosu, Esq., Dispute Resolution Consultant and Former Director Academics, Nigerian Law School and Initiator of Settlement House
- The Importance of Electronic Data Storage Methods in Managing Documentations and Retrieval of Petitions by Dr. Aminu Umar of the National Institute for Legislative Studies (NILS)
- Setting up Systems and Processes for Effective Committee Work, by Kenneth Okerefor, IT consultant

2.1. Discussions of the Presentations

2.1.1. *Adopting Effective Techniques and Skills for Effective Resolution of Petitions by Kevin Nwosu Esq.*

Mr. Nwosu, an Alternative Dispute Resolution (ADR) expert and initiator of “the Settlement House” – a popular ADR center in Abuja, brought his expertise to bear in his presentation. In his words, his presentation was “to add to the knowledge and practical skills of the participants on effective dispute resolution mechanisms, thus, creating the necessary impetus for them to effectively recommend and guide parties in cases before them on how to access and use the processes.” In addition to providing a simple guide on how to process petitions, his paper also aimed to expose the participants to the available dispute resolution mechanisms that may be deployed in the management and resolution of petitions brought to the committee. The expected training outcome was that participants would walk away with proven principles and strategies that would enable them relate theory to practice. He worked the participants through various dispute resolution mechanisms that could be used to resolve differences between parties appearing before the Committee.

In response to the presentation, the lawmakers found his paper extremely useful as the committee commonly uses Alternative Dispute Resolution (ADR) techniques during its investigative hearings. On the issue of procedure to adopt when resolving petitions, a participant noted the existence of the Standing Rules for the House of Representatives (a rule book that lays down procedures for legislators and which committees often use at their proceedings) and he worried that putting prime focus on ADR and encouraging different procedures could cause a departure from the House Rules. The participant further wondered how the House Rules could be strengthened and used to foster the work of the Committees instead. In response, Mr. Nwosu replied that ADR is centered on flexibility and creativity and that creating too many rules would increase the likelihood of rigidity and technicality of the Committee’s procedure – a characteristic common to the law courts, which petitioners avoid in the first place. He noted however, that the laying and adoption of rules of procedure for certain cases while providing for its suspension may prevent such rigidity.

The lawmakers also noted that the quasi-judicial procedure of the Committees creates problems for members without a legal background and therefore highlighted the need for the ADR training to be expanded and repeated, as they believe it would improve member’s skills and consequently, the quick disposal of petitions.

2.1.2. *Setting Up Systems and Processes for Effective Committee Work by Dr. Umar Aminu, National Institute for Legislative Studies*

Dr. Aminu’s presentation was aimed more at the administrative aspect of the committee’s work. He spoke on ways the committees could design and set up systems and processes to enhance their effectiveness and productivity. He described this as putting in place processes and procedure that can replicate, that are not dependent on any single individual and that can enable one to set formal benchmarks to measure on going tasks. He noted that the effectiveness of the Public Petitions Committee is enhanced by a good working relationship with the Legislature. He proposed a “Constructive Culture” that promotes the committee’s objectives and aspirations. According to

him, the basics of such culture is that systems and processes are flexible, simple to use, strongly promote teamwork and collaboration, empower staff to make decisions, and, promote openness and the sharing of information. He stressed on training for new staff and that embarking on an evaluation or needs assessment may provide a response to the needs of the members of the committee and Petitioners. He concluded that less bureaucracy, delegation of responsibilities, education and responsiveness to petitioners would improve the Public Petitions Committee.

In response to a question of whether the design for the activities of the system and processes used is applicable to all Committees in the National Assembly or specifically for the Public Petitions Committee, Dr. Aminu responded that the design for the activities of the system and processes should be tailored towards every Committee's scope of work. For instance Committees that relate more with the public must provide for a design that is more relational than Committees that are not. He concluded by saying that a change in processes can only be achieved by desirability and accountability on the part of the members of the Committee on Public Petitions.

2.1.3. The Importance of Electronic Data Storage Methods in Managing Documentation and Retrieval of Petitions by Kenneth Okerefor, ICT Consultant

The focus of this presentation was to explain the benefits of electronic document management system and digital storage methods over routine manual document handling as is usually done by the staff of the Public Petitions Committees. Other objectives of the paper as outlined by the presenter included the following:

- * To highlight methods of utilizing modern IT facilities in preserving legislative documents.
- * To prepare the Public Petitions committee staff for future automation of the entire process of managing petitions and other legislative documents.
- * To expose the participants to the fundamentals of information security as a mandatory skill in handling legislative documents particularly petitions.

Mr. Okerefor highlighted the advantages of the effective use of technology to preserve the institutional memory of the Public Petitions Committee, enhance information security and disposal of information when needed. He further talked about the benefits of an Electronic Document Management System (EDMS) to manage the creation, storage, and retrieval of documents. He outlined the benefits of EDMS to the Public Petition Committee as including efficiency, productivity, increased security, value creation, forensics, improved access and business intelligence and analytics. He noted that certain requirements must be met prior to the establishment of EDMS. These requirements include ensuring management support, user IT awareness, IT system upgrade, state of the art IT infrastructure and project management ethics. He encouraged the Committees to imbibe change and set up structures for the implementation of Electronic Data Management System.

In their comments and observations, participants noted that there are inadequate resources to meet the needs and demands of the Public Petitions Committees. They further noted that the committees are grossly unequipped and lack staff with good IT skills and that the Committee is saddled with the dispensation of justice and redress, yet composed of members that are political and with few technical skills.

PLAC currently assists the House Committee on Public Petitions in managing their website and with other IT needs. This presentation was particularly deliberate and expedient as it was intended to augment staff knowledge on IT and document management.

3. Conclusion and Recommendations

At the end of the training, participants were asked to complete a survey to provide feedback on the training. Participants found the training very useful and timely, and they recommended that a more detailed and extensive course be organized by PLAC in the near future to allow for more intensive and practical training on dispute resolution processes and skills. It was further recommended that that it would be beneficial for new members who would be coming into the next National Assembly to undergo this training during their orientation as a crucial foundation course.

APPENDIX I

INTERACTIVE MEETING OF THE HOUSE OF REPRESENTATIVES COMMITTEES ON PUBLIC PETITIONS AND CIVIL SOCIETY ORGANISATIONS (CSOs) WORKING ON RIGHTS AND GOVERNANCE ISSUES

DATE: MONDAY, 31ST MARCH 2014

VENUE: PROTEA HOTEL APO APARTMENTS, ABUJA

TIME: 9AM – 3PM

AGENDA

09:00 am – 9:45 am	Arrivals and Registration of Participants
9:45 am – 10:00am	Chairman, Hon. Members & Special Guests Seated
10:00 am – 10:30 am	<p>Introduction of Participants</p> <p><u>Welcome Remarks</u></p> <p>Clement Nwankwo Executive Director, PLAC</p> <p><u>Goodwill Messages</u></p> <p>Innocent Chukwuma Representative, Ford Foundation Office for West Africa</p> <p>Justice George Uloko Chairman, Public Complaints Commission</p> <p>Prof. Bem Angwe Executive Secretary, National Human Rights Commission</p> <p><u>Chairman's Opening Remarks</u></p> <p>Hon. Uzo Azubuike Chairman, House of Representatives Committee on Public Petitions</p>

10:30 am – 11:30 am	<p>An Overview of the Role of the Public Petitions Committees in the National Assembly By: Hon. Uzo Azubuike</p> <p>Chairman, House of Representatives Committee on Public Petitions</p> <p>Discussions</p>
11:30 am – 12:00 noon	Tea/Coffee Break
12noon – 1: 00pm	<p>Fostering Visibility and Public Awareness of the Public Petitions Committees’ Dispute Resolution Mechanism.</p> <p>By: Dr. Umar Aminu National Institute for Legislative Studies</p> <p>Discussions</p>
1:00 pm – 2:00 pm	<p>Promoting Engagement and Partnership Between National Assembly Committees on Public Petitions and CSOs Working on Rights and Governance Issues</p> <p>By: Prof. Paul Idornigie Professor of Law, Nigerian Institute for Advanced Legal Studies</p> <p>Discussions</p>

APPENDIX II

TRAINING WORKSHOP AGENDA POLICY AND LEGAL ADVOCACY CENTRE WITH SUPPORT FROM FORD FOUNDATION TRAINING AND CAPACITY BUILDING WORKSHOP FOR NATIONAL ASSEMBLY COMMITTEES HANDLING PUBLIC PETITIONS

DATE: MONDAY, 7TH APRIL 2014
VENUE: PROTEA HOTEL APO APARTMENTS, ABUJA
TIME: 9:00AM – 3:00PM

AGENDA

09: 00 am – 09:45 am	Arrivals and Registration of Participants
9:45 am – 10:00 am	Chairman, Legislators are seated
10:00 am – 10: 30 am	<p><u>Welcome Remarks</u> Senator Khairat Abdulrazaq- Gwadabe Chairperson, Senators Forum and Chair, PLAC Board of Directors Clement Nwankwo Executive Director, PLAC</p> <p><u>Goodwill Messages</u> Innocent Chukwuma Representative, Ford Foundation Office for West Africa</p> <p><u>Opening Remarks</u> Hon. Uzo Azubuike Chairman, House of Representatives Committee on Public Petitions</p>
10:30 am – 11:30 am	<p>Training session moderated by Hon C.I.D. Maduabum Chief of Staff to the Deputy Speaker, House of Representatives</p> <p>Adopting Effective Techniques and Skills for Efficient Resolution of Petitions</p> <p>By: Prof. Kevin Nwosu Former Director Academics, Nigerian Law School, Chief Executive of Settlement House, Abuja</p> <p>Discussions</p>
11:30 am – 12:00 noon	Tea/Coffee Break

12 noon – 1:00 pm	<p>Setting up Systems and Processes for Effective Committee Work</p> <p>By: Dr. Aminu Umar National Institute for Legislative Studies (NILS)</p> <p>Discussions</p>
1:00 pm – 2:00 pm	<p>The Importance of Electronic Data Storage Methods in Managing Documentation and Retrieval of Petitions</p> <p>By: Kenneth Okereafor</p> <p>IT Consultant/ Computer Information Systems Security Professional</p> <p>Discussions</p>
2:00 pm – 3:00 pm	<p>Lunch and Departure</p>

APPENDIX III

AN OVERVIEW OF THE WORK OF THE PUBLIC PETITIONS COMMITTEES IN THE NATIONAL ASSEMBLY

BY: HON. UZO AZUBUIKE,
Chairman, House of Representatives Committee on Public Petitions

Protocol !

Introduction:

Every society provides a medium through which people can ventilate their grievances and obtain redress. The most common of such systems are the courts. We equally have arbitration under the Arbitration and Conciliation Act. However, the National Assembly through its Committees on Public Petition presents a special platform through which people can ventilate their grievances against the conduct of any public authority charged with the responsibility of administering laws made by the National Assembly or administering monies appropriated by the National Assembly. The beauty and significance of this platform is that while the petitioner's grievance is addressed, the lawmakers perform their task of oversight as they expose corruption, inefficiency and waste in the administration of laws within their legislative competence and disbursement of funds appropriated by it. A Public Petition therefore, is a formal request to National Assembly (Senate or House) for intervention in a matter. It can take the form of either a request for the National Assembly to investigate a specific issue of public concern or for the redress of a grievance. The Public Petitions Committee of National Assembly affords the people an opportunity to participate in oversight. The Committee operates a flexible procedure devoid of technicalities and rigours of courtroom drama. As would be explained further, this wonderful platform is free, time-efficient and its sittings are conducted in a free environment that allows people opportunity to speak their minds.

Jurisdiction/Functions:

Jurisdiction refers to the power or right a body has, to exercise its authority over a person, subject matter or territory. In law, any exercise or action by any authority performed without requisite jurisdiction is null and void and of no effect; no matter how wonderful such an action was. On this point I refer you to the case of *Madukolu V. Nkemdilim* (1962) S.C.N.L.R 341. During the sittings of the Committee, the issue of jurisdiction always comes to the fore. Ministries, Departments and Agencies that are summoned by the Committee question the authority the Committee has over certain issues complained against them. In some cases, they suggest that such matters ought to be decided by the courts. I shall attempt to sensitize us on the powers of the Public Petitions Committees of the National Assembly.

Section 62(1) of the 1999 Constitution (as amended) provides that the Senate or the House of Representatives may appoint a committee of its member for such 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. In fact, aside from the business of the Senate and House in their various floors during plenary, the lawmakers function mainly, through various Committees. This is because only a little success would be recorded throughout the life of an Assembly if every lawmaker were to partake in every task. It is thus expedient and efficient to organize lawmakers under Committees with specific functions. For the purpose of this seminar, reference shall only be made to the Standing Orders of the House of Representatives. But be assured that the Senate has corresponding provisions.

On the strength of the above provision of the Constitution, Order 18 Rule 121 of the Standing Orders of the House of Representatives made provisions for the establishment of Special and General Committees of the House. Due to the importance of the work of the National Assembly Committees on Public Petitions, both the House and the Senate established that Committee as Special Committees.

Rule 121 (a), (b) and (c) of the Standing Orders of the House provides that the Committee on Public Petition has jurisdiction to oversight the Public Complaint Commission(PCC), annual budget estimates and consider the subject matter of all petitions referred to it by the House. PCC is the only agency of government that is administered directly by the National Assembly. Unlike every MDA, it has no executive control. The National Assembly Committees on Public Petition has the special task of superintending and oversighting PCC on behalf of the National Assembly. The Committee therefore works out the annual budget of PCC. For the purposes of this seminar, I believe the full details of our task under Rule 121(a) and (b) would not be of interest to us especially the Civil Society Organizations because in performing that task, we rarely interface with the masses. The Committee on Public Petition is popularly known for its function under Rule 121(c). This is the avenue where helpless Nigerians bring their grievances against government authorities. Thus our main focus would be on our task of considering public petitions.

Further to section 62(1) the Constitution, section 88(1) provides that each House of the National Assembly shall have power by resolution published in its journal or in the Official Gazette of the Government of the Federation to direct or cause to be directed an investigation into – (a) any matter or thing with respect to which it has power to make laws; and (b) the conduct of affairs of any person, authority, ministry or government department charged, or intended to be charged with the duty of or responsibility of - (i) executing or administering laws enacted by the National Assembly and (ii) disbursing or administering moneys appropriated by the National Assembly.

This means that the National Assembly has extensive powers to investigate any matter that it has powers to make laws or the conduct of any government authority. By so doing, any Committee can be mandated to investigate such matters as the Senate or House may deem necessary. In the unreported case of Nigerian Employers' Consultative Association & 2 Others Vs. AG Federation,

Speaker House Of Representatives & 4 Others Suit No: FHC/ABJ/CS/458/12 delivered on 25th of October, 2013 the Plaintiffs contended that the House Committee on Labour, Employment and Productivity lacked jurisdiction to summon the plaintiff companies in an investigation of Abuse of Expatriate Quota by various companies. The Court after considering sections 62, 88 and 89 of the Constitution, dismissed the action after ruling that expatriate quota falls within the National Assembly's exclusive legislative competence. The Committee on Public Petition is mostly mandated to investigate petitions from Nigerians (private and corporate) on any issue especially the conduct of affairs of government authorities.

The most notable petition recently handled by my Committee is the Petition by Lead City University against the Nigerian Universities Commission wherein NUC withdrew the licenses of eight private Universities in the country in corrupt circumstances. The schools quickly petitioned the House and the matter was referred to Public Petitions Committee for investigation. At the end of day, the Committee made its recommendation which the House happily adopted. The House then mandated NUC to restore the licenses of those schools and NUC promptly complied. There was a petition by the Itsekiri National Youth Council over the non-inclusion of formally armed Itsekiri Youths into the Amnesty Programs, which the House equally referred to our Committee. After investigating the matter and making our recommendations, which the House adopted, the President included not less than 500 Itsekiri youths into the amnesty program. There were similar Petitions by former militants in Akwa Ibom and Abia State respectively.

You would recall the celebrated Petition of four thousand disengaged staffs of National Identity Management Commission (NIMC). This matter was of great public importance as it involved Nigerians across the country. At the end of the Committee's hearing, we found that the staff disengagement was due to change in the architecture of the establishment and that it followed due process. Committee recommended that though staff recruitment was outsourced, the qualified affected staff should be given right of first refusal in subsequent recruitment. There was the Petition by Capital Oil against the Presidential Task Force on Subsidy on the failure or refusal of the Federal Government to honour and discharge the Sovereign Wealth Guarantee issued to Capital Oil. The petition also alleged complicity and multiple personality of the Chairman, who also is Managing Director of Access Bank PLC.

Perhaps one of the complicated matters that elicited much public interest was the Petition by CSOs on the murder of Olaitan Oyerinde that alleged complicity and incompetence of the Police in the investigation of the murder. In that case, the Police and DSS made comprehensive and convincing findings against two different sets of suspects. The Governor of Edo State His Excellency Comrade Adams Oshiomole promoted the case and appeared at the hearing. The Committee was able to see its way through and isolated the political coloration from criminality; and decided the jurisdictional conflict in the matter between the Police and Department of State Security (DSS) in favour of the Police while encouraging collaboration among Security Agencies.

We investigated Petition by Original Inhabitants of the FCT who complained of fraudulent manipulation in their resettlement and compensation processes especially as it relates to farmland. In that matter, FCDA admitted during the hearing that the land earmarked for the various

Communities was later developed by Bwari Area Council. A funny petition was by Chiefs from Akwa Ibom State who claimed title to the membership of the FCT Council of Chiefs because FCT is a Federal Territory. There was the Petition against President of Code of Conduct Tribunal by some staff who alleged threat to life and dismissal from service. During the hearing, the President of the Tribunal openly declared he had no intention of dismissing the petitioners let alone harming them. The cases are legion and very exciting. On broad classifications, petitions against the Police, Army, Navy and various arms of the Public and Civil Service of the federation for impunity and unjust termination of staff without recourse to rules, procedure and terms of employment are dominant.

There are a plethora of cases of irregularities and violation of procurement and contract award processes by MDAs in favour personal interests. At this point, I would like to commend the DG Bureau of Public Procurement Engr. Emeka Eze who has shown appreciation of the work of Public Petitions Committee in the 7th National Assembly and has for 2013 and 2014 retreat for all Federal Permanent Secretaries invited the Chairman, House of Representatives Committee on Public Petitions as a major resource person. The Bureau has also deposited monthly reports of all contracts duly awarded by MDAs to the Committee. The House receives tens of petitions on daily basis from Nigerians complaining of administrative injustice and all forms of corruption by MDAs. For the sake of our time, I can only mention a few.

In summary, the Constitution empowers the National Assembly to create Committees of its members and delegate functions which the National Assembly has powers to exercise to such Committee. Having created such special and general Committees including the Public Petitions Committee, the National Assembly is further empowered by the Constitution to direct any of its Committees including Public Petitions to investigate any matter or thing it has power to make laws as well as the conduct of any authority charged with responsibility of administering laws or disbursing moneys appropriated by the National Assembly. In cases where the Committee clearly has no jurisdiction e.g. contractual issues between two private citizens, the Committee is expected dismiss the petition and report to the House. However, with the consent of the parties, the Committee can act as an arbiter for the parties. In certain cases, the Committee may with the approval of the House refer the matter to the Public Complaints Commission (PCC).

Membership

Rule 121 of the House Order provides that the Committee on Public Petition shall consist of not less than 37 and not more than 40 Members appointed or constituted at the commencement of the life of the House. As you may well know, the National Assembly is made of eminent Nigerians from different fields and professions. From my observation, membership of our Committee is drawn from every profession and field. However, because of the nature of the Committee's task we have more lawyers than other professions. But every state including FCT, has a member.

Secretariat

The Committee maintains a secretariat headed by Clerk of the Committee. The clerk is responsible for the administration of the Committee. He receives and sends out every official communication on behalf of the Committee. He organizes the business of the Committee. At this point, let me

again acknowledge and the Policy and Legal Advocacy Centre (PLAC) for her unprecedented support and technical cooperation with the secretariat.

Sittings/Quorum

The Committee on Public Petitions generally sits twice in a week, mostly on Wednesday and Thursday at Committee Meeting Room 429, which is specially designated for us. However, depending on the exigency of a particular matter the Committee may sit on other days. Also, for some reasons like convenience or need to visit and inspect a particular thing or site, the Committee can move to any part of the country for its sitting. As for quorum, there is no special number of members required for the Committee to sit. In fact, there are instances whereby two members of the Committee can sit as a Sub-Committee and investigate a matter. But at the end of the day, the Committee takes a collective decision and makes recommendation to the House.

Who Can Petition to National Assembly?

Anybody (private or corporate) can petition to the National Assembly.

Who can be Respondents?

By the provisions of sections 88 and 89 of the 1999 Constitution(as amended), it appears that Public Agencies and officers may be respondents.

How to write a Petition

There is no special format a petition to the National Assembly must assume. However, like every formal communication to the National Assembly, it is expected that a petition would be intelligent, typewritten and addressed to the President of the Senate or Speaker of the House as the case may be. The petitioner is not expected to use fowl or insulting language. He must clearly sign and date the petition indicating his name, signature and address as well as the name(s) and addresses of the persons his complaint is against. The petitioner must clearly state his story and at the end indicate his prayer(s) or request. Sufficient copies of the petition with attached relevant documents must be made available for presentation. A Petition can be written by a petitioner himself or by another person e.g. a legal practitioner, on behalf of the petitioner. However, it is very important that the petitioner or someone on his behalf must attend public hearing and defend the petition. There was a Petition by “Concerned Senior Police Officers” against the unfair and arbitrary promotions and appointment of officers by Police Service Commission. The Commission appeared but there were no petitioners. The Petition was struck out.

Presentation of Petition

Every petition to the Senate or House must be sponsored and presented at the Chamber by a Senator or House member. This means that only a lawmaker can present a petition. It is expected that after writing a petition, a petitioner should locate either a lawmaker representing his Constituency or any other lawmaker to sponsor and present such a petition. The good news is that unlike the courts, there is no cost for presentation of a petition or filing of any other process. It is only when the petition is presented and considered in chambers, that the Senate or House can refer same to the Committee on Public Petitions for investigation. The House Committee on business and rules will then write a letter to the Committee forwarding the petition.

Procedure:

There is no hard and fast procedure adopted by Committee. The Committee Chairman adopts any procedure which is most convenient and expeditious in his thinking. However, section 89 of the Constitution empowers the Committee as follows:

Section 89: -

(1) for the purpose of any investigation under Section 88 of this Constitution and subject to the provisions thereof, the Senate or the House of Representatives or a committee appointed in accordance with Section 62 of this Constitution shall have power to –

- a. Procure all such evidence, written or oral, direct or circumstantial, as it may think necessary or desirable, and examine all persons as witnesses whose evidence may be material or relevant to the subject matter;
- b. Require such evidence to be given on oath;
- c. Summon any person in Nigeria to give evidence at any place or produce any document or other thing in his possession or under his control, and examine him as a witness and require him to produce any document or other thing in his possession or under his control, subject to all just exception; and
- d. Issue a warrant to compel the attendance of any person who, after having been summoned to attend, fails, refuses or neglects to do so and does not excuse such failure, refusal or neglect to the satisfaction of the House or the Committee in question, and order him to pay all costs which may have been occasioned in compelling his attendance or by reason of his failure, refusal or neglect to obey the summons, and also to impose such fine as may be prescribed for any such failure, refusal or neglect; and any fine so imposed shall be recoverable in the same manner as a fine imposed by a court of law.

(2) A summons or warrant issued under this Section may be served or executed by any member of the Nigeria Police Force or by any person authorized in that behalf by the President of the Senate or the Speaker of the House of Representatives, as the case may require.

Generally, upon receipt of a petition, the Committee Chairman fixes a date for hearing and the Clerk communicates that date to the petitioner. The respondent is equally informed of the petition against him with a copy of same sent to him. The parties are mandated to file and exchange Brief detailing their sides to the petition. Usually, the petitioner first writes his brief, files sufficient copies at the secretariat and also serves same on the respondent. The respondent does the same. During the hearing of the petition, the petitioner is first given opportunity to present his case before the respondent presents his response. The committee may either elect to engage the parties as soon as each presents his brief or elect to interview them jointly after they both present their briefs. The parties are often given opportunity to interview each other while the Committee observes.

Recommendations:

The Committee on public petitions and indeed all other committees of the National Assembly have no powers to make law or resolution. Section 62(4) provides that – nothing in this section shall be construed as authorizing such House 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 under the provisions of this Constitution, but the Committee may be authorized to make recommendations to the House on any such matter.

The Public Petitions Committee is a fact-finding body. It does not make laws or resolutions, rather it listens to persons, collates information and advises the House. The House then takes a decision and in so doing, it is not even under any duty to accept the recommendations of the Committee. This is in line with Rule 121 of House Rules. It therefore means that the Public Petitions Committee has unlimited jurisdiction in hearing every matter even if the National Assembly has no jurisdiction to decide same. It is only at the end of the Committees hearing that it makes finding and recommends to the House that the House has no jurisdiction on the persons, subject matter or issue or that the matter is sub judice.

Summary

I have endeavored to demonstrate to us that the source of the investigative powers of the National Assembly Committees on Public Petitions is derived from the Constitution, which is the foundation upon which exercise of public authority must find anchorage. The vital role the Committee plays in our polity cannot be over emphasized as Nigerians find redress against unjust actions of people in authority and the Committee in turn exposes corruption, waste and inefficiency in governance.

Thank you.

APPENDIX IV

A GOODWILL ADDRESS DELIVERED BY THE HONOURABLE CHIEF COMMISSIONER OF THE PUBLIC COMPLAINTS COMMISSION AT THE INTERACTIVE MEETING OF THE NATIONAL ASSEMBLY COMMITTEES ON PUBLIC PETITIONS AND CIVIL SOCIETY ORGANIZATIONS WORKING ON GOVERNANCE ISSUES ON 31ST MARCH, 2014 AT PROTEA HOTEL APO APARTMENTS ABUJA.

PROTOCOL

It is with great pleasure that I, Hon. Justice George Idenyi Uloko, OON, Chief Commissioner of the Public Complaints Commission address you today.

It might interest you to note that on the 14th May, 2012, the leadership of the National Assembly inaugurated the Public Complaints Commission with its political leadership, thirteen years after the commencement of this democratic dispensation.

The Public Complaints Commission was established by the Federal Government in 1975 with the enactment of Decree No. 31 of 1975. The Decree has since been incorporated into the Laws of the Federal Republic of Nigeria as the Public Complaints Commission Act Cap. P 37, LFN, 2004 which is also entrenched in the Constitution of the Federal Republic of Nigeria, 1999 (as amended) under section 315(5b).

The Commission is empowered by its enabling Act to conduct proactive and reactive investigation into Complaints lodged before it in respect of administrative actions and inactions of the Federal, States, Local Governments, Public institutions and Companies incorporated under the Companies and Allied Matters Act. Section 5(2) of the PCC Act.

Since my appointment as Chief Commissioner of the Public Complaints Commission, I have personally met with credible civil society organizations and NGOs and discussed ways of mutual understanding and cooperation with them. For example, I have signed an MOU with the United Nations Office on Drugs and Crimes to develop a platform that will enhance access to the Commission and reduce the time it takes to complete the investigation process. This understanding will also assist IN training the staff and bridge the observed skills gap among them for better performance. Others with whom we relate are the Convention on Business Integrity CBI and CLEEN Foundation in Liaison with JUSTICE 4 ALL. We have scheduled meetings for the remaining parts of the year with these bodies.

Civil Society Groups and NGOs have expressed much concern regarding the cost of litigation where organizations fail to oblige their request in accordance with the FOI Act, and for the safety of Whistle Blowers.

The PCC Act has been structured to tackle these problems. Section 5(3c) of the Act empowers the Commission to visit any premises and have access to files and documents. Therefore if you report cases of denials of requests to us, rather than going to court, the Commission can assist you to obtain such documents. Also Section 5 (5) says; “All Commissioners and all the staff of the Commission shall maintain secrecy in respect of matters so designated by reason of source or content... “ The Whistle Blower can feel free to report cases to us with the knowledge that the source of such disclosure cannot be exposed for reprisals.

This relationship should also be mutual. It will be proper for you to investigate and confirm your information before going to the Press. In the same vein, I call on the fourth estate of the realm to ensure that their news reportage are credible before accepting to broadcast such. It is only then that the mutual relationship that is being forged will be beneficial to all in the general quest of building a society that is just and egalitarian. Our doors are open to you all.

In conclusion, on behalf of myself, other Commissioners, management and Staff of the Commission, I wish to express my heartfelt appreciation to you and wish you fruitful deliberations.

APPENDIX V

FOSTERING VISIBILITY & PUBLIC AWARENESS OF THE PUBLIC PETITIONS COMMITTEES’ DISPUTE RESOLUTION MECHANISM

BY: DR. UMAR AMINU,
 Socio-Political Unit - Research Division
 National Institute for Legislative Studies (NILS) – National Assembly

<p>Fostering Visibility & Public Awareness of the Public Petitions Committees’ Dispute Resolution Mechanism</p> <p>Umar Aminu, PhD National Institute for Legislative Studies (NILS) National Assembly – Abuja Nigeria</p> <p>1</p>	<p>2 Foundation of PPCs</p> <ul style="list-style-type: none"> • Legislature empowered by the constitution to establish Committees - Section 60 of the 1999 constitution as amended • It is a Special/Standing committee of the Parliament (e.g. contentious motions are in some cases referred to the committee) • Can hear or consider petition affecting any aspect of Nigeria that is within the jurisdiction or constitutional mandate of the National Assembly • It is established to support the democratic process by ensuring that the yearnings and aspiration of the citizenry are well protected or guarded against being abused.
<p>3 Purpose of PPCs</p> <ul style="list-style-type: none"> • Consider public petition addressed to the parliament • Decide whether petition is considerable or admissible • What action should be taken on the petition - make recommendations through its report to the parliament. ❖ PPCs is a committee found in all parliaments across the world 	<p>4 Who can Petition to PPC</p> <ul style="list-style-type: none"> • Individual • Body corporate • An un-incorporated association of members <p>4</p>

Procedure

- After prayer
- Announcements
- Public Petition, (Bill, Report, etc.)
- It is preliminary issue in the parliament

5

Fostering PPCs Visibility & Public Awareness in Dispute Resolution Mechanism

- Public Awareness/Sensitization- CSOs /PPCs i.e. on jurisdiction/how it can hear petition
- Special Interactive Session (CSOs, MDA, NLC, Judiciary, Armed Forces, etc.)
- In-House inter Committee Seminar (Staff & Parliamentarians)
- Constituency Outreach supported by CSOs
- Newsletter
- Media Campaign (e.g. Posting activities on internet)
- Information Sharing

6

Challenges to Parliamentary Committees on PPC

- Embedding evolving policy changes into already codified jurisdictional definitions
- Inadequate resources
- Changing phases of parliamentary committees
- Managing relationship with MDAs - Rule of engagement/committee oversight not well established
- Inter-Parliamentary relations

7

Resolving PCCs Disputes:

- Set goals that are attainable
- Plan for and communicate frequently
- Be honest about concerns
- Get individual ego out of lifestyle
- Communicate honestly - avoid playing games with petitioners issues/sensibilities
- Provide data and information than is needed on issues to solidify recommendations to plenary (Research & Wider Consultation)

8

KEYS TO FOSTERING THE VISIBILITY OF PPCs DISPUTE RESOLUTION MECHANISM

- Full Disclosure
- Frequent Communication
- Careful Planning/Execution of Activities
- Periodic Evaluation
- Mutual Relationship with petitioner
- ❖ Mutual Respect between petitioner (supporters-CSOs) with Committee Staff

9

APPENDIX VI

PROMOTING ENGAGEMENT AND PARTNERSHIP BETWEEN THE NATIONAL ASSEMBLY COMMITTEES ON PUBLIC PETITIONS AND CIVIL SOCIETY ORGANIZATIONS WORKING ON RIGHTS AND GOVERNANCE ISSUES

BY: PROFESSOR PAUL OBO IDORNIGIE, PHD,
Nigerian Institute of Advanced Legal Studies, Abuja, Nigeria

(PROTOCOL)

Introduction

I would like to thank the House of Representatives Committee on Public Petitions for inviting me to make a presentation on the above topic. I am aware that the House Committee is collaborating with the Policy and Legal Advocacy Centre (PLAC) in this regard and that the collaboration is supported by the Ford Foundation.

In a democratic dispensation such as ours the guarantees of the rights of the citizens, the mechanisms for remedying administrative injustice especially injustice arising from the action or inaction of Ministries, Departments and Agencies (MDAs) and governance issues are critical signposts for measuring the level of development of any particular country.

Critical stakeholders in this area are the Civil Society Organizations (CSOs). CSOs include trade unions, professional associations, faith-based groups, media organizations, community-based groups and other forms of non-governmental organizations. These are critical actors in the advancement of universal values around human rights, the environment, labour standards, anti-corruption and good governance. As global market integration has advanced, their role has gained particular importance in aligning economic activities with social and environmental priorities.

Although my invitation came from the House Committee on Public Petitions, my topic extends to the National Assembly Committees on Public Petitions. To that extent, the presentation will cover the Senate Committee on Ethics, Code of Conduct and Public Petitions.

In this presentation, we shall focus on how to promote the engagement and partnership between the National Association Committees on Public Petitions and CSOs in the areas of human rights and good governance.

Establishment of Committees on Public Petitions

Consistent with the provisions of sections 60 and 62 of the 1999 Constitution, as amended (“the Constitution”), dealing with regulation of procedure and committees respectively, the House of Representatives set up two main committees, namely,

- (a) the Special Committees; and,
- (b) the Standing Committees.

One of the Special Committees is the Public Petitions Committee.

Order XVIII Rule 117(d) of the Standing Orders of the House of Representatives, 7th Edition of 28 July 2011 provides for the establishment of a Committee on Public Petitions.

Order XVIII, Rule 121 provides as follows:

1. There shall be a Committee to be known as the Public Petitions Committee consisting of not less than 37 and not more than 40 members appointed or constituted at the commencement of the life of the House.
2. The Committee's jurisdiction shall include:
 - a. oversight of the Public Complaints Commission;
 - b. annual budget estimates;
 - c. consider the subject matter of all petitions referred to it and shall report from time to time to the House its recommendations on actions to be taken thereon, together with such other observations on the petitions.

Similarly Chapter XIII, Order 96 of the Senate Standing Orders, 2011 provides for Special Committees. One of the Standing Committees is the Committee on Ethics, Code of Conduct and Public Petition. Order 97(4) provides as follows:

There shall be a Committee to be known as Committee on Ethics, Code of Conduct and Public Petitions appointed at the commencement of the life of the Senate. The jurisdiction of the Committee shall include:

- a. consideration of the subject matter of all petitions referred to it by the Senate and shall report from time to time to the Senate its opinion of the action to be taken thereon together with such other observations on petition and the signatures attached thereof, as the Committee may think fit;
- b. the Committee shall recommend to the Senate from time to time such administrative actions as it may deem appropriate to establish and enforce standards of official conduct for the Senators;
- c. the Committee shall oversee and monitor the activities of Code of Conduct Bureau.

It is clear that the mandate of the two Committees in the Senate and House of Representatives is not quite the same.

Areas of Engagement and Partnership

Nigeria is blessed with CSOs in various areas. According to the provisions of section 1 of the Trade Unions Act, Cap T14, LFN 2004, a "trade union" means any combination of workers or employers, whether temporary or permanent, the purpose of which is to regulate the terms and conditions of employment of workers, whether the combination in question would or would not, apart from this Act, be an unlawful combination by reason of any of its purposes being in restraint of trade, and whether its purposes do or do not include the provision of benefits for its members. In the area of trade unions, therefore, we have the Nigeria Labour Congress, the Trade Union Congress, Nigerian Union of Teachers, Academic Staff Union of Universities and its non-academic counterpart; in professional associations, we have the Nigerian Bar Association,

the Nigeria Medical Association, Chartered Accountants of Nigeria; several media organizations – print and electronic.

The CSOs can partner with the Committee on Public Petitions to achieve its mandate in the following areas:

a) Oversight over Public Complaints Commission

In October 1975, the Public Complaints Commission Act (now Cap P37 LFN, 2004) was passed into law. The Long Title to the Act provides thus:

An Act to establish the Public Complaints Commission with wide powers to inquire into complaints by members of the public concerning the administrative action of any public authority and companies or their officials.

Section 5 of the Public Complaints Commission Act provides for its powers as follows:

1. All Commissioners shall be responsible to the National Assembly but the Chief Commissioner shall be responsible for co-ordinating the work of all other Commissioners.
2. A Commissioner shall have power to investigate either on his own initiative or following complaints lodged before him by any other person, any administrative action taken by-
 - a. any Department or Ministry of the Federal or any State Government;
 - b. any Department of any local government authority (howsoever designated) set up in any State in the Federation;
 - c. any statutory corporation or public institution set up by any Government in Nigeria;
 - d. any company incorporated under or pursuant to the Companies and Allied Matters Act whether owned by any Government aforesaid or by private individuals in Nigeria or otherwise howsoever; or
 - e. (e) any officer or servant of any of the aforementioned bodies.

(3) For the purposes of this Act-

- a. The Chief Commissioner may determine the manner by which complaints are to be lodged;
- b. Any Commissioner may decide in his absolute discretion whether, and if so, in what manner, he should notify the public of his action or intended action in any particular case;
- c. Any Commissioner shall have access to all information necessary for the efficient performance of his duties under this Act and for this purpose may visit and inspect any premises belonging to any person or body mentioned in subsection (2) of this section;
- d. Every Commissioner shall ensure that administrative action by any person or body mentioned in subsection (2) will not result in the commitment of any act of injustice against any citizen of Nigeria or any other person resident in Nigeria and for that purpose he shall investigate with special care administrative acts, which are or appear to be-
 - i. contrary to any law or regulation;
 - ii. mistaken in law or arbitrary in the ascertainment of fact;
 - iii. unreasonable, unfair, oppressive or inconsistent with the general functions of administrative organs;
 - iv. improper in motivation or based on irrelevant considerations;
 - v. unclear or inadequately explained; or
 - vi. otherwise objectionable; and

e. a Commissioner shall be competent to investigate administrative procedures of any court of law in Nigeria.

This Act came into force on 16 October 1975. Nothing much seems to have been known about its activities. The CSOs can partner with the Committee on Public Petitions in educating the public on the philosophy behind the establishment of the Commission and the powers and duties of the Commission.

In a society where access to justice in the conventional courts is almost outside the reach of the common man and maladministration is found in all MDAs, the CSOs can carry out public enlightenment in this area.

Even where access to justice is guaranteed and effectively utilized, the administrative procedures of the courts may affect the administration of justice. The CSOs should be able to inform the public that a Commissioner in the Commission has powers to investigate the administrative procedures of any court of law in Nigeria.

b) Annual Budget Estimates

In Nigeria, annual budgeting raise serious governance issues partly because of the controversy between the Executive and the Legislature in their respective roles in the budgeting process. When section 81(1) and (2) of the 1999 Constitution provides thus:

1. The President shall cause to be prepared and laid before each House of the National Assembly at any time in each financial year estimates of the revenues and expenditure of the Federation for the next following financial year.
2. The heads of expenditure contained in the estimates (other than expenditure charged upon the Consolidated Revenue Fund of the Federation by this Constitution) shall be included in a bill, to be known as an Appropriation Bill, providing for the issue from the Consolidated Revenue Fund of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein.

When subsection (1) provides that ‘the President shall cause to be prepared and laid before each House of the National Assembly,’ what is the intention of the lawmakers – that the National Assembly should pass the budget as laid by the President or the National Assembly can adjust the figures?

Similarly when subsection (1) refers to ‘estimates of the revenues and expenditures’, what does this mean? Does it mean that the estimates so approved by the National Assembly are the actual figures that will be available to the Executive in the financial year? Thus when oversight functions are being carried out, what is the Legislature looking for?

The CSOs are made up of various professional associations. Such associations can partner with the National Assembly in determining the respective roles of the parties. Such partnership can result in a framework on budgeting as a thematic area.

Similarly, section 11(1) and (2) of the Fiscal Responsibility Act, 2007 provides thus:

(1) The Federal Government after consultation with the States shall:

- a. not later than six months from the commencement of this Act, cause to be prepared and laid before the National Assembly, for their consideration a Medium-term Expenditure Framework for the next three financial years; and
- b. thereafter, not later than four months before the commencement of the next financial year, cause to be prepared a Medium-Term Expenditure Framework for the next three financial years.

(2) The framework so laid shall be considered for approval with such modifications if any, as the National Assembly finds appropriate by a resolution of each House of the National Assembly.

It is noteworthy that the wording of subsection (2) is different from the wording of section 81(1) and (2) of the Constitution.

Subsection (3) of section 11 provides for what should be contained in the Medium-Term Expenditure Framework including macro-economic framework, fiscal strategy paper and expenditure and revenue framework, among others.

Every year, this framework is prepared and agreed upon by both the Executive and Legislature especially the benchmark for petroleum products to be used for the budget. However, when the annual budget is presented, there are usually arguments about the understandings reached between the Executive and Legislature.

The CSOs include professionals in law, accounting, management, taxation, fiscal regimes and allied professionals. If the CSOs partner with the two arms of government in the budgeting process, we submit that our annual budgets will be passed before the end of every year – all things being equal.

c) **Petitions referred to the Committee**

Some times petitions are sent to the Committee on Public Petitions directly or are referred to it by the National Assembly. In the case of the Senate, it is one of its core mandates.

A proper framework of engagement between the CSOs and the Legislature will ensure that where there is a right, there is a remedy – *ubi jus ubi remedium*. Such a framework can be a Policy Document on Engagement bordering on thematic areas – rights, governance issues, etc. with clear guidelines on the roles of the CSOs, the citizens and the National Assembly.

d) **Right Issues**

Rights are conventionally categorized into first, second and third generation of rights. Consistent with the UN Declaration of Humans of 1948, the civil and political rights are largely enshrined in Chapter IV of the 1999 Constitution and are justiciable. However, the economic and environmental rights as enshrined in Chapter II of the 1999 Constitution are said to be non-justiciable.

A starting point for the development of a framework in this regard is The Constitution of the Federal Republic of Nigeria, 1999 Fundamental Rights (Enforcement Procedure) Rules, 2009 especially the overriding objectives. Thus no human rights case may be dismissed or struck out for want of locus standi. The consequence is that CSOs can institute human rights applications on behalf of any potential applicant.

We believe that the CSOs can embark on public interest litigation and ensure that the proactive approach adopted in India and South Africa is adopted in Nigeria. Indeed the human rights provisions in the African Charter should be expansively and purposely interpreted and applied with a view to advancing and realizing the rights and freedoms contained in them and affording the protections intended by them.

What is right to life to someone who has no food to eat? The CSOs should partner with the National Assembly to ensure that the rights in Chapter II of the 1999 Constitution are justiciable.

e) **Governance Issues**

In the private sector, there are Codes of Corporate Governance – SEC, CBN, NAICOM and PENCOM. In the public service, there is the Public Service Rules and Financial Regulations. Sections 153(1)(a) of the Constitution and 1(1) of the Code of Conduct & Tribunals Act, Cap C15, LFN, 2004 respectively provide for Code of Conduct Bureau. The functions of the Bureau are in the Third Schedule, Part I, paragraphs 1-4 and section 3 of the Code of Conduct & Tribunals Act. Essentially, the Bureau receives declarations made by public officers, examine the declarations, retains custody of the declarations, ensure compliance with the Code of Conduct and receives complaints on non-compliance.

Paragraphs 1-14, Fifth Schedule, Part I prescribes a Code of Conduct for Public Officers and the Fifth Schedule, Part II defines public officers while paragraphs 15-19 provides for a Code of Conduct Tribunal.

The CSOs as members of the public can lodge complaints against public officers before the Bureau and the Bureau shall in turn investigate the complaints and where appropriate refer the matter to the Code of Conduct Tribunal.

f) **Oversight Functions**

The powers to carry out investigations are carefully encapsulated in sections 88 and 89 of the 1999 Constitution. The powers conferred on the National Assembly in section 88(1) are exercisable only for the purpose of enabling the National Assembly to make laws with respect to any matter within its legislative competence and correct any defects in existing laws; and expose corruption, inefficiency or waste in the execution or administration of laws within its legislative competence and in the disbursement or administration of funds appropriated by it.

It would seem that the focus of the National Assembly in this regard is only on disbursement or administration of funds appropriated by it.

Since CSOs cut across all sectors of the economy and functioning nationwide, a strategic partnership with the National Assembly will ensure that projects are properly monitored and regular reports submitted to the National Assembly. More fundamentally thematic areas can be agreed on where the CSOs can assist with formulation of proposals for drafting new bills and monitoring how laws enacted are implemented. For example, the Infrastructure Concession Regulatory Commission Act was passed in 2005 but the Commission was not set up till 2008.

Thus in relation to laws passed by the National Assembly, for example, the Child Rights Act, Public Procurement Act, Fiscal Responsibility Act, National Budgets, etc. relevant NGOs can be engaged to monitor compliance and report. Similarly when treaties are signed, partnerships can be created with CSOs for the purpose of domesticating them and ensuring compliance.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is yet to be passed into law. It is surely a candidate for the CSOs.

g) Oversight of the Code of Conduct Bureau

This is one of the core mandates of the Senate Committee on Ethics, Code of Conduct and Public Petitions.

The aims and objectives of the Bureau is to establish and maintain a high standard of morality in the conduct of government business and to ensure that the actions and behavior of public officers conform to the highest standards of public morality and accountability.

It should be noted that the provisions in the Code of Conduct Bureau and Tribunal Act are similar to those in the Constitution.

The CSOs can partner with the Committees to ensure good governance and accountability. They can act as whistle-blowers. To do this, there must be a Policy Document in place on the procedure for reporting breaches of the Code of Conduct and the protection of informants.

Lessons from Global Institutions

The World Bank interacts with thousands of CSOs throughout the world at the global, regional, and country levels. These interactions range from CSOs who critically monitor the Bank's work and engage the Bank in policy discussions, to those that actively collaborate with the Bank in operational activities. These range from formal institutional agreements within ongoing programs and local projects, to informal collaborative initiatives on research studies, and joint events. Thematic areas, which have Bank – CSO partnerships include forest conservation, AIDS vaccine research, water service provision, rural poverty reduction, micro-credit finance, and Internet development.

The World Bank has reached out to other organizations to build a variety of institutional partnerships geared to promoting social development. Partnerships have been established with governments, private businesses, universities, other donor agencies, and with civil society organizations. These partnerships have ranged from formal agreements and large multi-stakeholder programs such as the Global Environment Facility (GEF) to informal collaborative efforts on country-level projects.

The World Bank has established partnerships with CSOs and other organizations such as governments, businesses, and other donor agencies, to promote poverty reduction efforts. These partnerships are organized according to thematic areas.

The emergence of a global civil society reflects the surge in the will and capacity of people to take control of their lives – a fact that the National Assembly should not ignore. Nowhere is this more evident than in the UN over the past decade. The influx and impact of international and national CSOs became highly visible at the United Nations Conference on Environment and Development (1992) and has continued through subsequent UN conferences. There are over 1,900 CSOs officially accredited to the Economic and Social Council.

The CSOs have participated closely in all stages of conference preparation and follow-up, holding parallel forums and lobbying for alternative language and initiatives.

The UN Charter gives the United Nations Development Programme (UNDP) mandate to work with CSOs. At the Millennium Summit 2000, the Secretary-General reaffirmed the centrality of civil society and its organizations to the mission of the UN in the 21st century:

Not only do you [civil society organizations] bring to life the concept of ‘We, the Peoples’ in whose name our Charter was written; you bring to us the promise that ‘people power’ can make the Charter work for all the world’s peoples in the twenty-first century

Like the World Bank, UNDP works in thematic areas like poverty reduction, governance, crisis and recovery, energy and the environment, HIV/AIDS, gender and information and communication technology.

The National Assembly can adopt the UNDP Strategy on Civil Society and Civil Engagement (October 2012). Such a policy should provide for general principles and corresponding commitments that together provide a coherent foundation for partnership.

Conclusion

CSOs are a crucial resource, constituency and partner for the National Assembly in advancing human rights and governance issues on the one hand and sustainable human development goals and principles on the other. The National Assembly should broaden and deepen its interaction with CSOs at all levels of its work. The National Assembly should create the space for CSOs perspectives to be heard and incorporated into policy and programmes of Government. However, no matter the critical role of the CSOs, the National Assembly should recognize that CSOs are not substitutes for government but are central to sustainable governance.

CSOs have emerged a powerful force for social justice, equity and good governance.

Like the Secretary General of the UN said in 2000, we look forward to when in Nigeria, the CSOs will bring life to the Preamble to the 1999 Constitution ‘We the People of the Federal Republic of Nigeria’ in whose name the Constitution was written and bring to us the promise that ‘people power’ can make the Constitution work for all Nigerians. This is so because ‘We the People of the Federal Republic of Nigeria’ demand that Chapter II be justiciable.

Thank you for your attention and God bless.

APPENDIX VII

AN ADDRESS PRESENTED BY THE CHAIRMAN OF THE HOUSE OF REPRESENTATIVES COMMITTEE ON PUBLIC PETITIONS, HON. UZO AZUBUIKE AT THE TRAINING AND CAPACITY BUILDING WORKSHOP FOR THE NATIONAL ASSEMBLY COMMITTEES ON PUBLIC PETITIONS, MONDAY 7TH APRIL 2014

Fellow Honourable Members,

The Organiser of this training Programme,

Distinguished Resource Persons'

Ladies and Gentlemen,

It gives me great pleasure to be associated with this Training Workshop. Barely a week ago, I was called upon to open a similar programme organised by Policy and Legal Advocacy Centre (PLAC).

I have no doubt about the capacity of Training Workshop such as this to offer participants the needed skills and drive to improve their performance in their work place. Therefore, I expect the participants to avail themselves of the opportunity provided by the forum to improve on their job delivery.

Ladies and gentlemen, permit me to deviate a bit on the core issue of this Workshop to share a few words on the reprehensible apathy in the service in general.

There is no doubt that the service needs to brace up to its core duties; not only as a source of policy advice, but as the primary implementer of programmes of government as well as the custodian of data and information on which activities of the state is based.

It is regrettable that rather than show improvements in the discharge of its roles, the service are wont to show disturbing trends of parochialism, poor service delivery, corrupt tendencies and inability to catch-up with the global drive for efficiency and effectiveness.

This underscores the relevance of the Theme of this Training Programme "TRAINING AND CAPACITY BUILDING WORKSHOP FOR THE NATIONAL ASSEMBLY COMMITTEES HANDLING PUBLIC PETITIONS". It is most auspicious and could not have come at a better time but now.

The Constitution of the Federal Republic of Nigerian 1999 vests Legislative Powers in the National Assembly, comprising the Senate and the House of Representatives.

National Assembly is therefore empowered to make laws for the peace, order and good government of the Federation. To facilitate and aid the legislative process, Section 62(1) of the 1999 Constitution (as amended) provides for the establishment of Committees. This is further re-enforced by the Standing Orders of the two Houses of the National Assembly. Thus Order XIII of the Senate and Order XVIII of the House of Representatives empower the two Houses to establish Special and Standing Committees.

For the purpose of emphasis, a Committee of the Parliament is a small group of persons assigned to examine specific matters and report to the main body. A Legislative Committee plays important, if not critical role in the Legislative Process. As a result, such a unit should be imbued with all the needed instruments, skills and processes to carry its task efficiently and effectively.

In no other Committee is this responsibilities most daunting than the Committee on Public Petitions, when we understand that the work of Petitions Committees have the added responsibilities of attending to citizens grievances brought before the Parliament.

This added role of the Petitions Committees therefore calls for specialised training opportunities tailored to their peculiar nature.

By extension, while Members of the Parliament as a body is expected to provide effective representation and good legislation there is also a greater need to ensure that the instruments and other supports services needed for their work is not only available but are also of required standard. This can only be found in the administrative staff cadre that has the requisite impetus to drive the process.

This Training Workshop therefore is a wake-up call for the Committees administrative staff to stand up to the challenges of managing the Committees. This is most compelling when we put in perspective different papers lined up for delivery in this work, some of them dovetailing into Alternative Dispute Resolution (ADR) mechanism, the very basis of the Committees' activities.

In concluding my remark, I, on behalf of Members of the Committees, wish to express my gratitude to all those who have collaborated to make this Training Workshop to be a dream come through. In particular, let me acknowledge the Executive Director, of the Policy and Legal Advocacy Centre (PLAC), Clement Nwankwo. In my estimation, the Executive Director deserves a place of honour in this particular address.

His involvements in the activities of the National Assembly looms large, be it in constitutional amendments, training programme for Members and staff of the National Assembly, to mention but a few. To cap it all is his uncommon passion for the activities of the Committees on Public Petitions of the National Assembly. To this we say, words are not enough to express our gratitude to you and your organisation. It is gratifying to note that his commitment to the Committee has neither diminished nor wavered.

In the same vein, the unparalleled contribution of Ford Foundation, the very life-wire upon which PLAC Initiatives are kept aglow, needs to be appreciated. Ford Foundation, it should be noted is renowned for its stand on issues of democracy and good governance. By working with the Committees, the Foundation has shown in no small measure its disposition towards improved performance of these Committees.

I therefore use this occasion to call on other non-governmental organisations to consider extending their tentacles to the areas that could benefit the Committees of the National Assembly, particularly Petitions Committees, by way of training programme for capacity building and provision of facilities.

Distinguished Ladies and gentlemen, as we relish this noble initiative it is my hope that all of us will come out of this Training Workshop better equipped for the task ahead.

Thank you and God bless!

APPENDIX VIII

ADOPTING EFFECTIVE TECHNIQUES AND SKILLS FOR EFFICIENT RESOLUTION OF PETITIONS

By: KEVIN N. NWOSU, ESQ LL.M (Dundee) CDRS
Dispute Resolution Consultant,
Former Director of Academics, Nigerian Law School, and
Initiator, SETTLEMENT HOUSE

INTRODUCTION

First, I must thank the organizers of this workshop for extending an invitation to me to be one of the facilitators. Considering the strategic role of the Committee on Public Petitions in promoting access to justice, public security, social cohesion, economic development and political stability programmes such as this, that aims to boost the capacity of members of the committee have no doubt become a necessity.

This paper shall hopefully add to the knowledge and practical skills of the participants on effective dispute resolution mechanisms, thus, creating the necessary impetus for them to effectively recommend and guide parties in cases before them on how to access and use the processes. In addition to providing a simple guide on how to process petitions, this paper also exposes the participants to the available dispute resolution mechanisms that may be deployed in the management and resolution of petitions brought to the committee. At the end, participants shall work away with proven principles and strategies that will enable them relate theory to practice.

PART I

RESOLVING DISPUTES – THE CLINICAL APPROACH

Disputes are of a truth normal part of life. They are instruments of progress in human relationship. It is inevitable and it keeps occurring. It is true to say that life in common – be it family life, community life, or business life, or city life, or national life – is a continuous succession of quarrels and disputes. Society is closely bound up with disputes. Within society, we find a mass of struggles and oppositions everywhere and at every level.

Where parties seek effective resolution of their conflicts they necessarily rely on the assistance of others who are not directly involved in the issues in disagreement. This is where the Committee on Public Petition comes in. Any of the parties to a dispute may file a petition with the Committee. The initial challenge that usually would confront the committee is to understand the peculiarities of the particular dispute they have to deal with and to design the appropriate mechanism for the resolution of the differences between the parties.

As a guide to members, we recommend the clinical approach. This essentially involves four major phases of activities from the initial contact with the Petitioner to the final resolution of the conflict. Just as medical practitioners do with patients, we suggest that members of the committee after due consultation / briefing from the petitioner should conduct an initial assessment of the case, determine the appropriate process for resolving the dispute and provide the parties with the necessary services for effective resolution of the dispute. Accordingly they should Consult, Diagnose, Prescribe and Dispense - CDPD.

1 : 1. CONSULT

The first essential step towards the effective resolution of any dispute is consultation. Get the full facts of the case. In doing this do not have any preconceived idea about who is right or wrong. Avoid the temptation to want to ascertain who is right or wrong between the parties. Just listen with an open mind and ensure you understand the essential facts. Ensure that the party discloses to you all facts necessary for your proper understanding of the issues in controversy. Avoid being unduly legalistic or judgmental.

1 : 2. DIAGNOSE

Analyze the case to ensure you understand the real issue(s) in controversy. This can be achieved by asking four fundamental questions:

(i) What is the (real) issue?

This essentially relates to the nature of the difference between the parties. Here, there are about 4 basic kinds of issues on which people may disagree. They may disagree on:

- Facts
- Goals
- Methods
- Values

(ii) What factors underlie the differences between the parties?

When people have a disagreement it is usually not enough to know just what the difference is about, it is equally important to ascertain why the difference exists. In trying to know why the dispute exists it is necessary to consider some of the underlying factors that could lead to disagreement among people. The factors that may lead to differences in perception include:

- Differences in experience or orientation.
- Differences in information – the quality and quantity of information.
- Differences in circumstances – role / job.

(iii) Who are the parties?

Any relationship between the parties that is worth preserving? Any third parties who may not be visible initially but whose interest affects the case?

(iv) How long has the dispute been on?

At what stage of development is the disagreement between the parties? At what stage of maturity is the conflict? What efforts, if any, have the parties made to resolve the conflict and what was the result of such previous effort?

1 : 3. PRESCRIBE

From your analysis advise and recommend to the parties the appropriate option for resolving the dispute. This requires sound knowledge of the types and features of all dispute resolution processes. Ensure that the parties are well informed about the available dispute resolution processes and the suitability or otherwise of each to the case at hand.

1 : 4. DISPENSE

Guide the parties to actually seek the appropriate dispute resolution process for their case. Decide what role, if any, you need to play in the dispute resolution process. Know and guide the parties on the appropriate institutional framework for the resolution of the dispute. Should the dispute be resolved through an ad hoc or institutionalized dispute resolution framework? Sometimes, depending on the nature of the case, the Committee may advise the parties to seek appropriate remedy from some other institution or agency.

PART II

DISPUTE RESOLUTION PROCESSES

2 : 1. LITIGATION

Litigation is an adversarial process of dispute resolution where the parties use courts established by law to determine their legal rights. Usually, the litigant decides on the cause of action to pursue in court and the appropriate remedy to seek. The court adjudicates based on the evidence provided by the disputing parties. By the adversarial nature of litigation, parties are required to personally source and provide their evidence, and bear all other incidental costs necessary or incidental for the successful prosecution of their case. All these require substantial amount of resources before, during and sometimes even after the trial. Apart from these well known costs, the institutional and structural weaknesses in the judicial system in some jurisdiction creates a situation where in majority of the cases, disputes spend an embarrassingly long period of time in court, thus adding to the frustrations of the parties. The frustrations resulting from litigation time and costs led to the search for, rediscovery and acceptance of other options for dispute resolution. ADR processes provide succor to litigants in most cases where litigation may be ineffective as a means of securing justice. However, while ADR seems to address some of the problems associated with litigation, it must be noted that litigation could still be an effective mechanism for the resolution of certain disputes. Some of the cases where litigation should be the preferred option are:

1. Questions bothering on legal interpretation of Statutes or Rules.
2. Where legal precedent needs to be set.
3. Emergency situations where injunctive or preventive relief is necessary – absconding defendant.
4. Cases in which Public policy needs to be affirmed and protected.
5. Where it is necessary to take urgent pre-emptive action in order to avoid irreparable damage – injunctive reliefs or to avoid the action being statute barred.
6. Frivolous claims that will most definitely be dismissed by the court.

2 : 2. NEGOTIATION

Negotiation involves direct discussions or communication between the parties with a view to resolving their differences. In most cases, parties to a conflict would usually first explore the chance of resolving the dispute themselves. Sometimes they succeed, sometimes they don't. Negotiations may fail because the parties lack the skills to search for creative options for resolving their dispute. Negotiations may be formal or informal.

2 : 3. MEDIATION

Sometimes, it may be difficult for the parties involved in a dispute to negotiate constructively in their direct attempt at the resolution of their differences. Where the parties in the conflict negotiate by themselves, their emotional attachment to their respective positions in the matter may limit their ability to jointly search for a common ground for the settlement of their dispute.

Mediation usually helps to overcome this problem. Mediation is a process in which an impartial third party called a Mediator is invited, or intervenes, to facilitate the resolution of a dispute by the agreement of the parties. Basically, the mediator facilitates agreement by improving the quality of communication between the parties in their negotiations. A good mediator is one who, promotes understanding, focuses the parties on their interests and uses creative problem-solving techniques to enable the parties to reach their own agreement. The mediator does not decide or even suggest an outcome for the parties. He also does not render his opinion on the case. A mediator is a neutral third party who must not be interested in the outcome of the case. In mediation, parties to the dispute retain control of both the process and the outcome.

2 : 4. CONCILIATION

Conciliation is also a process where a third party intervenes to assist the parties to resolve their dispute. To a large extent, conciliation shares the same characters as mediation and in most jurisdictions both are used interchangeably. Sometimes academics attempt to distinguish mediation from conciliation by emphasizing the following attributes of conciliation:

- A conciliator may give an opinion or suggest an agreement for the parties.
- Conciliation is usually statutorily provided for.
- Often the conciliator is a government official who is required to act as an advocate of government policy and has a statutory obligation to further the objectives of legislation; e.g., the Minister for Labour under the Trade Disputes Act.

2 : 5. ARBITRATION

Arbitration is the process where the disputing parties appoint Arbitrator(s) to hear their evidence and decide the dispute for them. In arbitration, the parties surrender their decision making powers to the Arbitrator(s), but retain control over the process. The decision of an arbitral tribunal (award) is usually final, binding and may be enforced like a court judgment. In commercial arbitrations, an award may be set aside by the court only on statutorily prescribed grounds. Presently, the Arbitration and Conciliation Act, Cap A18 Laws of the Federation of Nigeria 2004 regulate arbitration practice and procedure for commercial disputes in Nigeria.

2 : 6. HYBRID PROCESSES

Other known forms of ADR processes include:

- Med-Arb
- Early Neutral Evaluation
- Expert Appraisal
- Mini-trial
- Rent-a-Judge
- Settlement Conference
- Consensus Building
- Coalition Building

2 : 7. CONSENSUS BUILDING

Consensus Building is a process used in resolving multiparty and complex issues disputes. There are disputes where the issues are ill defined, in the sense that they are not as clear cut as the conventional dispute that is treated in law. Consensus Building is a process that involves collective participation of all the stakeholders (all people with an interest in the problem) working together to come up with a common solution. This solution should be able to address most of their concerns.

A typical Consensus Building meeting can be convened through a town hall meeting, dialogue or conference, this is an avenue where all the parties can come together and discuss their issues. Consensus Building need not be called by any technical name, it can be referred to by any name provided the purpose of the meeting is to bring together multiple parties for the sole reason of discussing their differences and reaching a consensus. It can be called a family meeting, in a political party dispute it can be called a reconciliatory meeting, or a peace building meeting. The important factor is that all the parties with interest in the dispute meet to work out a solution that is acceptable to all.

Consensus Building does not essentially aim at majority vote. It aims at unanimous agreement. The process aims to achieve an outcome that accommodates the interests of all stakeholders. It is important to always bear this in mind, so that where some people walk out in the process of the meeting those who remain should as much as possible ensure that the outcome accommodates the interests of others that have left. The current National Conference in Nigeria is an example of Consensus Building at a national level.

2 : 8. KEY VALUES OF ADR

The major benefits of ADR are:

- Saves time and costs less.
- It is flexible and so parties can choose the approach that best suits their case.
- Parties have more control over the process and so should be satisfied with the outcome.
- Leads to a more effective use of experts in the resolution of disputes.
- It helps the parties to improve their future relationship
- It is private and thus promotes confidentiality where necessary.
- It has the potential to lead to mutual satisfaction of parties' interests.

2 : 9. CHALLENGES WITH ADR

ADR also has its downside. Some of these are:

- The flexibility of ADR if not well checked may lead to uncertainty and adverse consequences.
- ADR cases do not provide precedent
- May be non-binding (with the exception of arbitration) and create problems of enforcement.
- Where proper skills are not applied, there may be delays and waste of time, which usually would escalate the costs.
- Parties may not have the opportunity of thoroughly testing the opponent's case and evidence.
- Takes food away from the lawyer's table? (NO PLEASE). The view that ADR diminishes the revenue of lawyers is NOT true.

CONCLUSION

Members of the Committee on Public Petition play vital role in promoting access to justice in a democracy. In view of the diverse nature of the petitions they receive, it is important that they regularly upgrade their knowledge and skills in dispute resolution. In addition to having a structured method for receiving and handling petitions, it is imperative that they possess the skills to dispense or recommend the appropriate process for each dispute that they are called upon to handle. Let me once again commend the organizers of this forum for their foresight and recommend that a more detailed and extensive course be hosted for the participants in the near future, to allow for more intensive and practical training on dispute resolution processes and skills.

APPENDIX IX

SETTING UP SYSTEMS AND PROCESSES FOR EFFECTIVE COMMITTEE WORK

BY: DR. UMAR AMINU,
Socio-Political Unit - Research Division, National Institute for Legislative Studies (NILS) –
National Assembly

Setting up Systems and Processes for Effective Committee Work

By

Umar Aminu *Ph.D.*

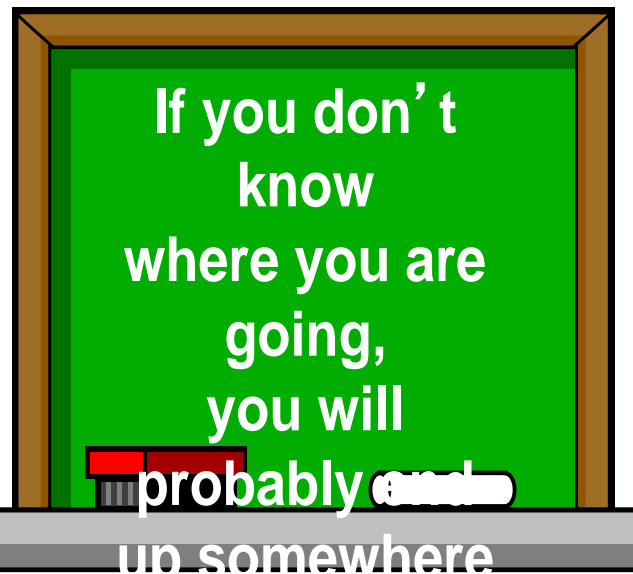
Socio-Political Unit - Research Division
National Institute for Legislative Studies (NILS) - National Assembly

Presentation at a Training And Capacity Building Workshop For The National
Assembly Committees On Public Petitions

Organized by PLAC with support from
Ford Foundation-Nigeria

PROTEA HOTEL APO APARTMENTS, ABUJA.

MONDAY, 7TH APRIL 2014



1

2

Outline

- Understanding systems and process design
- Designing systems and processes towards productivity
- Overhauling systems and processes - barriers to change
- Constructive culture
 - Role of Public Petition Committee - What it does - Criteria for PPC
 - What to communicate to others
- Making Systems & Processes Work
- Evaluation Lessons
- Summary

3

Introduction

- Setting up systems and processes for effective committee work implies putting in place process and procedure that can replicate and are not dependent on any single individual. I.e., system improvement enable one to set formal benchmarks to measure on going task.
- It allows for objectivity
- It makes it easy to manage well and innovate better
- Breakdown work to be done or simply put - how public petitions are received & treated with credibility in the legislature.
- Hence, committee chairman/deputy/Clerk & deputy can take break and work goes on.

4

Setting up PPC Systems/Processes

- You cannot begin to set-up systems and processes to run a committee if you can't find the information you need, don't know who you are running the committee for, and don't know where you are in your work.
- The principle of better systems/processes applies to leadership, culture and other initiatives that require a shift in peoples mind-set
- The solution: design the systems and processes to promote, not hinder, the committee's aspirations, i.e. constructive culture for the Public Petition Committee's smooth/productive operations.
- What is Constructive Culture?

5

Constructive culture - what does it look like?

- Constructive culture have the following key characteristics:
- Behaviour is focussed on achievement, not on following set rules and 'red tape'
- People collaborate and engage in 'genuine' teamwork
- Staff are empowered to proactively manage their own task, make decision and lead without title
- The culture is one of openness, protecting your committee activities/operations from being abused or side-lined in parliament



6

Constructive Culture in Parliament

- The culture aim is for a
 - Focus, Genuine teamwork, Empowerment, Pro-activeness and Openness.
- However, systems and processes of most emerging legislature promote:
- More concern for following procedures than getting things done
- protecting your patch
- Disempowering Petitioners/staff by reducing their control over how they manage their task
- Putting red tape and bureaucracy in the way of decision making.



7

Criteria for PPC

- To help achieve our culture goals, our systems and processes had to meet some basic criteria:
- Procedures should be simple to use
- Strongly promote teamwork and collaboration - (other committees)
- Empower staff to make decision - take risk - manage their own task - and lead (reducing red tape) - promote openness and the sharing of information -
- Above all, flexible.

8

Supervisor Role in Building PPC Team

- Make decisions - Be specific
- Delegate tasks to other team members
- Stay across what other team members are doing
- Record and manage external relationships
- How we set up our processes:
- Remove unnecessary red tape (within your limit)
- Education of colleagues/subordinates and empowerment i.e. focus of PPC processes, not control.
- Responsiveness to petitioners case

9

Refitting systems and processes - barriers to change

- Designing great systems and processes from the start is somewhat easy.
- Changing systems and processes to promote positive behaviour is hard
- It Takes time (large scale overhauls are impractical especially in complex setting like NASS - change should occur incrementally)
- System and process change needs to overcome the following barriers:
- Resistance (people tend to dislike change)
- Interim difficulties/confusion around roles (inevitable)

10

Overhauling systems and processes – Making it work

- Managing system and process change is mostly about managing the people aspects:
- Communicate a strong case for the change well in advance - discuss the issue, sell the benefits, and make staff feel part of the process
- Reduce the stress factor - provide staff or subordinates quality training and ongoing support
- Help people overcome the technical difficulties as they arise, be available and show concern
- Reinforce behaviour in line with the new systems and processes with praise and encouragement - Don't look down on staff who find it difficult to adopt or adjust - Encouraging words builds faster

11

Steps: Systems Design

- Identify committee scope of work
- Write out procedure of discharging committee assignment -responsibilities/ communication.
- Build up team
- Create work instructions (bring in the old ones that add value)
- Create forms/database (bring innovation/new ideas into system)

12

Major Steps to Setting up PPC Processes.

- CREATE your paper-based filing system. - An efficient filing system - When setting up your filing system it's important that you design a system that fits **YOUR** style.
- BLOCK the Paper Pile - E.g. out-of-date or not relevant to your needs anymore.
- CREATE your PC filing system, replicate your paper filling system for the PC
- ORGANIZE your files or Inbox (electronic- Emails)! Another huge time drain if not organized properly - Constantly maintain an efficient filing system.
- Consistency in Filing system - is the key to an efficient filing system.
- CREATE - file back up system. i.e. back up of important documents -photocopy - (onside & offside (especially electronic copy) is essential)

13

Distinct Areas

- How -to Procedure
- Phone-nos, email address, profession, city, type of complain, etc.
- Policies of managing committee affairs or public petition
- As it Advance
 - Need for divisions or sections
 - Organizational - chair/clerk/deputy clerk
 - Easily accessible Receptionist/officers - accessible location
 - Petitioners record
 - Processes of managing complains or PPC role (e.g., MDAs- NASS PPC forums)
 - Resource Unit or body for funding (consultants, experts, etc.)

14

Develop an authorisation mindset

- Understand exactly the values PPC should deliver
- Create set of processes based on experience
- Capture process in operations manual (for staff & petitioners to be acquainted, e.g. NASS PPC procedures)
- Provide training to new staff
- Be deliberate about committee culture
- Evaluation - this leads to innovation issues - will help strengthened the system processes.

15

Evaluation: PPCs Performance Measures

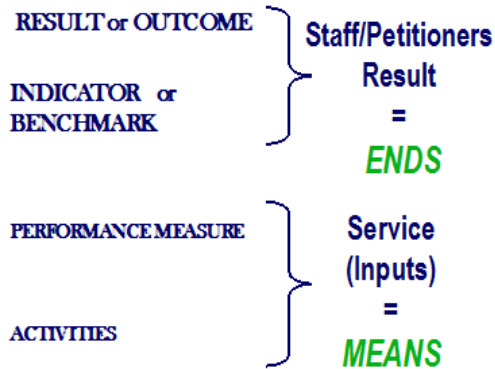
“Performance Measures

involve answering *two sets of*

interlocking questions.”

16

Evaluation: Ends and Means



17

Quantity Quality



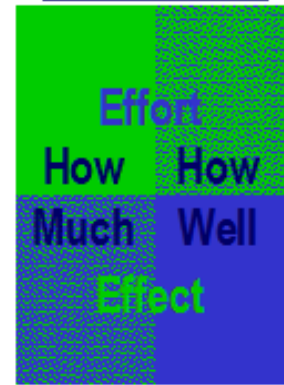
18

AND



19

Performance Measures



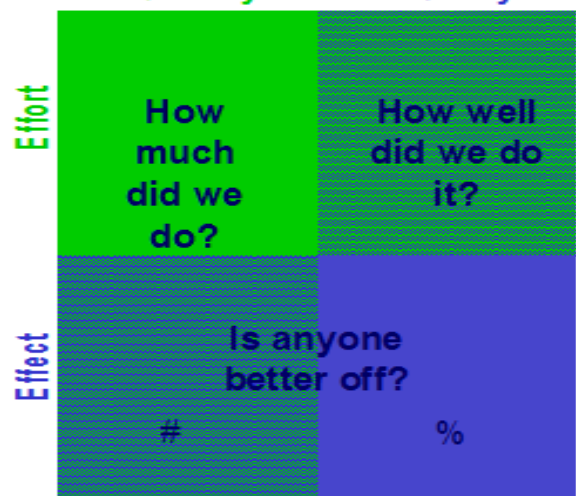
20

Quantity Quality



21

Quantity Quality



22

Example of Measures in Each Quadrant

<p><u>How much did we do?</u></p> <ul style="list-style-type: none"> # Petitioners Served () # Activities (by type of activity – investigation, outcomes, plenary decisions) 	<p><u>How well did we do it?</u></p> <ul style="list-style-type: none"> % Common measures % Activity-specific measures
<p><u>Is anyone better off?</u></p> <div style="border: 1px solid white; padding: 5px; display: inline-block;"> <p>Point in Time or Point to Point Improvement</p> </div> <ul style="list-style-type: none"> % Skills/Knowledge (e.g. Knowhow on PPC Procedure) % Attitude (e.g. Responsiveness to PPC) % Behavior (e.g. Respect to PPC role/NASS decisions) % Circumstance (e.g. increased petition, funding of PPC, result from PPC, etc.) 	

23

Performance: Measures Are Not Equal



24

Matter of Control



25

Questions: Systems & Processes Improvement For PPC

- Who are PPC Clients?
- How can PPC know if it is managing petitions well?
- Who are PPC partners with a role to play?
- How can PPC know if petitioners are better from PPC efforts?
- How is PPC doing on the most important of the processes to petition?
- What works with PPC, what could work, to do better?
- What can be proposed to improve PPC services?
- ❖ Innovation is key – But, issues raised a guide to higher/better results.

26

Summary

- Systems and processes are huge influence on how PPC approach its work
- Productive culture is largely based around an achievement focus, genuine teamwork, empowerment, pro-activeness and openness
- Committees in parliaments are forced to work against, not with, their systems and processes to embed a beneficial ethos
- PPC System and process change can be difficult. Managing the people aspects is fundamental
- PPC will witness significant shifts through good systems/processes design
- PPC should continuously evaluate systems/processes to account for results

27



APPENDIX X

THE IMPORTANCE OF ELECTRONIC DATA STORAGE METHODS IN MANAGING DOCUMENTATIONS AND RETRIEVAL OF PETITIONS

BY: KENNETH OKEREAFOR,

IT Expert and Globally-Certified Computer Information Systems Security Professional

PAPER OUTLINE

- » Objectives
- » Introduction
- » Significance of the Public Petition committee
- » Importance of document protection by the Public Petition committee
- » Role Of Information In The Public Petitions Committee
- » Use of IT in parliament
- » Fundamentals of Information security
- » Implications Of Poorly-Secured Petition Documents (Interactive Session)
- » Types Of Manual And Electronic Data Storage Systems
- » The EDMS, features, components and benefits
- » Challenges of IT adoption
- » Pre-conditions for setting up an EDMS
- » Conclusions

OBJECTIVES

- To enhance the capacity of the staff of Public Petitions committee of the National Assembly on their roles in handling legislative documents and in preserving the sanctity of received petitions.
- To enhance the knowledge and capacity of participants to appreciate the relevance and significance of Public Petitions committee in providing parliamentary support, and to carry out its functions more efficiently.
- To highlight methods of utilizing modern IT facilities in preserving legislative documents.
- To provide a platform to share knowledge and experience among participants in realizing the objectives of the programme.
- To prepare the Public Petitions committee staff for future automation of the entire process of managing petitions and other legislative documents.
- To expose the participants to the fundamentals of information security as a mandatory skill in handling legislative documents particularly petitions.

TARGET

- This paper is focused on giving an overview of the benefits of electronic document management system and digital storage methods over routine manual document handling by the staff of the Public Petitions Committee of the Nigerian National Assembly.
- The paper is NOT intended to recommend or promote any specific technology brand or product for the implementation of any form of IT-based document management system.

INTRODUCTION

Parliaments all over the globe undergo reforms and transformations in consonance with current scientific and technological realities. It is in recognition of this, that the need arises for staff of the PP committee to not only assume a proper custody of legislative documents, but also to utilize modern technological facilities in facilitating efficient storage, retrieval, security, management and disposal of such documents so that their institutional memory can be preserved on one hand and also the interest of petitioners which the legislature tries to protect may be preserved.

SIGNIFICANCE OF THE PUBLIC PETITIONS (PP) COMMITTEE

A committee is a delegate of the senate or house. The PP committee as a legislative body and one of the many “special committees” of the National Assembly receives petitions including protests, complaints, objections, criticisms, disapprovals and grievance letters against existing systems, group(s), office, structures, corporate establishments or even present or past public office holders. It receives petitions from various sources including organizations, pressure groups, ethnic groups, individuals, faith-based groups, etc.

The PP committee is a special committee in both senate and house that provides legislative integrity in promoting the interests of Nigerians. Its activities have direct impact on the citizens who seek urgent redress and intervention to their grievances.

The roles of the PP committee as stated in the Senate and House standing orders as amended shall include: “consider the subject matter of all petitions referred to it and report from time to time to the senate or house its recommendations on actions to be taken thereon, together with such other observations and petitions and the signatures attached thereof, as the committee may think fit”.

Each petition received by the committee is handled on its merit and concerned entities or persons may be invited to appear before the committee for questioning and fact finding. After its findings, it usually submits a report with recommendations for considerations on the floor of the senate or house. The recommendation (if approved by the senate or house) is usually supported by a resolution, which is also sent to the concerned entity for compliance. Since a committee is a delegate of the senate or house, the outcome of the PP committee will be referred back to the senate or house for enforcement on a particular union, body, group or individual.

At the end of the findings, if the accused is found guilty, the PP committee will recommend to the senate or house for compliance otherwise the resolution can be used by the petitioner as basis for legal action should the accused fail to comply with the elements of the resolution.

IMPORTANCE OF DOCUMENT PROTECTION BY THE PP COMMITTEE?

In recognition of the significance of this committee, and its inter-relationship with the general public to promote, protect and advance the rights of employers and parties, the need to preserve any document so tendered for consideration cannot be over-emphasized. The committee relates with lots of stakeholders, and so it is very urgent to prevent the loss of urgent documents. It is therefore very necessary for the committee to employ the enablement of technology to preserve the petitioner's original intent in order to avoid the embarrassment of loss by preserving the sanctity of the documents.

ROLE OF INFORMATION IN THE PUBLIC PETITIONS COMMITTEE

Government runs on information, so does the executive, the judiciary and most-importantly the legislature. As an integral part of every business process, the legislature through its numerous support functions is constantly receiving, creating, collating, processing, distributing, storing, securing, managing, retrieving, maintaining, communicating and disposing information on the activities and outcomes of the committee to parliament. The PP committee is one of such parliamentary support bodies that manage information as a core function. This underscores the need to adopt modern IT techniques to manage, store, secure and efficiently retrieve these information-base in such a manner that their content is neither distorted nor lost with huge consequences.

USE OF IT IN PARLIAMENTS (A case study of the Official Report Division)

- Live transcription of chamber processing and committee deliberations
- Integrated productivity and collaboration tools
- Timely production of hansards

FUNDAMENTALS OF INFORMATION SECURITY

Information security deals with all measures put in place to ensure the Confidentiality of information, the Integrity of data records and the Availability of IT systems that process these data. This is known as the CIA of Information Security.

IMPLICATIONS OF POORLY-SECURED PETITION DOCUMENTS (INTERACTIVE SESSION)

Litigation, Monetary compensation, Job loss, Legislative sanction, Media ridicule, Institutional embarrassment, Reputational damage, Political commotion, Partisan rivalry, Sectional agitation, Inter-tribal war, Diplomatic conflict, Penalty for non-compliance with standards and statutory requirements, Blackmail, Threat to life, Loss of life (through assassination, medical shock, inter-group conflicts), etc.

TYPES OF MANUAL AND ELECTRONIC DATA STORAGE

Paper-based, Physical cabinets, Archive rooms, Flash drives, CDs, DVDs, External HDD, Cloud-based storage, Electronic Document Management System.

ELECTRONIC DOCUMENT MANAGEMENT SYSTEM (EDMS)

An Electronic Document Management System (EDMS) is a collection of technologies that work together to provide a comprehensive solution for managing different kinds of documents in an organization. It usually comes as a suite of software programs that manages the creation, storage and control of documents electronically. The primary function of an EDMS is to manage electronic information within an organization's workflow.

A typical EDMS comprises of hardware, software and communication systems that allow for the automated management of organizational information throughout its life-cycle (creation, transmission, reception, documentation, storage, security, (including back-up), presentation, usage, archiving and disposal.

EDMS Record Manager

An EDMS record manager component is the software application that manages physical and electronic records from their creation, usage, storage, and maintenance to eventual destruction or permanent preservation while retaining integrity, authenticity and accessibility of these corporate records. The application manages the complete life cycle of both Physical and Electronic records in accordance with Records Management Policies laid down by the organization (National Assembly) and those required by law.

A standard EDMS can process vast volumes of information. The basic functions of the EDMS include the following:

1. Record acquisition: Receipt and acknowledgement of petitions.
2. Documentation: The system tracks each record's general properties, metadata and variety of parameters associated with the records, documents and folders such as record name, author, date, creation time, last access date, version history, title, destruction record, document format, file type, data size, etc.
3. Storage: Scanning, conversion, OCR, duplication and storage on primary and back-up databases.
4. Document administration: Handles access levels, privileges, printing rights, view-only access, escalation, alerts, etc.
5. Retrieval and search optimization: The system aids in fast query using a complex set of query algorithm and can retrieve documents using a variety of customizable criteria including date, author, source, picture type, etc.
6. Movement: Document availability for deliberations and decision-making through digital collaboration.
7. Archiving: Local repository and remote back-up for disaster recovery purposes.
8. Disposal: Information disposal, as the last part of the life-cycle management of electronic document is done in line with laid down document retention schedule of the information management policy statements. Physical documents including papers, graphics, are disposed using a variety of option including shredding, burning, degaussing for digital media, etc. Documents categorized as permanent records get retained in the system forever.

APPENDIX XI

Picture Gallery 1: CSO Meeting with National Assembly Committees on Public Petitions



Clement Nwankwo, Executive Director, PLAC & Hon. Uzo Azubuike, Chairman, House Committee on Public Petitions



Hon. Uzo Azubuike & Prof. Paul Idornigie of the Nigerian Institute for Advance Legal Studies - NIALS (Resource Person)



Mr. Chukwuemeka Nwosu representing the Chief Commissioner of the Public Complaints Commission



Mr. Harry Obe, representing the Executive Secretary of the National Human Rights Commission



A cross section of participants at the meeting



Dr. Uju Agomoh of Prisoners Rehabilitation and Welfare Action (PRAWA), Enugu



Mr. Adetokunbo Mumuni of Social and Economic Rights Accountability Project (SERAP), Lagos



Ms. Faith Nwadishi of Publish What you Pay (PWYP), Asaba



Cross Section of Participants

Members of the House Committee on Public Petitions at the Meeting



Hon. Jerry Alagbaoso



Hon. Debo J. Ologunagba



Hon. Ossai N. Ossai



Hon. Tukur Amirudeen

APPENDIX XII

Picture Gallery 2: Training for the National Assembly Committees on Public Petitions



L-R Hon. Chris Eta; Hon. Sadiq Mohammed; Sen. Khairat Abdulrazaq-Gwadabe (PLAC Board Chairman and Moderator of the Training); Hon. CID Maduabum, Chief of Staff to the Deputy Speaker; and, Hon. Ben Nwankwo, Member of the Committee



Kevin N. Nwosu, Esq., Dispute Resolution Consultant and Former Director of Academics, Nigerian Law School (Resource Person)



Kenneth Okerefor, IT Consultant (Resource Person)



Dr. Umar Aminu of the National Institute for Legislative Studies-NILS (Resource Person)



Dr. Umar Aminu making his presentation



Mr. Kenneth Okerefor making his presentation



Hon. Ben Nwankwo



Hon. Sadiq Mohammed



Hon. Afees Adelowo Jimoh



Hon. Chris Eta



Mr. Michael Egwu, Clerk of the House Committee on Public Petitions



Mr. Jonathan Toruemi, Clerk of the Senate Committee on Ethics, Code of Conduct and Public Petition

A Cross Section of Members and Staff of the Committees at the training



About PLAC

Policy and Legal Advocacy Centre (PLAC) is a non-governmental organization committed to strengthening democratic governance and citizens' participation in Nigeria. PLAC works to enhance citizens' engagement with state institutions, and to promote transparency and accountability in policy and decision-making processes.

The main focus of PLAC's intervention in the democratic governance process is on building the capacity of the legislature and reforming the electoral process. Since its establishment, PLAC has grown into a leading institution with capacity to deliver cutting-edge research, policy analysis and advocacy. PLAC receives funding support from donors and other philanthropic sources.

