

REPORT ON **CAPACITY BUILDING & INTERACTIVE NEEDS ASSESSMENT**

WORKSHOP AND MEETINGS WITH
SECURITY SECTOR-RELATED COMMITTEES
IN THE NIGERIAN NATIONAL ASSEMBLY

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ABOUT PLAC

Policy and Legal Advocacy Centre (PLAC) is a non-governmental organisation 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.

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DCAF's Foundation Council comprises 62 member states, the Canton of Geneva and six permanent observers. Active in over 70 countries, DCAF is internationally recognized as one of the world's leading centres of excellence for security sector governance (SSG) and security sector reform (SSR). DCAF is guided by the principles of neutrality, impartiality, local ownership, inclusive participation, and gender equality. For more information please visit www.dcaf.ch

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LIST OF ABBREVIATIONS	
ASSN- African Security Sector Network	
DCAF- Geneva Centre for the Democratic Control of Armed Forces	
NASS- National Assembly	
PLAC- Policy and Legal Advocacy Centre	

INTRODUCTION

Context

While responding to a challenging array of threats to the security of the state and the people, Nigerian security institutions are required to operate within a framework of good governance, rule of law and respect for human rights. A critical part of the governance mechanisms aimed at ensuring security sector accountability is legislative oversight. In Nigeria and beyond, experience has repeatedly demonstrated that the absence of democratic oversight contributes to perpetuating a culture of impunity and mismanagement, which in turn damages the effectiveness of security institutions, hinders efficiency of their use of resources, and jeopardizes public trust in the security sector.

An important stakeholder in the governance chain legally mandated to monitor the security sector's policies, actions and budgets and expenditures is the National Assembly of Nigeria (NASS). As elected representatives of the people, members of the National Assembly have a critical role in championing popular demand

for increased security sector accountability, in a way that preserves constructive relationships with security institutions and helps improve their capacity to deliver effective, responsive and responsible services to the women, men, boys and girls of Nigeria.

Some efforts have been made, notably with the creation of a number of specialised standing committees. In practice, however, specialised NASS committees are faced with a number of challenges in fully operationalising this mandate, among which count their capacity to conduct effective oversight.

Purpose of the needs assessment

Against this background, Policy and Legal Advocacy Centre (PLAC) and the Geneva Centre for the Democratic Control of Armed Forces (DCAF) facilitated a Self-Assessment for members and staff of security sector-related committees in the Nigerian National Assembly. The overall purpose of the activity was to investigate and document the specific technical and institutional needs of specialised commit-

tees in further operationalising their security sector oversight mandate, in order to deliver improved accountability for Nigerians.

The identification of these needs was intended to provide the project team with an evidence-supported baseline for defining capacity building measures that DCAF and PLAC could propose as measures to meet the needs of the committees and address their self-reported capacity gaps. In so doing, the assessment process was also intended to provide an opportunity for committee leaders and members to reflect on the challenges and limitations they face, and discuss these limitations with an experienced team of experts. This report is the product of the process. It aims at capturing the main findings of the Needs Assessment, and proposing a prioritisation of capacity building needs based on interactions with and feedback from the legislators and committee clerks, and an analysis of the context in which they work.

The process

The needs assessment, decided in consultation with the chairpersons of security-sector related committees, centred on a series of interactions between a team of security sector reform and governance (SSR/G) experts, and members and staff of NASS security sector-related committees. The first interaction was a capacity-building, needs assessment workshop for security sector related committees in the House of Representatives on Monday, 3rd July 2017 at the Transcorp Hilton Hotel, Abuja.

Subsequent activities included one-on-one meetings and discussions with the heads of several committees in the Senate: the Senate Committee on Police Affairs; the Senate Committee on Defence; and the Senate Committee on Judiciary, Human Rights and Legal Matters.

Structure of the Report

The Report is divided into five parts. The first



In Nigeria and beyond, experience has repeatedly demonstrated that the absence of democratic oversight contributes to perpetuating a culture of impunity and mismanagement, which in turn damages the effectiveness of security institutions.

part provides a summary of the proceedings and presentations at the workshop with the House of Representatives Committees. The second part highlights the salient issues arising from an analysis of responses to the questionnaire on legislative needs for democratic governance of security. The third part presents an overall interpretation of the self-assessment undertaken. The fourth part contains the summary and the findings from the meetings with security sector related committees in the Senate. The report is concluded with cumulative recommendations that emerged from the above engagements and sessions.



METHODOLOGY

The needs assessment for the National Assembly consisted of two activities:

- A guided self-assessment carried out in the course of a capacity-building needs assessment workshop held with committee members and staff of the House of Representatives on 3 July 2017 and
- Interviews and meetings held with targeted Senate Committee Chairpersons, Committee members and staff from 4-5 July 2017.

Guided self-assessment workshop

for Security Sector-related Committee members and staff of the House of Representatives on 3 July 2017

Two sets of questionnaires were administered to two groups of respondents in the course of the workshop:

- i) Chairpersons and two to three members of security sector-related committees in the House of Representatives
- ii) Some Committee clerks and staff of secu-

rity sector-related committees in the House of Representatives

The questionnaires were based on a toolkit developed and utilised by DCAF in its work in assessing the state of parliamentary oversight of the security sector in various countries, and adapted by PLAC for purposes of the exercise.

The first questionnaire, titled *Questionnaire for Self-assessment of Legislative Needs for the Democratic Governance of Security* aimed to assess the participants' evaluation of whether international principles of democratic oversight and governance have been incorporated in national legislation and policy.

The second questionnaire, titled *Questionnaire for Self-assessment of Capacity of security sector-related committees in the House of Representatives* was structured to help participants examine the overall capacity of Par-

liament to monitor and conduct oversight of security-related functions, and identify areas in which Parliament's capacity needed to be strengthened. Both questionnaires relied on the subjective choices of the participants/users since they were perception-based. Whenever DCAF undertakes a needs assessment of this kind, the questionnaires are modelled to take into account i) the setting or format of the proceedings in which they are administered; ii) the target group undertaking the self-assessment; and iii) the time available for the self-assessment.

i) FORMAT OF WORKSHOP PROCEEDINGS

Prior to the workshop, consultations with the targeted chairpersons of committees had led to the conclusion that a plenary session would be a preferred format, primarily to allow for an open exchange of ideas across the membership of various committees in attendance. The retention rate from start to finish was high and practically all members who attended the

opening session, remained for the entire workshop. The assessment team guided the process by explaining and clarifying the purpose of each section that needed to be filled in.

ii) THE WORKSHOP DYNAMICS

The self-assessment workshop was attended by security-related committee members as well as committee clerks. The advantage of this format was that it gave the committee clerks the same exposure as their chairpersons and committee members, resulting presumably in a common understanding of the requirements.

The disadvantage was that it did not recognise the unique and distinctive roles of parliamentarians and parliamentary staff. Moreover, as was noted by the chairperson of the workshop session, Chairperson of the Army Committee, participation of committee clerks in the accompanying self-assessment discussions was limited, suggesting that they may have felt constrained by the presence of the legislators.



CAPACITY BUILDING/INTERACTIVE NEEDS ASSESSMENT WORKSHOP

with security sector related committees in the House of Representatives

Objectives

The workshop had the following specific objectives:

- a) to assess the authority, ability, and attitude of the NASS to conduct security sector oversight;
- b) to facilitate the participants' own assessment of challenges and opportunities and the requisite tools for enhancing the role of the National Assembly in security sector oversight in Nigeria; and,
- c) to provide the basis for designing appropriate, demand-responsive support for parliamentary oversight of the security sector in Nigeria.

Participation

Participants at the workshop included chairpersons and clerks/staff of the following security sector-related committees in the House of Representatives:

- Army
- Navy
- Defence
- Police Affairs
- Drugs and Narcotics
- Financial Crimes
- Human Rights
- Interior
- National Security and Intelligence

Opening session

Mr. Clement Nwankwo, Executive Director, Policy and Legal Advocacy Centre (PLAC) explained that the activity was part of a joint effort by PLAC and DCAF to support the strengthening of the oversight functions of the legislative arm of government over the security sector. He stated that the National Assembly has the duty to ensure that it protects and safeguards the rights and safety of citizens through ensuring that security institutions respect constitutional provisions. He stated that this was important to enable Nigerian security institutions meet up with internationally recognised constitutional and democratic standards. He concluded by stating that PLAC and DCAF expected the workshop to yield positive outcomes in that international standards on security sector oversight would be learnt and subsequently replicated by the National Assembly.

Dr. Sandy Africa, Head of Sub-Saharan Africa Division, highlighted the importance of legislative oversight over the security sector. She mentioned that the Economic Community for West African States (ECOWAS) has been at the forefront of ensuring democratic oversight over the security sector in West Africa and briefly explained DCAF's role in engaging African states and institutions in matters of security.

Hon. Rima Shawulu, the Chairman of the Committee on Army speaking on behalf of the participating committees, noted that the enormity of security challenges confronting the country

has opened up new security challenges. He further noted that the issues of human rights are embedded in security issues and that his experience is that issues of human rights violations are not prioritised when tackling security problems.

He however added that the National Assembly could address this by moving a motion to assess the needs of the security sector institutions, particularly, the military and para-military institutions. He commended the workshop, saying that it will assist legislators gain new knowledge that would enhance their capacities in governing and ensuring the accountability of the security sector agencies under their watch.

Keynote address

by the Speaker of the House of Representatives, Rt. Hon. Yakubu Dogara represented by the Chief Whip, Hon. Ado Doguwa Alhassan

Hon. Doguwa Alhassan stated that since Nigeria's return to democracy in 1999, the country has been faced with the challenge of establishing democratic control over the security sector, thereby forestalling the security agencies from functioning within the limits of transparency and accountability.

The Speaker recalled that Nigeria has a past experience of absolute military control and authority over the machinery of government and this has translated to the current challenge of getting the security institutions to subject themselves to legislative scrutiny. He identified the consequence of this experience to be inadequate delivery of security to citizens, as well as lack of accountability and transparency as it relates to security expenditure.

The Speaker highlighted the fact that the House of Representatives has tried to respond to these issues by amending the Public Procurement Act, which aims to make the Armed

ABOUT THE WORKSHOP

The workshop was chaired by Chairperson of the House Committee on Army, *Hon. Rimamnde Shawulu Kwewum*. The Speaker of the House of Representatives, *Hon. Yakubu Dogara*, was represented by the Chief Whip, *Hon. Ado Doguwa Alhassan*.

Resource persons at the workshop were: *Hon. (Dr.) Jerry Ugokwe*, two term member of the House of Representatives (1999-2003) & Former Nigerian Ambassador to Austria

Professor Boubacar N'Diaye, SSR and Parliamentary Oversight Specialist, ASSN

Dr. Uju Agomoh, SSR and Corrections Specialist, African Security Sector Network (ASSN)

Dr. Sandy Africa, SSR Specialist/Assistant Director and Head of Sub-Saharan Africa Division DCAF;

Mr Clement Nwankwo, Executive Director of the Policy and Legal Advocacy Centre (PLAC) and *Ms Nkiru Uzodi*, Senior Programme Manager of PLAC organized the event and took part in all the proceedings.

Staff of PLAC provided logistical support for the event.

Forces more accountable in procurement matters. He further highlighted that at its inception in 2015, the 8th House of Representatives committed to undertake legislative initiatives that would respond to the various security challenges being faced by the country, as well as measures to improve its oversight process and mechanisms. He emphasised that the presence of members at the workshop underscores the commitment of the House to this agenda.

The Speaker drew the participants' attention to the fact that the country appears to be in a permanent state of emergency as the Armed

Forces are deployed in various parts of the country and have taken over routine duties of civil authorities. He added that it is a fundamental practice in advanced democracies worldwide for security sector institutions to submit to democratic governance, and that the House would work to ensure accountability that would ensure a secure and stable Nigerian environment favourable to investment and sustainable development. Finally, he enjoined all members present to be actively involved and view the exercise as a step towards making history.



Presentation: “An Overview of the Role of the Legislature in Security Sector Oversight” by Prof. Boubacar N’Diaye

Giving an overview of the role of the legislature in security sector oversight, Prof. N’Diaye stressed the importance of continuous self-assessments by legislatures in examining their capacities, strengths and weaknesses. Only then, he stated, could they be in a proper position to demand strengthened capacity in security matters and address other identified gaps.

He encouraged the legislators not to shy away from playing their role as citizens and certainly as an institution that should be interested in the security of the nation. He added that this role could be fulfilled only when legislators are clearly conscious of their role, strength, weaknesses, and their challenges. He further encouraged the National Assembly to make laws for the peace, order and good governance of the Federation in exercising oversight in the security sector in line with its Constitutional mandate and challenged the legislature to rise up to its responsibilities. He also emphasized

the ability of the Legislature to bring about desired changes through their power of appropriation and relevant laws, provided they had sufficient political will. Finally, Prof. N’Diaye explained that lawmakers should be guided by considering, what in SSR parlance is sometimes referred to as the ‘three A’s’:

AUTHORITY: Does the National Assembly have the appropriate authority to conduct oversight; is the legal framework in place; and is there a clear separation of powers between the Executive and the legislature?

ABILITY: Does the Assembly have the ability or capacity to conduct oversight? How strong are the institutions, and do legislators have adequate resources – human, financial and technical, and are the resources optimally utilized?

ATTITUDE: Is there the will in the society and the body politic, indeed a united political vision to build up an oversight capacity to serve the common good?

Plenary Session: : Feedback on Emerging Findings and Recommendations from Assessment

Presentation: “Mechanisms for Oversight of Nigeria’s Security Sector: What Role for the National Assembly?” by Hon. (Dr.) Jerry Ugokwe

Hon. Jerry Ugokwe presented a summary of preliminary findings from a *Mapping Report on the Structural and Institutional Mechanisms for Security Sector Oversight in Nigeria*. The findings had originated from a draft study by PLAC and DCAF and some of the notable findings from the meeting, which were eluci-

dated, include the following:

- The security sector is divided into five segments: the armed forces of the federation; para-military; intelligence community; justice sector and non-statutory security providers.
- Some of the key reasons why legislative oversight over the security sector is important include its impact on the rights and security of people, political, ethno-regional and religious pressures and the substantive resource allocation to enable the institutions discharge its functions.
- Key challenges in exercising legislative oversight in this sector include exclusive and excessive executive control over the security sector; lack of capacity and competence of legislators to adequately carry out oversight (often caused by lack of institutional memory); compromise in carrying out principles and international standards in overseeing the sector; gender imbalance and disparity and the opacity of the sector despite laws to improve transparency.
- However, possible pathways for legislative oversight in Nigeria include the amendment of the 1999 Constitution, capacity building for parliamentarians, security sector reforms and addressing the issue of secrecy, and a review of the National Gender Policy.
- It was also suggested that the role of the Office of the National Security Adviser be reviewed as the office should play a purely advisory rather than an executive role as is widely perceived to be the case. In line with this, the National Assembly should ensure that the office is strictly confined to advising the President on security issues, as against getting directly involved in security matters.

Reflections by Dr. Uju Agomoh

Dr. Uju Agomoh shared brief reflections from the self-assessment exercise, which included a summary of emerging findings based on discus-

sions during the workshop. She highlighted the following in her reflections:

- An assessment of the three A's (i.e. Authority, Ability and Attitude) mentioned earlier by Prof. N'Diaye could form the basis of a regular monitoring and evaluating activity that could be done on a continual basis.
- Key areas from the discourse highlighted the need for legislative reform on issues pertaining to declarations of war and deployment of security agencies to deal with internal conflicts as well as oversight (monitoring and tracking compliance) in preventing discriminatory recruitment in security sector institutions.
- Discussions also illustrated matters hindering legislative oversight such as the non-existence of, or gaps between laws and policies to address emerging security challenges, the existence of laws and policies but lack of effective implementation of laws/policies and issues of partial legislative coverage.
- The workshop also provided useful insight on how to tackle some of the aforementioned challenges. Recommendations gleaned from the sessions for instance, included the enactment of laws; constitutional amendments and introduction of processes that facilitate oversight such as secret hearings and a legislators' mentorship program or peer exchange.

Concluding Comments

Dr. Sandy Africa emphasized the need for stronger collaboration in sharing experiences between Parliamentarians in Africa, and their global counterparts. Finally, she advised that the Committees should sit at a smaller forum to discuss the analysis and recommendations that would be generated from the questionnaires and the workshop as a whole. Clement Nwankwo thanked all the participants for attending the meeting and promised that an outcome report would be shared subsequently.



SELF-ASSESSMENT OF PARLIAMENTARY CAPACITY AND LEGISLATIVE NEEDS

for democratic security sector governance

A first questionnaire administered was geared towards assessing the participants' views on the general oversight capacities of the National Assembly. It further sought to identify its strengths and weaknesses and ascertain areas for capacity building, as they saw them. The questionnaire highlighted the following key areas: the Representativeness of the National Assembly (NASS), National Assembly's Administrative Capacity and Institutionalization, National Assembly's Legislative Capacity, General Oversight Capacity, Security Oversight Capacity and National Assembly's Accountability and Visibility.

A second questionnaire was geared towards ascertaining how participants saw the gaps in key principles and legislative standards that are instrumental in democratic oversight of the security sector in Nigeria. The questions highlighted the following key areas: National Security and Defence Policy, Defence Establishment, Law Enforcement (Public Order), Intelligence and Public Accountability and Transparency. The questionnaire invited respondents to identify the legislative provisions that are already covered by national legislation and highlight what they thought was the top three priorities of a legislative development plan for defence, police and intelligence reforms.

A. Analysis of responses of the House of Representatives members

Oversight Capacity of NASS

The representativeness of the National Assembly Members of the security committees generally scored the NASS well for representativeness, except for the participation of women.

NATIONAL ASSEMBLY'S ADMINISTRATIVE CAPACITY AND INSTITUTIONALISATION

In this area, the ratings were generally on the positive side, with the most striking exceptions being around capacity. A fair number of legislators felt that NASS scored only average to poorly on the following indicators: committee resources are adequate to meet the needs of legislative work in terms of meeting rooms, offices and facilities; the number and the professional qualifications of legislative staff are adequate to meet the needs of legislative work; and NASS has sufficient information resources (library, research department, intranet system) to support the activity of members and committees.

NATIONAL ASSEMBLY'S LEGISLATIVE CAPACITY

Most of the legislators felt that the legislative capacity of the NASS is strong, although several indicated that there could be improvements. The fact that there is an increase in the number of private members' bills is seen as a significant development. Some nevertheless questioned the independence of the NASS in setting the legislative agenda.

NATIONAL ASSEMBLY'S GENERAL OVERSIGHT CAPACITY

Whilst the legislators were generally positive about the oversight capacity of the NASS, this did not come without qualification. For example, on the indicator of NASS having the authority to appoint or confirm ministerial appointments, several of them pointed out that NASS only has powers to confirm ministers. Several scored NASS poorly on the following:

monitoring the impact of laws once enacted, and evaluating the problems associated with the implementation of laws; and ministers and other executive officials attending sessions promptly when required to appear. Comments made by several suggest that the executive's attitude to the legislature is wanting and that it does not respect the authority of parliament or the separation of powers. Another area where there was concern was in NASS's powers to impeach or remove members of the executive: it was pointed out that this applies only to the President, not ministers.

NATIONAL ASSEMBLY'S SECURITY OVERSIGHT CAPACITY

Whilst a few of the legislators rated the NASS highly on its security sector oversight capacity, there was a significant number who felt that its performance was poor in certain areas. Some of the areas which attracted 'poorly' and 'very poorly' ratings were: NASS is consulted on defence and security issues systematically and consistently; the committees responsible for defence and security issues dispose of adequate research, information, staff and other facilities to support their effective performance; and the monitoring of execution of the budget.

There was a perception among some that the executive is not fully committed to the cause of oversight of the security sector, and thus does not adequately provide resources and capacity for this area of NASS's work. Among the comments made was that defence and security secrecy limits the ability of NASS to perform its oversight role.

NATIONAL ASSEMBLY'S ACCOUNTABILITY AND VISION

The legislators generally had a positive view of the NASS's accountability and vision, largely according ratings of 3 to 5. There were very few who believed it rated very poorly on any indicators. The few who did allocated scores of 1, to the following areas (and in any case these

were mentioned by only one or two respondents): records of voting on important legislative decisions or legislation are published in a timely manner; legislative committees often publicise investigative hearings of ministers and other executive officials; and the electoral system effectively ensures the accountability of NASS, individually and collectively, to the electorate.

Legislative Needs for Democratic Security Governance

There were some contrasting views on the role of NASS in *national security and defence policy*, but also some overlapping ones. A majority of the members believed that national security is not set out by the government in a strategy document that clearly defines priorities, tasks and responsibilities of the security agencies. There was, however a strong view, that national security policy and its supporting documents are not submitted to NASS for approval.

On matters of state, there was a high set of responses that believed that NASS does not approve national participation in international missions, or the deployment of foreign troops on national soil. In relation to the regulatory powers of the NASS, there was general consensus that NASS approved the levels of defence and security spending, that the executive and civil management authorities were accountable to NASS, and that NASS had the right to be informed by the executive on security matters. There were mixed views on the question of whether the creation, the missions and powers of every defence and security forces are accountable to NASS. And like the clerks, few legislators were of the view that the supreme council for defence and security, as the advisory body under the head of the executive branch, is accountable to and reports to NASS.

In response to the question of priorities that should be part of a legislative development

plan, it is possible to group the issues raised by the legislators as follows:

- Several legislators identified the setting out of a national security policy as an area where the NASS should be involved.
- Another area identified for greater NASS involvement was the ratification of all treaties on security and defence cooperation.
- Some legislators identified NASS having a say in the declaration of war a priority. In this regard there was a robust exchange between the members on how to define war, and whether the manifestations of armed violence between the state and non-state actors taking place within the borders of the country should be characterised as 'war'. In essence, the legislators were of the view that the legal framework, in terms of which the armed forces were deployed inside the country, was inadequate and needed to be reformed.

In keeping with their assessments of the regulatory powers of the NASS there were few who argued for improvements in law with regard to the executive's accountability to NASS; however there was a strong view that executive accountability to parliament was lacking. This was buttressed by a constitutional provision (section 315), which grants the executive the powers to amend legislation, in contradiction of other provisions which grant exclusive law-making powers to the legislature. Like the committee clerks there was a view that the advisory body on national security that falls under the executive should be established in law and accountable to NASS.

Specifically in relation to the *defence establishment*, most legislators were satisfied that the functioning, force structure and powers of the military are well defined in a law enacted by NASS; that the armed forces are subject to civilian oversight (through a government department led by a civilian minister) and legislative oversight (through a permanent legislative



committee for defence); and that the armed forces are politically neutral. Responses were less consistent on human resources management indicators, specifically on whether recruitment in the armed forces is non-discriminatory of race, ethnicity, gender, religion and geographical origin, whether career advancement is based on merit and equal opportunity, and whether armed forces personnel have access to internal mechanisms to protect them from discrimination, illegal or improper orders and ministerial abuse. Several made the claim that in theory there is no discrimination but in practice there is.

Most responded negatively on the statement

that NASS oversees important defence procurement contracts, with some expressing uncertainty. Another area where responses were divided was on the question of whether the circumstances for the use of armed forces in internal security are exceptional and well-defined by law: this was also reflected in the earlier debates on the legal framework for addressing the country's security challenges.

In relation to *law enforcement*, the pattern was similar. The legislators believe that these agencies are subject to civilian and legislative oversight, and that their powers are grounded in legislation. In the case of the law enforcement agencies there are differences of opin-

ion among legislators on several critical areas: whether there is a community-based policing approach; whether the police have a merit-based recruitment, selection and promotion system.

There were also responses that suggested that whilst the formal arrangements for police accountability are in place, implementation was poor or questionable. Such responses related to the following indicators: internal police accountability mechanisms are in place; a Code of Conduct for law enforcement officials provides guidelines and principles for behaviour; the Prosecution service is independent from police, and is charged to supervise criminal investigations conducted by police; and there is effective oversight over the management of firearm registries, civilian licensing of small arms, and licensing of private security companies.

In relation to *Intelligence*, a significant number of legislators believed that significant controls are in place, and responded affirmatively to the following statements: Every intelligence service or department has its purpose, mandate, tasks and powers clearly specified by laws enacted by NASS; intelligence agencies are subject to legislative oversight through a specialised permanent legislative committee; and the budget allocated to intelligence is approved by NASS and properly monitored by the executive, NASS and supreme audit institutions. However, the legislators differed significantly among themselves on the ethos and use of intrusive powers: whether these were human-rights centred, and whether there were adequate controls over them; whether codes of conduct for intelligence officials are implemented and monitored and whether members of the oversight committee have access to classified information.

On the question of *public accountability and transparency*, there were differences of opin-



A majority of members confirmed the existence of a freedom of information act

ion and perception among the legislators even in an area which should not be contested, because they are, factually, either true or untrue. A majority of members confirmed the existence of a freedom of information act, whilst a few seemed unaware of its existence. Similarly, some members confirmed that there were laws providing for affirmative publication of information, whilst other members seem to believe that there are no such laws. And some members confirmed that there is law regulating 'secret' or 'classified information', whilst others do not.

Most of the legislators confirmed the existence of independent oversight bodies and a supreme Audit institution responsible for the audit of the state budget execution functions on the basis of statutory law and reports to NASS. There was strong support for the statement that civil society organisations (CSOs) are given legal opportunities to participate actively in legislative consultations, whilst there was more divided opinion on the statement that CSOs can monitor the justice and security agencies for human rights violations and corruption without intimidation or undue interference.

B. Analysis of Committee Clerks' Responses

Legislative Needs for Democratic Security Governance

From the responses gathered, it appears that the majority of committee clerks in attendance believe that 'national security policy is set out by the government in a strategy document (such as a National Security Strategy, White Paper for Defence, Security concept, etc.) that clearly defines priorities, tasks and responsibilities of the security sector. However, most indicated that such policy was not submitted to NASS for approval.

There were mixed responses from the clerks on matters of state, e.g. whether NASS ratifies all treaties on security and defence cooperation, approves national participation international missions, and the deployment of troop on national soil.

The large number of abstentions on these indicators suggests that there is uncertainty among the committee clerks on the role of parliament in these policy areas. On the following indicators there was general consensus: that NASS approves the level of defence and security spending within the overall annual state budget; that the creation, mission and powers of every defence and security agency are clearly defined by laws enacted by NASS; that the executive and civil management authorities in charge of security forces are accountable to NASS.

In response to the question of what the three top priorities for developing a legislative development plan around national security and defence policy should be, the responses of the committee clerks was varied. Several indicated that the submission of national security policy documents to NASS for approval was a priority. Others stressed certain matters as priorities even where they had indicated such matters

were in place e.g. budget accountability; and ministerial nominations being endorsed by NASS. Most were of the view that a supreme council for defence and security, as the advisory body under the head of the executive branch, should be accountable to and report to NASS.

Committee Capacity in the House of Representatives

This questionnaire invited respondents to grade, on a scale of 5 to 1 (5 being very much and 1 being very poorly) the capacity of the NASS in specific areas. The assessments of these areas by committee clerks reflected the following trends:

THE REPRESENTATIVENESS OF THE NATIONAL ASSEMBLY

Most of the committee clerks felt that the NASS scored highly as a forum for debate on questions of public concern, and deals effectively with citizen petitions and complaints. They also felt that members have a full right to express their opinions freely, being protected from executive or legal interference. The areas where the committee clerks scored the NASS poorly were the following: the representation of minority groups and regions in NASS, and the representation of women in NASS.

NATIONAL ASSEMBLY'S ADMINISTRATIVE CAPACITY AND INSTITUTIONALISATION

Concerning this area of capacity, most of the committee clerks rated NASS highly for the following: in the rules of procedure in NASS are clear, known and respected; NASS is independent from the executive in deciding on its budget and programme; They indicated average to excellent performance on the following: all legislative decisions and legislative projects are debated in the competent committees before being submitted for debate and approval in the plenary; and a Code of Official Conduct/Ethics for legislators is implemented and overseen by an appointed Ethics Commissioner or by an Ethics Committee.

The areas where a significant number committee clerks felt that NASS scored poorly centred around resource provision: committee resources are adequate to meet the needs of legislative work in terms of meeting rooms, offices and facilities; the number and the professional qualifications of legislative staff are adequate to meet the needs of legislative work; and NASS has sufficient information resources (library, research department, intranet system) to support the activity of members and committees. Notwithstanding the overall low scores, there were a few clerks who scored NASS highly or average on these indicators.

NATIONAL ASSEMBLY'S LEGISLATIVE CAPACITY
Most committee clerks rated the NASS highly to average in legislative capacity. Some of the indicators that attracted these scores were: members have the right to initiate legislation or make amendments to it and legislative procedures allow them to make use of this right fully; legislative procedures provide members and committees with sufficient time to analyse and debate legislative proposals; there is an efficient and easy system to track legislation and its status inside the legislative administration; and NASS ensures that the enacted legislation is consistent with the constitution and the human rights of the population.

An area where many of the clerks felt there was significant room for improvement was in procedure in the legislative process for consultations with relevant interest groups and NGO's that are systematic and transparent; and a recommendation was made to enact a law or procedure for participation of NGOs and CSOs at a particular point of law-making.

NATIONAL ASSEMBLY'S GENERAL OVERSIGHT CAPACITY

On the general oversight capacity of the NASS, most of the committee clerks rated NASS between 5 (very much) and 3 (average) on most indicators, suggesting their high regard for NASS's general oversight capacity. Some of the specific statements that elicited these positive responses were: NASS has constitutional and legal powers for effective oversight of government's activities; NASS is effectively making use of its constitutional and legal powers to hold the government accountable; NASS monitors the implementation of laws once they are enacted and evaluates the problems associated with the implementation of laws; ministers and other executive officials attend promptly the plenary session or committee meetings when their presence is requested, providing the legislature with the information requested; and standing committees have the power to oversee the activity of ministries and other executive agencies in their area of competence.

NATIONAL ASSEMBLY'S SECURITY OVERSIGHT CAPACITY

There was a wide mixture of responses to the questions relating to the state of NASS's security sector oversight capacity, with ratings tending to be on the high side ('very much' to 'average'). Some of the areas which attracted these responses were: NASS is consulted on defence and security issues systematically and consistently; the activity of every security agency is regulated by legislation debated and enacted by NASS; the activity of every security agency is overseen by a legislative committee; the competent legislative committees approve the budget for each security agency and monitor budget execution; and NASS may ask information, investigate and eventually have a say on important defence procurement contracts.



NATIONAL ASSEMBLY'S ACCOUNTABILITY AND VISION

There were mixed perceptions among clerks about NASS's vision and accountability to the public. Across all areas there were responses of 5 (very much) to 1 (very poor). Some of the issues that the questionnaire asked the respondents to reflect on were: legislative procedures allow for plenary and committee meetings which are open to the public and media; plenary and committee minutes are published in a timely manner (most agreed that the NASS did well on these two).

There were indications that NASS sometimes did poorly in relation to the following: legislative committees often publicise hearings of ministers and other executive officials; citizens have immediate access to enforced legislation through a variety of channels (internet, official journal, mass media, members' circumscription office, public libraries); and citizens have adequate opportunities to express their views and concerns directly to their representatives, regardless of political affiliation.

C. Strengths and Weaknesses of the House of Representatives Self-Assessment Exercise

Strengths

On the whole the exercise of self-assessment conducted by the security sector-related committees had many positive features:

- It received political support and endorsement from the Office of the Speaker, which

suggests that there will be commitment to follow-up activities and recommendations;



- It provided an opportunity for the committees to engage in debate on the achievements as well as the remaining challenges of their oversight roles;
- It brought together chairpersons and members from a broad range of committees who would have seen the similarities and differences in challenges faced by their peers.

Weaknesses

In spite of these positive elements, there were some weaknesses in the exercise:

- The self-assessment was conducted in a single session and as a result discussion had to be curtailed in order to get through the two questionnaires;
- Given the plenary format of proceedings, not everyone had a chance to express their views: e.g. having the committee clerks in the same session as the legislators seemed not conducive to the free and active participation of the former in the debates; and
- There was some confusion about the instructions: some participants were initially uncertain about whether the self-assessment allowed them to differ in filling out the forms from their peers (it was clarified that they were free to express their own opinions).

Whether the experience was a positive one is best left for the participants to reflect on. It is recommended that the results be presented in the form of a validation meeting where next steps could possibly also be discussed.



INTERPRETATION OF SELF-ASSESSMENT RESULTS

Legislative authority of the NASS

From the discussions in the workshop and the questionnaire results, it is clear that there is a generally positive outlook among the participants in the self-assessment exercise on the strides that have been made in institutionalising a culture of legislative oversight in the NASS, notwithstanding some of the difficulties that remain. There was a degree of frustration about an executive that is perceived to be domineering, but this view was by no means shared by all present in the workshop, and this is reflected in the responses to the two questionnaires. Nevertheless problems that can arise from executive control not sufficiently mitigated by legislative oversight are a risk that the NASS security-related committees are at least in part, conscious of. It is also clear from the results that the generally optimistic

outlook on the legislative authority of the NASS extends to the security sector, though there are some concerns about the depth of this authority and even the political will to allow it by the executive.

In relation to the context in which the NASS is operating, the debate and questionnaire responses suggest a disjuncture between the provisions of the law and the realities confronting the security sector. This also points to a gap in policy, where ideally the executive and legislature should have clearly defined roles. The threat of insurgency has seen the armed forces deployed to address the problem, yet a policy and legal vacuum exists to distinguish between the law enforcement/criminal procedure regime and 'war powers' that should be put in place to deal effectively with the chal-

lenges. In the absence of clarity, there is a danger that human rights abuses can take place and civil liberties eroded. NASS can play a role in clarifying and providing legislative certainty to the security forces on how to respond to the challenges.

Capacity of the NASS to perform its oversight functions

The NASS is regarded by both the Committees and committee clerks who participated as being generally representative, with strong indications of incremental improvements. In so far as its representativeness and inclusiveness is concerned, gender features as an area where it is doing poorly. Also there were concerns that CSOs and NGOs do not have the necessary access to information and influence over the law-making process that would be optimal. This is an area for possible intervention.

Even though the discussions and questionnaires did not focus directly on the powers of the security services themselves, there was a strongly expressed view that a residual culture of military authority pervaded the relationship with the security services. An example given was of the armed forces directly being given a platform to address the NASS, when it should be the civilian executive that should appear in the House. Another example was that of being dependent on the executive (and thus the security services) for resources to conduct oversight.

Thus committees were reliant on logistical support from the security services to conduct their monitoring and inspection roles, across a range of functions, including the situation of armed forces personnel in the field and in camps, recruitment in the armed forces being non-discriminatory in terms of race, ethnicity, gender, religion and geopolitical origins. There was a feeling that this could undermine the independence of parliament and there was a strong view that the NASS and its committees



There were concerns that CSOs and NGOs do not have the necessary access to information and influence over the law-making process

should receive their own resources. There was consensus between staff and legislators that resources for NASS to perform its role optimally were inadequate: the numbers, professional qualifications, and facilities provided for committees to support the legislators were generally regarded as inadequate.

Human resources capacity of the NASS as a whole was also a matter of concern. There was some reservation about whether the NASS was as diverse as it could be, with gender repeatedly identified as an area where there is room for improvement. If it is the general case, it can be extrapolated that there could be gender imbalances in the security-sector related committees as well, and a strong likelihood that gender equality does not receive sufficient attention by the NASS.

Military expenditure is usually done through service whiteboards and presidential intervention. Ideally all operations should be specifically budgeted for.



Intelligence is an important area for consideration as there are often legal loopholes that could be abused in addition to other concerns such as abuse of power.

Intelligence is important in view of the increased use of asymmetrical warfare and political repression.

The 1999 Constitution takes precedent over ordinary laws. However, security institutions seem to lack an understanding of the hierarchy of norms within the national legal framework, and sometimes make reference to ordinary laws to assert their positions, as though these were superior to the Constitution.

Lack of synergy between the executive and the legislature was identified as one of the major problems militating against the oversight functions of the legislative arm. The National Assembly should ensure it functions in the manner the Constitution provides for at all times.

The National Security Act should be amended. However, the process for amendment would entail difficulty, as it is one of the Acts included in section 315 of the 1999 Constitution and therefore requiring a rigorous amendment procedure.

The House of Representatives has already approved a proposal expunging the Acts in sec-

tion 315 from the Constitution. Furthermore, discussions on the Acts will be discussed by legislators at a planned retreat of members of the Constitution Review Committees.

The National Assembly also shares some part of the blame in creating the existing lacuna in the security sector through its screening of security sector appointees via open plenary sessions rather than at Committee level where they can have in-depth discussions.

It is important that legislators have legal aides that are informed, knowledgeable and motivated on National Assembly matters.

Although Nigeria continues to deal with the adverse effects of military rule in the security sector, it is important to make progress in areas of secrecy, accountability and transparency.

The committees need to be firm and bold in ensuring that security agencies disclose secret information to the relevant NASS committees so as to enable an adequate probe where necessary.

Creative tools could be developed to address the issue of non-disclosure by security sector institutions, such as the use of the oath of secrecy on members of security sector related committees, the exclusion of assistants and clerks from such hearings and absence of a paper trail.

Committee hearings on the security sector should be conducted to encourage accountability by security sector institutions.

The National Assembly is yet to identify and work out how to exercise oversight functions on non-traditional actors like vigilante groups. Overseeing the dynamism that these actors bring seems difficult.

It is important for the National Assembly to

identify the capacity of members and officers of the security agencies as these contribute to making oversight difficult. It is however important to highlight that members of the security agencies have communicated some of their challenges to the National Assembly. Some of these include limited human resources capacity, weak structures and lack of funding.

As a means of sustaining institutional memory, the National Assembly should as far as possible limit Committee shake-ups in security sector related committees. For instance, 70% of the members of the Committee on Defence are new members. The low retention rates are a major cause of inefficient oversight.

Knowledge of best practices outside Nigeria is important. For instance interactions between security committees across African parliaments where ideas and experiences would be shared could be arranged.

In conclusion, it was observed that the time for discussion was limited and that further discussions should be held on a number of important, and/or sensitive topics. That members of the House were able to raise and debate these issues in a collegial and constructive manner bodes well for future discussions.



It is important that legislators have legal aides that are informed, knowledgeable and motivated on National Assembly matters.

NEEDS ASSESSMENT MEETINGS

with security sector related committees in the Senate

A. Meeting with the Chairperson, Committee on Police Affairs, Senator Abu Ibrahim

The discussions at this meeting were centered on the following questions posed to the chairman:

- Does your legislative role enable adequate oversight?
- Is there adequate support to your committee to enable it carry out its oversight function?
- What are the challenges encountered in oversight of the security agencies under your mandate?
- What are the priority needs of your committee?

The Chairman of the Committee identified lack of resources as a major challenge for the committee. He linked this to a lack of support and non-prioritisation of legislative needs by the government. To support his position, he

explained that there is usually heavy criticism by the public over the NASS budget, which he says is less than 1% of the national budget and grossly insufficient to enable NASS implement their functions and particularly, oversight. He opined that if NASS were capacitated, it would be able to accomplish much more than it currently does.

On oversight, he noted that his committee depends on the Nigerian Police for oversight because of their capacity and funding challenges. He underscored the importance of funding for oversight and disclosed that the committee is unable to make oversight trips to inspect the police formations across the country and is therefore constrained to implementing oversight from within their offices, which is not an ideal situation. He also noted that the committee was lacking an expert and have had to hire external consultants to assist with committee work. He highlighted that the committee on its part had tried to respond to the capacity needs of the Nigerian Police via the introduction of a bill on Police Funding.

The Chairman of the Committee stressed the lack of institutionalisation of committees and NASS as a whole and expressed concerns about sustainability of gains. For instance, he illustrated that often times, experienced long-time legislators such as himself are able





THE SENATE

FEDERAL REPUBLIC OF NIGERIA

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Some other challenges cited included insufficient intelligence within the Police to manage security issues



to bring about results due to their personal influence and access to high level networks, not necessarily due to an established support system that encourages legislative efficiency. And that while such political clout can produce positive results; it fails to address the issue of sustainability and lack of institutionalisation of legislative processes.

In relation to this, he highlighted the low retention rate in NASS and how it adversely affects knowledge and efficiency within committees. The Chairman himself has been a legislator since 1992 and currently serving his fourth term in NASS.

According to him, the challenge is not so much the knowledge and experience of members, but their retention in NASS and within the committees. In response to a question on what the committee is able to do within its means, the chairman replied that the committee has been able to hold meetings with key officers and often summon service chiefs for briefings. On how the committee responds to human rights issues, he mentioned that the committee receives petitions against the Police and that a small committee had been set up to critically review and respond to the petitions.

Some other challenges cited included insufficient intelligence within the Police to manage security issues, for instance, the tracking of movement of insurgents who have been dislodged from their strongholds in the North-eastern part of the country.

Another is the absence of an established budget office for NASS to assist the committee in budget analysis. The Chairman however

mentioned that the committee usually holds pre-budget briefings, but believed there was room for improvement here.

Priority needs highlighted

- Consultants and experts on budgets for police, rifles, gunboats and on other professional areas.
- Capacity building, training for committee members and staff
- Resources for oversight. Committee does not expect money but can receive technical assistance

On a final note, the Chairman mentioned that if Nigerians accept that NASS is a major stakeholder in governance and support the institution, it would go a long way in addressing some of the challenges they face in their work.



B. Meeting with the Senate Committee on Defence

In attendance:

- Senator Abubakar Kyari - Chairman
- Senator Gershon Bassey - Member
- Senator Aliyu Wammako - Member
- Senator George Thompson Sekibo - Member (also Chair of the Interior Committee supervising immigration, customs, prisons, civil defence corps)
- Senator Buhari Abdulfatai - Member
- Senator Usman Bayero Nafada - Member (also one time Deputy Speaker of the House of Representatives)
- Senator Sunny Ogbuoji - Member (and Vice Chairman of the Appropriations Committee)

The meeting with the defence committee was

a full committee style meeting with open interactions among participants. Having seven of eleven members of the committee attend the meeting is considered to be very positive and successful.

The meeting began with introductions and brief remarks by Clement Nwankwo (PLAC) and Sandy Africa (DCAF) on the purpose of the visit. Similar to the meeting with the Police Affairs chair, the discussions were framed around the following issues:

- How members see their oversight role
- Whether members feel they have adequate capacity for oversight
- How members perceive security challenges and whether they think that they are adequately poised to address the challenges
- What the priority needs of the committee are

Various members of the committee expressed their views on the committee's experience on respect for human rights by the military. It was noted by a Senator that the Nigerian military is trying hard to respect rules of engagement (ROE) in the war against insurgency in the country, but that they face the difficulty of being unable to identify enemies in combat situations since these often occur within the local communities and in the midst of the civilian population.

In terms of powers of NASS, he noted that the committee has sufficient legal backing and powers to implement their functions and that these powers emanate from the Constitution and Chamber Rules. He however noted that the committee needed strengthening and resource support to carry out adequate oversight. He added that there was no physical monitoring or oversight and that oversight was based mostly on feedback on military field operations.

Apart from the above comments, it became clear in the discussion that the Committee

feels frustrated in its role. Regarding how the Senate Committee is able to function when the defence establishment so readily withholds information on grounds of national security, the Committee chairperson admitted that this was a major problem. They noted that secrecy around defence matters was a universal phenomenon, even in the USA. In developing countries, militaries have had the upper hand, following long periods of military rule.

The question of what to do about the problem of insurgency was also a concern of the Committee. One of the members expressed the view that to fight insurgency, the budget for addressing this issue should be provided for the military so that they could stamp out the problem.

A member raised the issue of the qualification of specific acts as human rights abuses, arguing that human rights standards were context specific. In response it was stressed that international human rights standards have been adopted by Nigeria through several international, regional and national instruments, including the 1999 Constitution. The NASS therefore has an obligation to uphold respect for human rights. The NASS therefore has an obligation to uphold respect for human rights.



They noted that secrecy around defence matters was a universal phenomenon, even in the USA.

Another concern raised by a member was the perceived double standards implicit in the arms embargo that Nigeria is subjected to by the US Congress. Nigeria, it was argued is denied the right of access to more adapted weaponry and this has negatively affected its ability to address the insurgency it faces. In contrast, other countries with worse human rights records are able to engage in arms trade without restraint.

In response to the comments, the resource team suggested that it was the role of the Committee to support the military, by creating an enabling environment for them to do their work, effectively and in line with international standards. They therefore had an important role to play in developing the legislative frameworks necessary to respond to the challenges they were raising. The team stressed that the mission of providing for the security, peace and tranquility of the populations can be achieved—indeed is best achieved –when the armed and security forces of Nigeria carry out their duty in full respect of the values of the Nigerian people and adherence to the highest ethical standards: the respect of human dignity, human rights, and the rule of law. The relevant committees of the NASS, the committee on defence in particular, through their oversight and guidance, have a crucial role to play to help them.

Priority Needs

- The biggest challenge of the committee is funding; as a result it is not even able to go on study tours
- The committee has adequate knowledge and skills, but not necessarily in the area of defence. Technical support is needed on how to respond to defence issues
- Capacity building workshops, seminars and retreats for members and staff in order to know the extent of mandate and powers of the committee as defined in the rules and how that can be best exercised

- Peer learning with sister-parliaments
- Recruitment of consultants

The Committee wanted to know specifically, what support it could expect from DCAF and PLAC and expressed interest in follow-up engagements.

C. Meeting With Senator David Umaru, Chairman Senate Committee on Judiciary, Human Rights & Legal Matters

This meeting had the same discussion themes as that with the police and defence committees. Explaining the mandate and authority of his committee, the Chairman explained that the committee draws powers from the Constitution and the Senate Rules. He added that the Committee has the National Judicial Council and the National Human Rights Commission under its mandate, as well as judicial bodies and the Council for Legal Education. The committee is also responsible for confirmation of nominations of the heads of these agencies.

Some of the actions taken by the committee in response to human rights issues concerning security sector actors include the issuance of a resolution following a night raid of the homes of Federal Judges by the State Security Service, which made headlines in the country a few months earlier. The committee is also reviewing the Security Agencies Act, which outlines the powers of these agencies. The committee has also had to respond to a case of mass arrest and detention of indigenes of a local community in the northern part of the country by some security agents. The Chairman also shared that he has sponsored a bill on control of armed forces in a civilian setting, which is currently before the Senate.

On challenges of the committee, he mentioned the following:

- Insufficient funds for organisation of Public Hearings on bills.

- Heavy casework i.e. large volume of bills and motions referred to the committee, which are people oriented and require careful deliberation
- Lack of expert or technical assistance

He however mentioned that the committee had little challenge with oversight. He particularly stated that the committee had no experience of executive resistance to oversight as the agencies under his mandate expect oversight and cooperate in the process. He added that in turn, the committee makes effort to respond to bills proposed by the agencies they oversee.

On issues of the committee's response mechanism to human rights abuses by security sector actors, the chairman clarified that his committee is not a core security sector committee and that they rarely get involved in such issues

unless there is a clear issue of human rights involved which causes the Senate to refer such matters to them for their action. In such cases, the committee can make recommendations, but cannot respond directly by prescribing sanctions. Members can also respond via motions to the chamber. The committee also has no power over military courts and can only get involved when a matter has been referred to the Appeal Court. However, citizens who feel their rights have been abused can petition the Senate and then this can be referred to the committee.

Finally, the Chairman concluded by saying that he was open to ideas and suggestions from the team on how the committee could best improve on their oversight mandate as it relates to human rights.



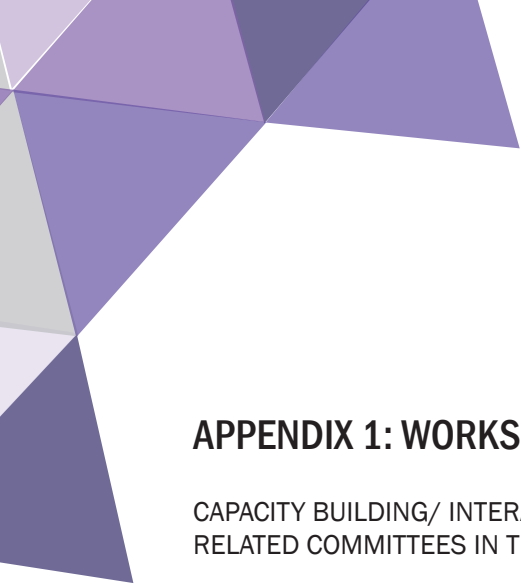
KEY RECOMMENDATIONS

Following the interactive needs assessment workshop with security sector related committees of the House of Representatives and the Meetings with security sector related committees in the Senate, the following is a summary of recommendations emerging from the interactions and discussions:

- NASS should embark on constitutional amendment to remove the National Security Act from the realm of the Constitution.
- NASS should take steps to ensure its independence in setting of the legislative agenda for the country.
- NASS Security-related committees should play a role in ensuring that there is policy and legislation dealing with how to characterize the internal security situation and in aligning the role and mandates of the security institutions accordingly.
- There should be increased involvement of the National Assembly in oversight of defence procurement.
- NASS should take steps to ensure improvement of institutional facilities and information resources for the security sector-related committees.
- NASS should embark on capacity building of its legislators and legislative staff serving in security sector-related committees.
- NASS should take steps towards the monitoring of impact of security laws and evaluating implementation of such laws and policies.
- NASS should take steps to improve accountability and transparency in the legislative process in relation to security governance matters.
- Legislators should take steps to improve engagement with constituents especially on their security concerns.
- NASS should develop policies/ laws to improve the participation of women in parliament.
- In order for NASS security sector related committees to perform their oversight functions effectively, there needs to be increased access to classified information.
- NASS security sector related committees should have frequent and interactive hearings with relevant agencies

APPENDICES





APPENDIX 1: WORKSHOP AGENDA

CAPACITY BUILDING/ INTERACTIVE NEEDS ASSESSMENT WORKSHOP WITH SECURITY SECTOR RELATED COMMITTEES IN THE HOUSE OF REPRESENTATIVES

DATE: Monday, 3rd July 2017

VENUE: Transcorp Hilton Hotel, Abuja (Ogun/Nasarawa Hall, Floor 02)

TIME: 10:00am prompt

AGENDA

09:30 am – 10:00 am: Arrival and Registration of Participants

10:00 am – 10:30 am: Opening Session

- *Welcome Remarks by Clement Nwankwo, Executive Director, PLAC*
- *Remarks by Dr. Sandy Africa, Assistant Director and Head of Sub-Saharan Africa Division – Africa Programme, DCAF*
- *Goodwill Remarks by Ms. Harriet Thompson, Deputy British High Commissioner to Nigeria*
- *Remarks by Hon. Rima Shawulu Kwewum, Chairman, House Committee on Army*
- *Opening/Keynote by the Speaker of the House of Representatives, Rt. Hon. Yakubu Dogara*

10:30 am – 11:15 am: Session 1 – Opening Presentation

An Overview of the Role of the Legislature in Security Sector Oversight

By: Prof. Boubacar N'Diaye, Professor of Africana Studies and Political Science at the College of Wooster, Ohio, United States, Chair of the African Security Sector Network (ASSN)

Presentation (20 min) Questions/Discussion (25min)

11:15am – 11:30 am: Tea/Coffee Break

11:30 am – 2:00pm: Session 2 – Assessing the Capacity of the National Assembly to Oversight the Nigerian Security Sector

(Introducing the Exercise on Self-Assessment of Parliamentary Capacity & Legislative Needs for the Democratic Governance of Security)

Facilitated by:

- Dr. Sandy Africa
- Prof. Boubacar N'Diaye
- Dr. Uju Agomoh, Project Coordinator, Support to Justice Sector in Nigeria, UNODC; Senior Prison Adviser, Prison Reform Project/Security Justice Reform Programme; & Founder, PRAWA (Prisoners' Rehabilitation and Welfare Action)
- Hon. (Dr.) Jerry Ugokwe, Founder, Jerry Ugokwe Centre for Diplomacy and Development, Two-term member of the House of Representatives & Former Nigerian Ambassador to Austria

2:00 pm – 2:45 pm: Lunch

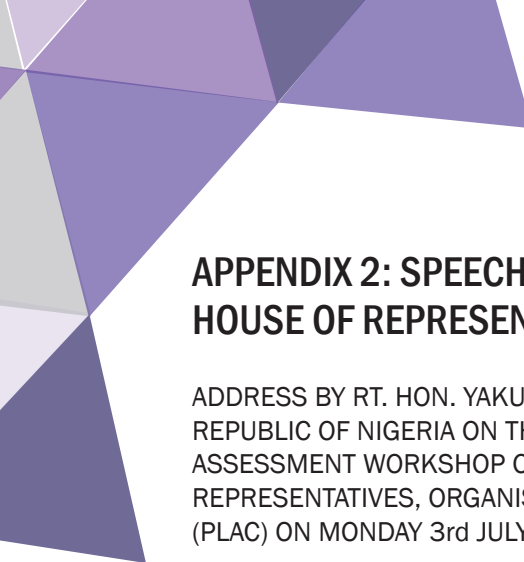
2:45pm – 3:45pm: Session 3 – Plenary Session

(Presentation of initial findings and recommendations)

Presentation: Dr. Agomoh/Dr. Ugokwe

3:45pm – 4:00pm: Next steps & Wrap up (Clement Nwankwo)

4:00pm: Closing



APPENDIX 2: SPEECH BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

ADDRESS BY RT. HON. YAKUBU DOGARA, SPEAKER, HOUSE OF REPRESENTATIVES, FEDERAL REPUBLIC OF NIGERIA ON THE OCCASION OF THE CAPACITY BUILDING/ INTERACTIVE NEEDS ASSESSMENT WORKSHOP OF THE SECURITY SECTOR RELATED COMMITTEES IN THE HOUSE OF REPRESENTATIVES, ORGANISED IN COLLABORATION WITH POLICY & LEGAL ADVOCACY CENTRE (PLAC) ON MONDAY 3rd JULY 2017 AT TRANSCORP HILTON HOTEL, ABUJA.

PROTOCOLS:

I am delighted to welcome you to this very important workshop to discuss the pertinent issue of reforms to the security sector through legislative oversight.

2. Since Nigeria's return to democratic rule in 1999, the country has been faced with the challenge of establishing accountable, democratic control over the security sector. Given Nigeria's past military experience, security issues have been firmly under the control of the Executive, thereby causing most security agencies to be insulated from certain levels of transparency and accountability.

This past experience which saw a powerful military exercise absolute control and authority over the machinery of government has translated to the current challenge of getting these institutions to subject itself to legislative scrutiny. The often seen consequence of this is inadequate and inefficient delivery of security to citizens, as well as lack of accountability and transparency as it relates to security expenditure. The House, has recently amended the Public Procurement Act to make the Armed Forces more accountable in procurement matters.

3. As an arm of government that represents the Nigerian people and responsible for making laws for the peace, order and good governance of the country, the National Assembly has the task of deciding how best to respond to these challenges and maximising the opportunities presented for reforms such as entails by this present gathering.

4. At the inception of the 8th House of Representatives in 2015, we adopted a Legislative Agenda to guide the work of the House and therein, committed to take legislative initiatives to respond to the various security challenges being faced by the country. In the same Agenda, we committed to taking further measures to improve on our oversight process and mechanisms, which is one of the major themes that would be discussed today. Our presence here today underscores our commitment to this goal.

5. We have made efforts by trying to meet the budgetary needs of the security sector, and it is indeed, a fact that the security sector receives a major allocation in the country's annual budget. This is borne out of the need to respond to the insurgency in the North Eastern part of the country, as well as various security challenges such as kidnapping, armed robbery etc. in other parts of the country.

6. Related to the constitutional powers of the National Assembly to appropriate funds and thereby allocate funds for security is the power to ensure that such monies or funds appropriated are used in a transparent and accountable manner and for the purpose for which they have been appropriated. The National Assembly's powers of legislative oversight cannot therefore be overemphasized. Indeed S.217 of the Constitution spells out the duties and responsibilities of the Armed Forces of Nigeria, which includes-defending Nigeria from external aggression; maintaining Nigeria's territorial integrity and securing borders from violation from a Land, Sea or Air;

suppressing insurrection and acting in aid of civil authorities to restore order when called upon to do so by the President.

7. It is worrisome that Nigeria is in a state of emergency as the Armed Forces are deployed in more than 28 States of the Federation in peacetime. The Armed Forces have virtually taken over routine Police work in Nigeria. It is no longer acting in aid of civil authorities but has become the civil authority itself!!

8. In line with parliamentary best practices, the House has Standing Committees specially mandated to oversight agencies in the security sector. These Committees include the House Committee on Defence, House Committees on Army, Navy, Air Force and House Committees on Police and also National Intelligence. We realize that a fundamental practice in advanced democracies around the world is that security sector institutions submit to democratic governance and I believe that these Committees are committed to fully exercising their mandate to ensure that not only are these institutions held accountable, but also that they are strengthened to ensure a secure and stable Nigerian environment that is favourable to investment and sustainable economic development.

9. While we have made reasonable efforts towards this process through the related standing committees in the form of Bills and Resolutions to investigate the pressing needs of the security sector and make necessary recommendations, we acknowledge the need for enhanced capacity and competencies of Members and support staff for addressing these. This event is therefore of critical importance in exploring this issues and coming up with recommendations.

10. It is important to mention that any recommended steps or actions in furtherance of security sector reforms should include building of public awareness and engagement with the citizens that we represent as this is key to giving ownership and legitimacy to the outcomes of such actions.

11. Finally, let me on behalf of the House of Representatives and the security sector related committees gathered here, thank the Policy and Legal Advocacy Centre (PLAC) and British High Commission for their support and collaborative partnership with the House of Representatives. We appreciate their efforts to engage foreign technical expertise via their partnership with the Geneva Centre for the Control of Armed Forces (DCAF) to share comparative experiences and best practices in security sector oversight from other democracies.

12. My Honourable colleagues, ladies and gentlemen, it is now my singular honour and privilege to declare this workshop open and to wish us all most fruitful deliberations.

13. Thank you and may God bless the Federal Republic of Nigeria.

APPENDIX 3: SALIENT POINTS AND ANALYSIS OF RESPONSES AND DISCUSSIONS DURING THE SELF-ASSESSMENT WORKSHOP IN THE HOUSE OF REPRESENTATIVES

In the sections below, the tables summarise the main points identified in respect of the issues discussed.

- The first column (theme) identifies the principle or legislative standard of capacity as captured in the questionnaire.
- The second column lists the specific issue(s) that was most contentious or subject to discussion.
- The third column summarises the points raised in discussion or the implication of the point with the most negative feedback.
- The fourth column summarises findings and recommendations, which emerged from the discussions and questionnaires.

Since the workshop had no breakout sessions, there was one general discussion by clerks and legislators in one plenary session. Consequently, some of the issues appearing in the discussion segment of the tables below are common to both groups. The analysis however is slightly different as they are specific to the respective key responses by the legislators and the clerks.

1. Parliamentary oversight capacity

The questionnaire on parliamentary oversight capacity was geared towards examining the general capacities of the National Assembly. It further sought to identify its strengths and weaknesses and identify areas for capacity building.

The questions highlighted the following key areas: the Representativeness of the National Assembly, National Assembly's Administrative Capacity and Institutionalization, National Assembly's Legislative Capacity, General Oversight Capacity, Security Oversight Capacity and National Assembly's Accountability and Visibility.

The questionnaire invited respondents to grade, on a scale of 5 to 1 (5 being very much and 1 being very poorly) the capacity of the NASS in specific areas.

1.2. LEGISLATORS

Number of responses analysed: 12

THEME	SPECIFIC QUESTION	DISCUSSION
1. The Representativeness of the National Assembly	1.2 Women are fairly represented in NASS	Legislators expressed diverse opinion on the representation of women in NASS. This was highlighted by most respondents as a serious deficiency.
	RECOMMENDATION	
	- Ensuring there is fair play in the elections process - Incentivise women to participate in the legislature	

ANALYSIS

Regarding the issues related to the representativeness of the National Assembly, the questionnaires highlighted the following points:

The issue of women representation in the legislature was highlighted as a critical issue and an area of priority. Majority of Legislators (7) ranked the representation of women as poorly with 3 ranking it very poorly and 2 legislators placing it as medium.

Looking at some of the recommendations, there seemed to be no differentiation between representation and participation. For instance, incentives and waivers to improve participation of women was highlighted, however, there was no indication as to what type of incentive would guarantee increased women participation and consequently, their election into the legislature.

On whether NASS is an effective forum for debate on questions of public concern, most respondents agreed that there has been improvement in the attention given to citizens' petitions and complaints through specialised committees. This has given room for citizens to air their views and have their concerns addressed.

The third major point highlighted in the responses is the view that party discipline is not strictly enforced and accordingly members are allowed to vote against their party. The finding that legislators have a full right to express their opinion freely also supports this point.

THEME	SPECIFIC QUESTION	DISCUSSION
2. National Assembly's Administrative Capacity and Institutionalization	2.6 Committee resources are adequate to the needs of legislative work in terms of meeting rooms, offices and facilities	Resource was flagged as a serious issue. Resources in terms of facilities, as well as information and manpower were highlighted as not being adequate.
	RECOMMENDATION	
	- National Assembly should be independent of the executive in determining its budget - Increase budgetary allocation to NASS - Request for an upgrade of existing information resources and provision for more information resources	
	2.7 The number and the professional qualifications of legislative staff are adequate to the needs of legislative work	It was noted that there is a serious deficiency in the qualifications of legislative staff.
	RECOMMENDATION	
	Training of Legislative staff	

ANALYSIS

On the issue of National Assembly's Administrative Capacity and Institutionalisation, the responses showed the following points:

There were mixed views by legislators as to whether the NASS was independent from the executive in determining its budget or its agenda. Some indicated that there has been a recent improvement on these issues. However, a sizable number of legislators noted the issue of NASS independence as a serious deficiency. Unfortunately, none of the respondents proffered a solution to the problem.

Another major point that emerged is the lack of resources in terms of facilities and information resources.

THEME	SPECIFIC QUESTION
3. National Assembly's Legislative Capacity	3.3 Legislative procedures provide members and committees with sufficient time to analyse and debate legislative proposals
	RECOMMENDATION
	Ensuring there is adequate use of plenary time

ANALYSIS

Most respondents noted that there was a deficiency in the analysis, debate and external consultations on legislative proposals. The ability to fully debate issues surrounding a proposed law, as well as gain stakeholder input is essential in ensuring the quality of the legislation and its acceptability.

However, some legislators appear to be of the view that there has been an improvement in the NASS legislative tracking mechanism, consistency with the Constitution in law-making, and members' right to initiate and amend legislation.

THEME	SPECIFIC QUESTION
National Assembly's General Oversight Capacity	4.6 Standing committees have the power to oversee the activity of ministries and other executive agencies in their area of competence
	4.5 Ministers and other executive officials attend promptly the plenary session or committee meetings when their presence is requested, providing the legislature with the information requested.
	RECOMMENDATION
	Legislators should make effective use of their constitutional powers

ANALYSIS

From the responses provided, there is a majority view that standing committees are not adequately empowered to oversee the activities of ministries. This is not clarified. Majority of the legislators are also of the view that there is reluctance by the executive to honour their invitation as part of oversight.

There is a divergence of views on the NASS' use of its constitutional powers effectively. While a set of responses, show that there has been a recent improvement in this regard, another group is of the view that same is not effectively used particularly as it relates to oversight by standing committees.

Another point which emerged from the questionnaire is the monitoring capacity of the NASS or the lack thereof. In order for the NASS to effectively do it work, provision will need to be made for monitoring the impact of laws enacted.

THEME	SPECIFIC QUESTION	DISCUSSION
National Assembly Security Oversight Capacity	5.10 Members have legal access to secret information necessary to perform their oversight function, and the government is providing them with secret information.	Discussions here focused more on access to security information, which was also a point of discussion in the assessment of legislative needs for democratic governance of the security sector (contained in a separate questionnaire).
	RECOMMENDATION	
	• Better transparency • Better synergy between the executive and NASS • Constitutional amendment of the National Security Act	

ANALYSIS

There is a consensus by legislators that there has been an improvement on the oversight of security agencies by legislative committees, scrutiny and approval of the budget for each security agency and monitoring of the execution of the budget by the respective.

Interestingly, while responses showed that every security agency is overseen by a legislative committee, it was also marked as an area of deficiency. It is unclear if this has to do with clarity or understanding of the question. Furthermore, it was also noted that although the committees are competent to approve the budget, the monitoring of the execution of the budget is deficient.

Members also cited the lack of access to defence secrets as a serious deficiency. Consequently, it was suggested that a National Security Council be set up with representatives of NASS as key parties. The justification is that this would aid the proper execution of checks and balances and ensure increased accountability by the defence sector. Furthermore, it was suggested that steps be taken to ensure better synergy between the executive and NASS on security matters.

THEME	SPECIFIC QUESTION
National Assembly's Accountability and Visibility	6.9 Public expectations about the role to be played by NASS are fulfilled.
	RECOMMENDATION • More public enlightenment • More media involvement in NASS activities

ANALYSIS

Legislators are of the view that there is an unfair public perception of the 8th Assembly due to a lack of understanding and appreciation of the functions of NASS.

Responses show that there has been some improvement in legislative procedures which allow for plenary and committee meetings to be open to the public. This is also emphasised by the majority response that legislative debates are frequently broadcast live on television or radio. However, one legislator had a difference of opinion on the broadcast of legislative sessions.

It was noted that the public perception of the 8th Assembly was not a true reflection of its state of affairs and its achievements. It was also noted that records of voting on important legislative decisions or legislation are published in a timely manner. In order to remedy this, it was suggested that an electronic voting system be introduced. It is important to note here however, that NASS does have electronic voting equipment installed in their chambers, however this is rarely used during its voting sessions.

1.2. CLERKS

Number of responses analysed: 10

THEME	SPECIFIC QUESTION	DISCUSSION
The Representativeness of the National Assembly	1.2 Women are fairly represented in NASS	Similar to legislators, the Clerks were of the view that women were not fairly represented in NASS.
	RECOMMENDATION	
	- Awareness and enlightenment on the need to balance gender in NASS - Encourage women participation in politics and liberalisation of the political system - National orientation on the need for women to be more active in politics	
	1.7 Members of NASS have a strong organized constituency base, disposing of offices, staff and time scheduled to go in the constituency and meet people.	This was not discussed, but from the questionnaire one of the major deficiencies noted was that there was no strong constituency base by NASS.
	RECOMMENDATION	
	- Supporting members to reach out to constituents and then ensuring some form of enforcement - Citizens should hold their representatives accountable	

SPECIFIC QUESTION	DISCUSSION
1.5 Party discipline is not strictly enforced, Members being usually allowed to vote against their party.	Not discussed as well, but it emerged from the clerk's responses that party discipline is lax in the NASS and needed to be addressed.
RECOMMENDATION	
• Party should take tough measures on any member that violates its party rules and regulations • Need to ensure party discipline by members since it is the platform through which members are elected	

ANALYSIS

The issue of women representation in NASS was highlighted as a critical issue and an area of priority.

Another point that emerged is the need for strong constituency base that would directly speak to the people/ constituents.

The third major point, which was illustrated, is the view that party discipline is not strictly enforced and accordingly members are allowed to vote against their party. The overwhelming finding that legislators have a full right to express their opinion freely also supports this point.

It was noted that there were improvements in NASS procedures that allow and encourage opposition and minority parties to contribute to the work of NASS. On whether NASS is an effective forum for debate on questions of public concern, most respondents agreed that there has been improvement in the attention given to citizens' petitions and complaints through specialised committees. This has given room for citizens to air their views and have their concerns addressed.

THEME	SPECIFIC QUESTION	DISCUSSION
National Assembly's Administrative Capacity and Institutionalization	2.6 Committee resources are adequate to the needs of legislative work in terms of meeting rooms, offices and facilities.	Resource was flagged as a serious issue. Resources in terms of facilities, as well as information and manpower were highlighted as not being adequate.
	RECOMMENDATION	
	- Committees should be well funded and internet facilities improved upon - Funds should be made available and independently administered by the NASS management or bureaucracy - Enough funds should be committed to ensure smooth running of committees - Constant training of staff - Budgeting and provision of funds for information resources - Increase funding to committees to allow the committee to attend to its numerous referrals i.e. bills, motions etc. and other legislative assignment	

ANALYSIS

On the issue of National Assembly's Administrative Capacity there was a lot of recommendations coming from Clerks, which is not unusual considering that they are the main support structure and institutional memory of committees. There was therefore a general consensus on the lack of resources, infrastructure and information resources.

Another major point that emerged from the questionnaires is there have been improvements in NASS independence on the issue of budget, committee structure and membership. Furthermore, Rules of Procedure are clear, known and respected.

THEME	SPECIFIC QUESTION
National Assembly's Legislative Capacity	3.4 Procedures for consultation with relevant groups of interests and NGOs in the course of legislation are systematic and transparent
	RECOMMENDATION • Adequate procedures for consultation with relevant interests and NGOs should be enhanced by the legislators • Need to improve on procedure for consultations with interest groups • Enact a law to enable CSO/NGO participation in law making • Allow for transparency in dealing with relevant interest groups, CSOs, etc. • Encourage consultation with all relevant stakeholders • Legislators should improve on relations with civil society organisations through increased involvement and other engagement.

ANALYSIS

Responses here highlighted a deficiency in the procedures for consultation with relevant interest groups and NGOs in the course of legislation.

However, there were divergent views on whether there is an effective and easy system to track legislation and its status. There also appears to be a majority view that there has been some improvement in members' right to initiate and amend legislation.

THEME	SPECIFIC QUESTION	DISCUSSION
National Assembly's General Oversight Capacity	4.8 NASS is able to influence and scrutinize the national budget through all its stages (formulation, approval, execution, evaluation).	This was not discussed, but from the response provided by some clerks, there is friction between the executive and legislature with regards to the budget and as such NASS may not be able to fully exercise its powers as it relates to the National Budget
	RECOMMENDATION - Executive should involve NASS through consultations at the formulation stage of the annual budget exercise. Budget implementation should be more transparent - Budget performance should be seriously improved on.	
	4.9 Ministers and other executive officials attend promptly the plenary session or committee meetings when their presence is requested, providing the legislature with the information requested.	There is a majority view by legislators and Clerks alike that there is reluctance by the executive to honour invitations by legislators to explain certain executive decisions.
	RECOMMENDATIONS - The executive should ensure that their appointees obey legislative summons, and where they do not, they should be relieved of their duties. - Issue of arrest warrant for any erring member of the executive who refuses to respond to invitations (<i>no indication as to whether this has legal backing</i>)	

ANALYSIS

There is a consensus that there has been an improvement in the use of NASS constitutional and legal powers for an effective oversight. Another point that emerged from the responses is the lack of synergy between the executive and legislature as it relates to the budget and the lack of prompt response by the executive to legislative summons.

THEME	SPECIFIC QUESTION
National Assembly Security Oversight Capacity	5.8 NASS may ask information, investigate and eventually have a say on important defence procurement contracts
	RECOMMENDATION
	NASS should be involved fully in defence procurement contracts (no indication provided as to how)
	SPECIFIC QUESTION
	5.5 Committees organise frequently, hearings on security matters
	RECOMMENDATION
	Security related committees should on a frequent basis organise interactive hearings and sessions with relevant agencies to update legislators on current security challenges

ANALYSIS

Most Clerks cited the lack of frequent meetings for legislative committees on security matters as well as lack of information on defence contracts as major challenges.

THEME

National Assembly's Accountability and Visibility

SPECIFIC QUESTION

6.9 Public expectations about the role to be played by NASS are fulfilled.

RECOMMENDATION

- National orientation of citizens/ public enlightenment

SPECIFIC QUESTION

6.8 Citizens have adequate opportunities to express their views and concerns directly to their representatives, regardless of party affiliation.

RECOMMENDATION

- There should be an avenue for citizens to contact their representatives (avenues not indicated)
- Citizens should have full access to their representatives via discussion forums and meetings

ANALYSIS

Similar to legislators' responses, most clerks agree that there has been some improvement in legislative procedures which allow for plenary and committee meetings to be open to the public. However, most did not believe that NASS is fulfilling the expectations of the public. Responses also showed a correlation between opportunities for citizens to air their views and public perception.

2. Legislative needs for democratic security sector governance

The Legislative Needs Assessment questionnaire was geared towards ascertaining the gaps in key principles and legislative standards, which are instrumental to democratic oversight of the security sector in Nigeria. The questions highlighted the following key areas: National Security and Defence Policy, Defence Establishment, Law Enforcement (Public Order), Intelligence and Public Accountability and Transparency. The questionnaire invited respondents to identify the legislative provisions that are already covered by national legislation and highlight what they thought was the top three priorities of a legislative development plan for defence, police and intelligence reforms.

2.1. LEGISLATORS

Number of responses analysed: 12

THEME	SPECIFIC QUESTION	DISCUSSION
1. National Security and Defence Policy	1.4 NASS has a decisive say in the declaration of war.	Diverse opinions were expressed on this issue. It was the understanding of some participants that war included incidences of internal use of force such as the Boko Haram insurgency and agitations by secessionist groups. It was also noted that in the 8th Assembly, there has been no occasion that necessitated a declaration of war. It was highlighted that there is high level of military activity in the country with military presence in 32 states of the nation.

ANALYSIS

The issue of declaration of war was a notable sticking point in discussions and emanated from a seeming lack of understanding on the concept of War. It was then explained that War as it is referenced in the Constitution refers to acts of violence or aggression against another Nation State and accordingly internal struggles cannot be contemplated under the definition. Further, this issue ranked the highest on the scale of legislative priority. From the plenary, there was the view that there is a need for legislative reform to regulate issues pertaining to declarations of War and deployment of security agencies to deal with internal conflicts.

Another point that emerged from the responses is the consensus that that National Security policy and its supporting documents are not subject to NASS scrutiny or approval. This issue is fundamental to the principle of checks and balances, as it implies there is no check on the potential excesses of the executive.

Another key point noted as a legislative priority is the need for a National Security Policy Strategy document that clearly defines priorities, tasks and responsibilities of the security sector agencies.



THEME	SPECIFIC QUESTION	DISCUSSION
Defence Establishment	2.5 Recruitment in the armed forces is non-discriminatory of race, ethnicity, gender, religion, geographical origin:	The role of NASS in ensuring adherence to Federal Character in recruitment into armed forces was also a focus of discussion. Some participants were of the view that NASS can go a long way in ensuring compliance with the Federal Character policy, which in simple terms, requires that the geo-political or ethnic composition of the country is taken into account in recruitment or appointments. A fundamental gap between law and policy implementation was revealed during discussions.
	2.7 All military expenditures are comprised in the state budget law, which is approved by NASS (the military establishment does not dispose of additional sources of revenues)	It was noted in the discussion that military expenditure is not checked by NASS and that the bulk of military expenditure is done through service whiteboards and presidential intervention.

ANALYSIS

On the issue of Defence establishment, it was noted that NASS does not play a key role in military expenditure particularly defence procurement contracts where 8 of 12 participants noted a deficiency. To further buttress this finding, it was also the highest-ranked legislative priority.

Issues of recruitment, general military expenditure, deployment of armed forces for internal security and general legislative oversight of defence establishments were also at the top of the legislative priority list.

THEME	SPECIFIC QUESTION
Law Enforcement (Public Order)	3.6 There is a community-based policing approach in the organization of law enforcement forces (a police service which is accountable, open, professional, consultative, preventive, people centred).

ANALYSIS

While this issue was not discussed, questionnaire responses revealed an overwhelming number of legislators highlighting this issue as one that is sorely lacking. There were however no responses on how best to implement community based policing into the current system.

Some responses noted that law enforcement forces were subject not only to legislative oversight but also civilian oversight. Further, majority agreed that there are legally prescribed conditions and situations for the use of firearms, that there is a code of conduct for law enforcement officials and that the law regulates the correctional system. However, political neutrality and independence of law enforcement forces was flagged as a legislative priority.

THEME	SPECIFIC QUESTION	DISCUSSION
Intelligence	4.11. Members of the legislative committee for intelligence oversight <i>have access to classified information/</i> 4.12 Selected members of NASS are informed about secret intelligence operations and their budget.	Legislators noted that legislative committees have little or no access to classified information and that this hindered oversight efforts. It was suggested that there should be a Bill to establish a National Defence and Security Committee and the introduction of processes to facilitate intelligence oversight such as the use of secret hearings. It was also noted that there were legal loopholes that gave room for abuse by intelligence agencies although an example was not given. To remedy this, Constitution amendment was suggested.

ANALYSIS

Regarding the issues on intelligence, the responses indicated the following: NASS is very limited in intelligence oversight due to lack of information. It was also noted that attempts to elicit information from intelligence establishment through invitations for committee hearings are usually ignored. It was recommended that there be constitutional amendments that would enable NASS amend the National Security Act.

Some of the issues flagged as legislative priority include the submission of intelligence agencies to legislative oversight through legislative committees and clear institutional and functional separation between intelligence (information gathering, analysis and interpretation) and police (arrest, interrogation, detention).

Other issues that emerged as legislative priority include NASS being given a bigger role in the appointment of the directors of the main intelligence agencies. Further, it was noted that the exercise of special powers of intelligence, which are grounded in legislation must be proportionate to the danger or threat being posed. Further, that the exercise of these powers must not be unduly prolonged. That “national security interests” and “threats to national security” should be clearly defined in legislations enacted by NASS and should be people-oriented.

THEME	SPECIFIC QUESTION	DISCUSSION
Public Transparency and Accountability	5.8 Independent oversight bodies and the Supreme Audit Institution can, on their own initiative or mandated by NASS, undertake investigations, visit sites, get access to documents of security sector agencies.	A high number of legislators stated that independent oversight bodies, either on their own or through NASS, are not able to undertake investigation of defence organisations or access documents. This goes to the issue of checks and balances and accountability.

ANALYSIS

The necessary laws are available to ensure accountability and transparency such as the Freedom of Information Act and laws that provide for affirmative publication. Further, there are agencies in existence to aid public accountability and transparency such as the public relations office of the Police and the National Human Rights Commission.

However, some responses flagged the public availability of such laws and accessibility of independent oversight bodies such as the Human Rights Commission as legislative priority.

2.1. CLERKS

Number of responses analysed: 10

THEME	SPECIFIC QUESTION	DISCUSSION
National Security and Defence Policy	1.4 NASS has a decisive say in the declaration of war.	Diverse opinions were expressed on this issue. It was the understanding of some participants that war included incidences of internal use of force such as the Boko Haram insurgency and the secessionist movement of Biafra. It was also noted that in the 8th Assembly, there has been no occasion that necessitated a declaration of war. It was highlighted that there is high level of military activity in the country with military presence in 32 states of the nation.

ANALYSIS

Regarding the issues related to National Security and Defence Policy, the Clerks responses highlighted the same points as legislators, which is that there is a need for legislative reform to regulate issues pertaining to declarations of war and deployment of security agencies to deal with internal conflicts.

Another key point noted as a legislative priority is the need for a National Security Policy Strategy document that clearly defines priorities, tasks and responsibilities of the security sector agencies as well as endorsement by NASS of ministerial nominations for defence and internal security.

THEME	SPECIFIC QUESTION	DISCUSSION
Defence Establishment	2.7 All military expenditures are comprised in the state budget law, which is approved by NASS (the military establishment does not dispose of additional sources of revenues)	It was noted in discussion that military expenditure is not checked by NASS but the bulk of military expenditure is done through service whiteboards and presidential intervention.

ANALYSIS

On the issue of Defence Establishment, it was noted that the NASS does not play a key role in military expenditure particularly defence procurement contracts where 7 of 10 participants noted a deficiency. To further buttress the finding, it was also the highest-ranking legislative priority that needs to be addressed.

The issue of general legislative oversight of defence establishments was also at the top of the legislative priority list. Other highlighted priorities were civilian oversight and recruitment to the armed forces.

THEME

SPECIFIC QUESTION

Law Enforcement
(Public Order)

3.5 Protection of human rights is central to police activity and it sets boundaries in the exercise of police coercive powers.

3.7 The police has a merit-based recruitment, selection and promotion system, providing equal opportunities for all specific groups such as ethnic minorities.

ANALYSIS

The issue of protection of human rights was flagged by an overwhelming number of Clerks as a major issue. They also noted that a merit-based recruitment, selection and promotion system, providing equal opportunities for all specific groups was lacking within the Police. It was noted that NASS would need to ensure policies on equal opportunities by way of Federal Character are implemented.

Some of the priorities flagged included political neutrality and independence of law enforcement forces (same as legislators). Others include clear definition of conditions and situations for the use of force and firearms by law enforcement officials, boundaries in the exercise of police coercive powers and community-based policing approach in the organization of law enforcement forces.

THEME

SPECIFIC QUESTION

DISCUSSION

Intelligence

4.11. Members of the legislative committee for intelligence oversight have access to classified information/

From the responses, a high number of legislators noted that legislative committees have little or no access to classified information, which hindered oversight efforts.

Intelligence	4.12 Selected members of NASS are informed about secret intelligence operations and their budget.	It was suggested that there should be a Bill to establish a National Defence and Security Committee and the introduction of processes to facilitate intelligence oversight such as the use of secret hearings. It was also noted that there were legal loopholes that gave room for abuse by intelligence agencies although an example was not given. To remedy this, constitution amendment was suggested.
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ANALYSIS

Regarding the issues on intelligence, the responses were same as that of legislators:

NASS is very limited in intelligence oversight due to lack of information. It was also noted that attempts to elicit information from intelligence establishment through invitations for committee hearings are usually ignored. It was recommended that there be constitutional amendments that would enable NASS amend the National Security Act.

Further, it was noted that the exercise of special powers of intelligence, which are grounded in legislation must be proportionate to the danger or threat being posed. Further, that the exercise of these powers must not be unduly prolonged.

THEME	SPECIFIC QUESTION
Public Accountability and Transparency	5.8 Independent oversight bodies and the Supreme Audit Institution can, on their own initiative or mandated by NASS, undertake investigations, visit sites, get access to documents of security sector agencies. 5.9 Wealth and interest declarations of Members, ministers and executive officials are accessible

ANALYSIS

On public accountability and transparency, a number of points emerged: The Clerks seem to agree with legislators that the necessary laws are available to ensure accountability and transparency such as the Freedom of Information Act and laws that provide for affirmative publication. Further, there are agencies in existence to aid public accountability and transparency such as the public relations office of the Police and the National Human Rights Commission.

The Clerks however highlighted the issue of accessibility of wealth and interest declarations of Members, ministers and executive officials and that these hinder the transparency initiative of the government.

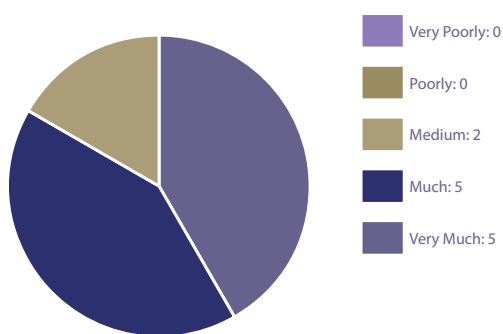
APPENDIX 4:

COMPREHENSIVE RESULTS FROM THE QUESTIONNAIRE ON SELF-ASSESSMENT OF CAPACITY OF NATIONAL ASSEMBLY (SECURITY SECTOR RELATED COMMITTEES IN THE HOUSE OF REPRESENTATIVES)

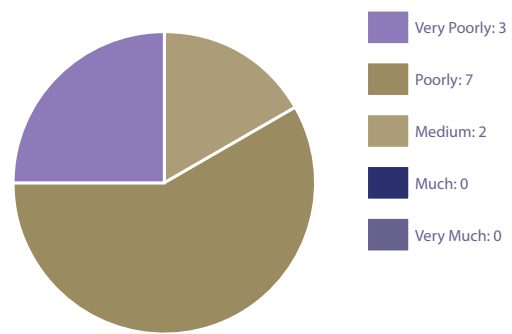
Section A: Legislators

Number of legislators' responses: 12

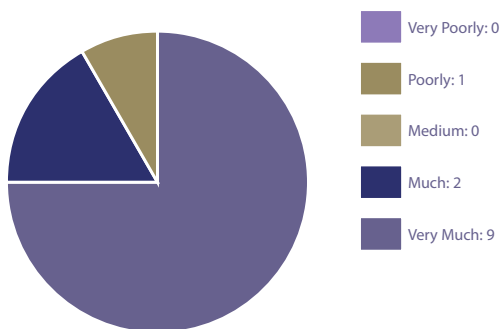
THE REPRESENTATIVENESS OF THE NATIONAL ASSEMBLY (NASS)



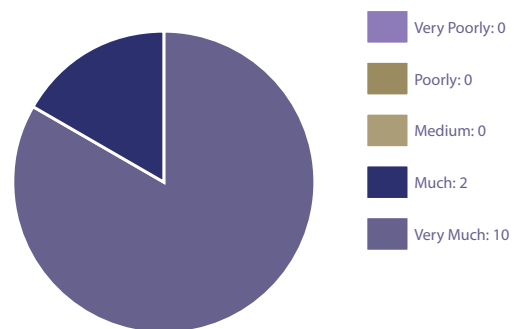
1.1 The composition of NASS is representative of minority groups and regions (in terms of political opinions, geography, ethnicity, religion, education, etc.)



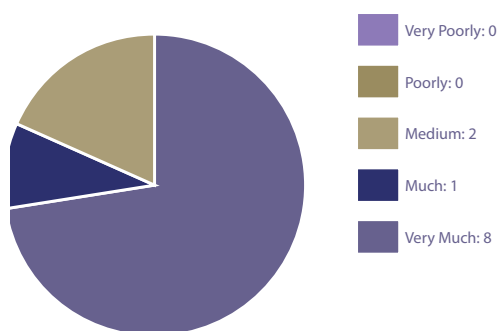
1.2 Women are fairly represented in NASS.



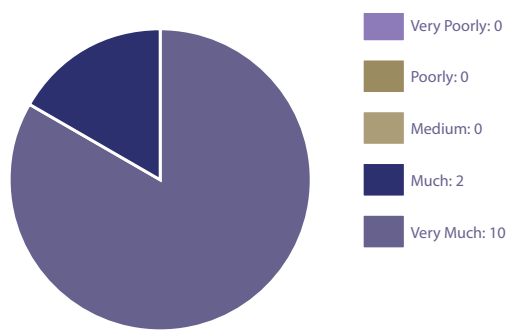
1.3 NASS procedures allow and encourage opposition and minority parties to contribute to the work of NASS.



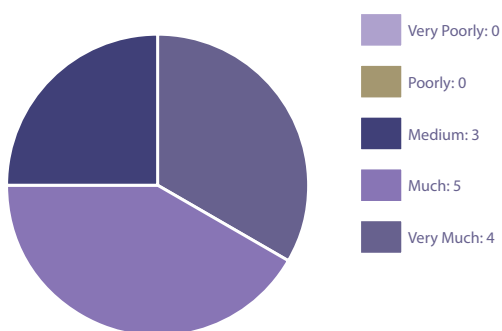
1.4 Members have a full right to express their opinion freely, being protected from executive or legal interference.



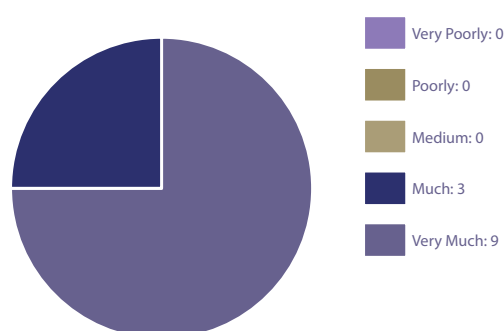
1.5 Party discipline is not strictly enforced, Members being usually allowed to vote against their party.



1.6 NASS effectively deals with citizen petitions and complaints through a specialized committee for this matter.



1.7 Members of NASS have a strong organized constituency base, disposing of offices, staff and time scheduled to go in the constituency and meet people.



1.8 NASS is effective as a forum for debate on questions of public concern.

WHAT IS THE BIGGEST RECENT IMPROVEMENT IN THE ABOVE?

(ONLY 6 RESPONSES)

- According to 2 legislators, the National Assembly has been effective in dealing with citizen petitions and complaints through a specialized committee for this matter.
- According to 1 legislator, members have a full right to express their opinion freely, being protected from executive or legal interference.
- According to 1 legislator, the composition of NASS is representative of minority groups and regions (in terms of political opinions, geography, ethnicity, religion, education, etc.)
- The other 2 responses were not gleaned from the questions put to the legislators.

WHAT IS THE MOST SERIOUS ONGOING DEFICIENCY? (ONLY 7 RESPONSES)

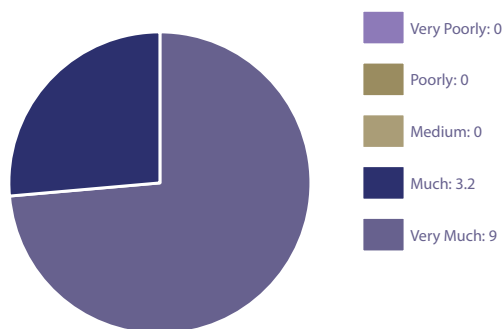
- According to 5 legislators, women are not fairly represented
- According to 1 legislator, members do not have the full right to express their opinion openly
- According to 1 legislator, the serious deficiency is capacity building and experience

WHAT MEASURES WOULD YOU TAKE TO REMEDY THIS DEFICIENCY?

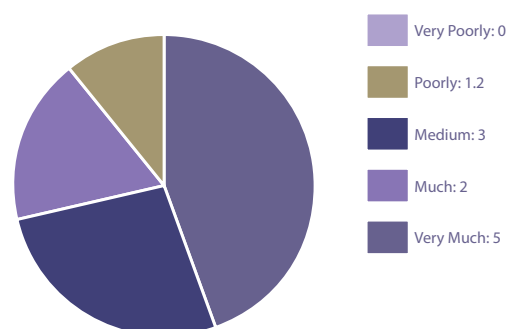
(ONLY 4 RESPONSES)

- According to a legislator - to resolve the issue of women representation, there needs to be fair play in the electioneering process
- Another legislator suggested incentives and waivers
- According to a legislator, for members to express their opinion openly, they just need to be allowed to do so
- According to one legislator, to resolve the issue of capacity building and experience, there needs to be continuous engagement

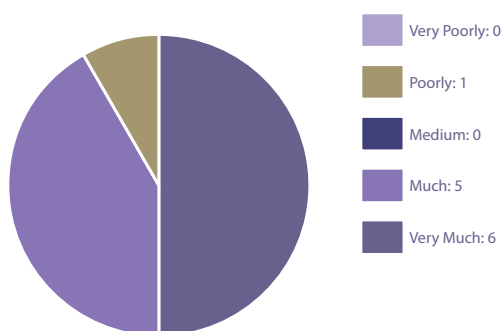
NATIONAL ASSEMBLY'S ADMINISTRATIVE CAPACITY AND INSTITUTIONALIZATION



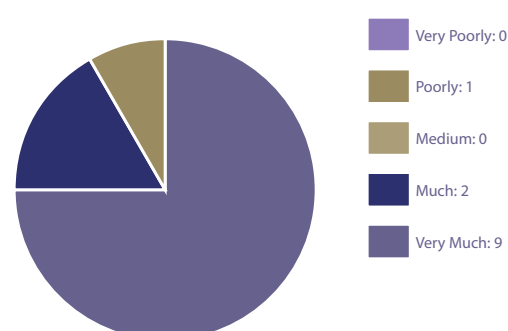
2.1 Rules of Procedure are clear, known and respected.



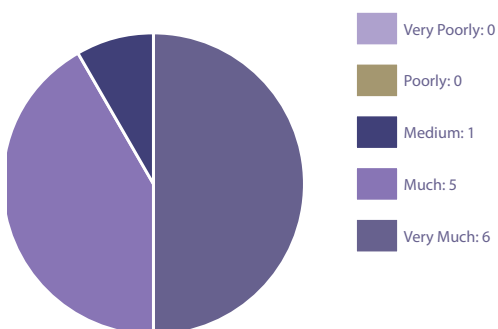
2.2 NASS is independent from the executive in deciding on its own budget.



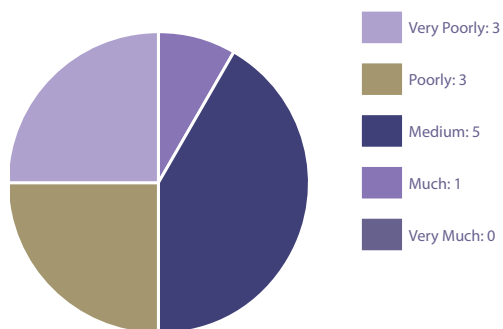
2.3 NASS is independent from the executive in deciding on its agenda and program.



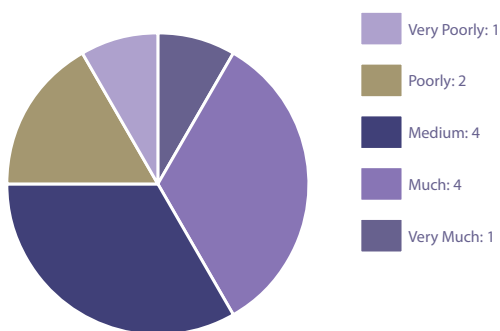
2.4 NASS is independent from the executive in deciding on its committee structure and membership.



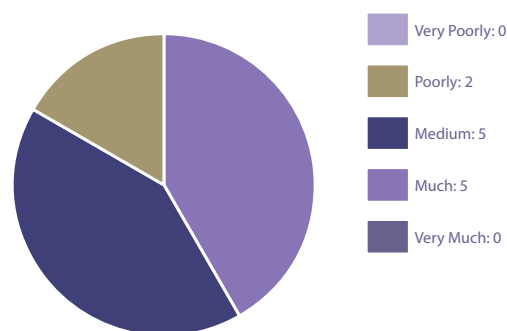
2.5 Committee membership is stable during a legislative mandate.



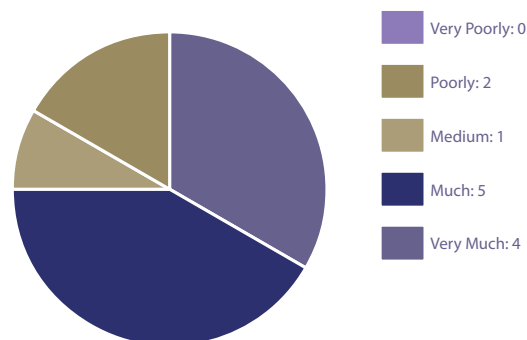
2.6 Committee resources are adequate to the needs of legislative work in terms of meeting rooms, offices and facilities.



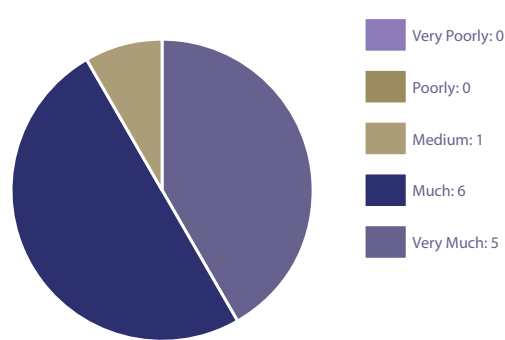
2.7 The number and the professional qualifications of legislative staff are adequate to the needs of legislative work.



2.8 NASS has sufficient information resources (library, research department, intranet system) to support the activity of members and committees.



2.9 All legislative decisions and legislative projects are debated in the competent committee before being submitted to debate and approval in the plenary.



2.10 A Code of Official Conduct/Ethics for legislators is implemented and over-viewed by an appointed Ethics Commissioner or by an Ethics Committee.

WHAT IS THE BIGGEST RECENT IMPROVEMENT IN THE ABOVE?

(ONLY 5 RESPONSES)

- According to 2 legislators, the National Assembly has independence in deciding its own agenda.
- According to 1 legislator, the NASS is independent from the executive in deciding its budget.
- According to 1 legislator, the NASS is independent from the executive
- According to 1 legislator, there is no sufficient fund for NASS to perform their constitutional role

WHAT IS THE MOST SERIOUS ONGOING DEFICIENCY? (ONLY 6 RESPONSES)

- According to 2 legislators, there are inadequate resources to meet the needs of legislative work in terms of meeting rooms.
- According to 1 legislator, the number and professional qualifications of legislative staff are inadequate to meet the needs of legislative work
- According to 1 legislator, NASS has insufficient information resources to support the activities of legislators and committees.

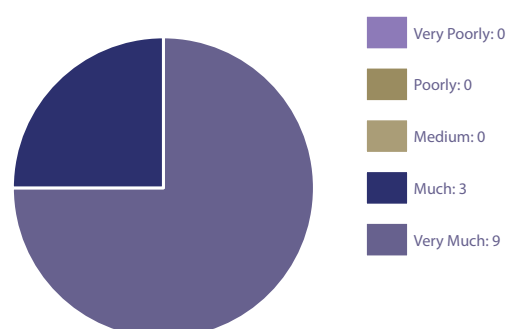
- d) According to 1 legislator, NASS is not independent of the executive in deciding on its committee structure and membership
- e) According to 1 legislator, there is stagnation of NASS by the executive arm of government

WHAT MEASURES WOULD YOU TAKE TO REMEDY THIS DEFICIENCY?

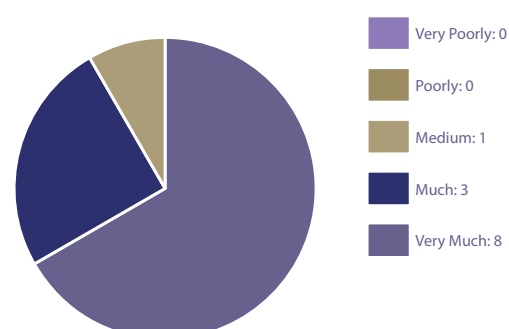
(ONLY 5 RESPONSES)

- a) According to a legislator, lawmakers should be allowed to do their job
- b) According to a legislator, NASS committees need to be well funded and increase the budgetary allocation to NASS
- c) According to a legislator, NASS needs to be independent from the executive in deciding its own budget
- d) According to one legislator, training is required for legislative staff
- e) According to one legislator, a request needs to be put in upgrade of existing facilities and provision of more resources.

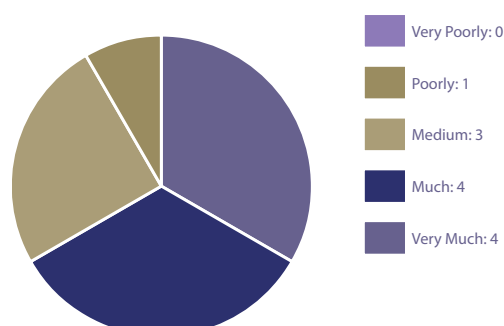
NATIONAL ASSEMBLY'S LEGISLATIVE CAPACITY



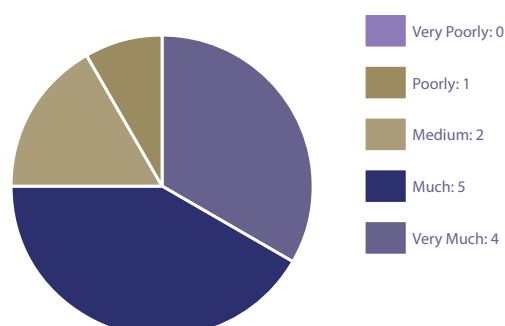
3.1 Members have the right to initiate legislation and legislative procedures allow them to make use of this right fully.



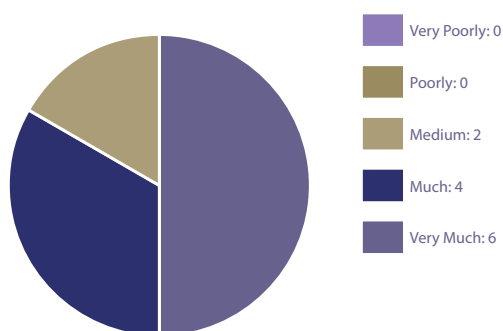
3.2 Members have the right to amend legislative proposals and legislative procedures allow them to make use of this rightfully.



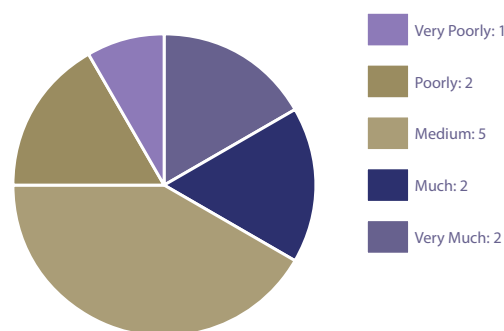
3.3 Legislative procedures provide Members and committees with sufficient time to analyze and debate legislative proposals.



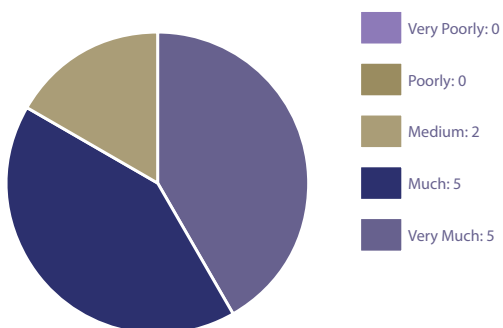
3.4 Procedures for consultation with relevant groups of interests and NGOs in the course of legislation are systematic and transparent.



3.5 The plenary usually follows committee recommendations and amendments on legislative proposals.



3.6 There is an effective and easy system to track legislation and its status inside the legislative administration.



3.7 NASS ensures that the enacted legislation is consistent with the constitution and the human rights of the population.

WHAT IS THE BIGGEST RECENT IMPROVEMENT IN THE ABOVE? (ONLY 6 RESPONSES)

- According to 2 legislators, members have the right to initiate legislation. One added that there are more private member bills than executive bills.
- According to 1 legislator, the NASS has an effective and easy system to track legislation and its status
- According to 1 legislator, members have the right to amend legislative proposals and legislative procedures allow them to make use of this rightfully
- According to 1 legislator, NASS ensures that the enacted legislation is consistent with the Constitution and the human rights of the population.
- One legislator did not answer the question in line with the questions asked.

WHAT IS THE MOST SERIOUS ONGOING DEFICIENCY? (ONLY 4 RESPONSES)

- According to 1 legislator, legislative procedures provide members and committees with insufficient time to analyze and debate legislative proposals.
- According to 1 legislator, procedures for consultation with relevant groups of interests and NGOs in the course of legislation are not systematic and transparent.
- According to 1 legislator, there is no effective and easy system to track legislation and its

status inside the legislative administration.

d) One legislator did not answer the question in line with the questions asked

WHAT MEASURES WOULD YOU TAKE TO REMEDY THIS DEFICIENCY?

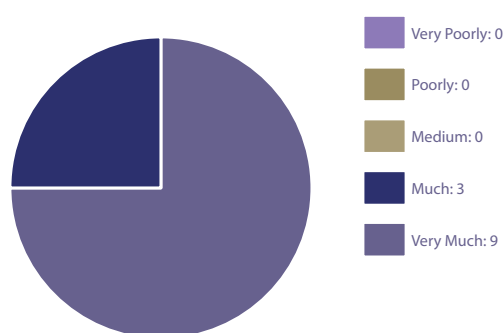
(ONLY 3 RESPONSES)

a) According to a legislator, plenary should be used to sufficiently analyse and debate a legislative proposal.

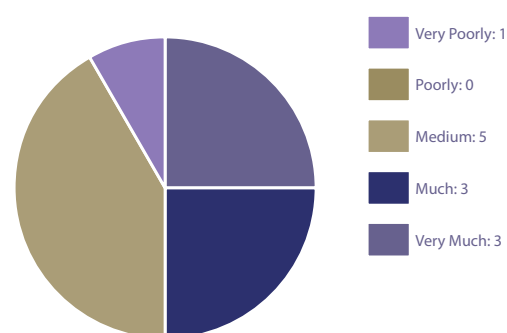
b) According to one legislator, training would be essential

c) One legislator did not answer the question in line with the questions asked

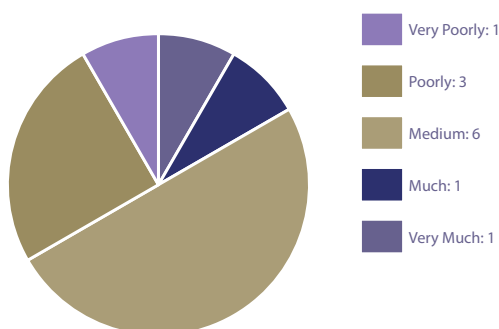
NATIONAL ASSEMBLY'S GENERAL OVERSIGHT CAPACITY



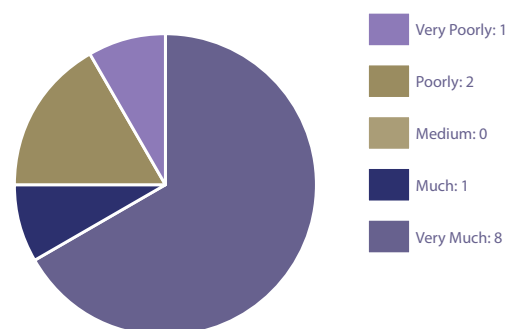
4.1 NASS has constitutional and legal powers for an effective oversight of government's activity



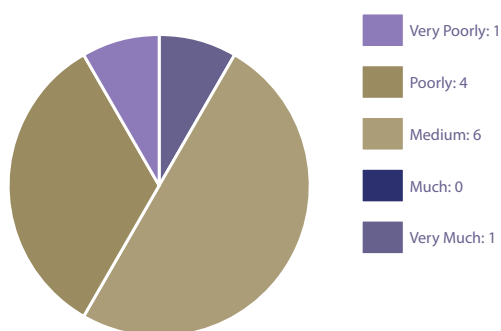
4.2 NASS is effectively making use of its constitutional and legal powers to hold the government accountable



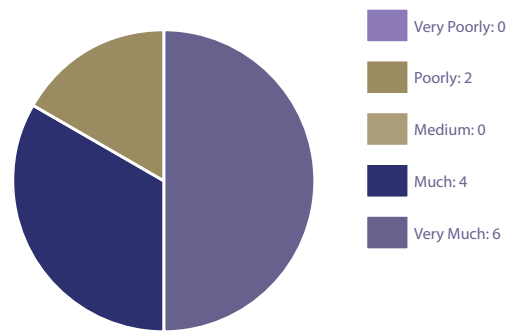
4.3 NASS monitors the impact of laws once they are enacted and evaluates the problems associated with the implementation of laws.



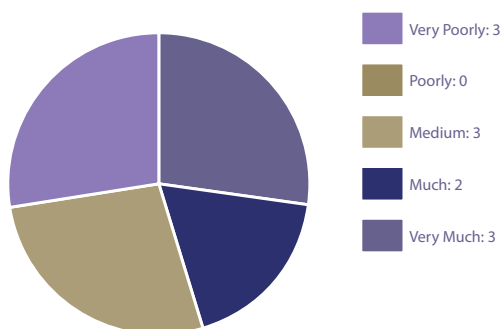
4.4 NASS has the authority to appoint or confirm ministers.



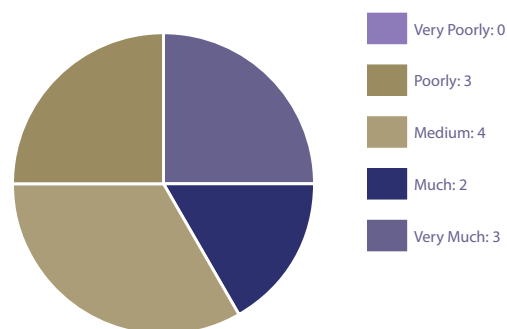
4.5 Ministers and other executive officials attend promptly the plenary session or committee meetings when their presence is requested, providing the legislature with the information requested.



4.6 Standing committees have the power to oversee the activity of ministries and other executive agencies in their area of competence.



4.7 NASS has the power to impeach or remove members of the executive.



4.8 NASS is able to influence and scrutinize the national budget through all its stages.

WHAT IS THE BIGGEST RECENT IMPROVEMENT IN THE ABOVE? (ONLY 6 RESPONSES)

- According to 2 legislators, NASS has constitutional and legal powers for effective oversight of government's activity.
- According to 1 legislator, NASS is effectively making use of its powers to hold the executive accountable.
- One legislator referenced the exercise of constitutional powers in general.
- According to 1 legislator, NASS is able to influence and scrutinize the national budget through all its stages.
- One legislator did not answer the question in line with the questions asked

WHAT IS THE MOST SERIOUS ONGOING DEFICIENCY? (ONLY 6 RESPONSES)

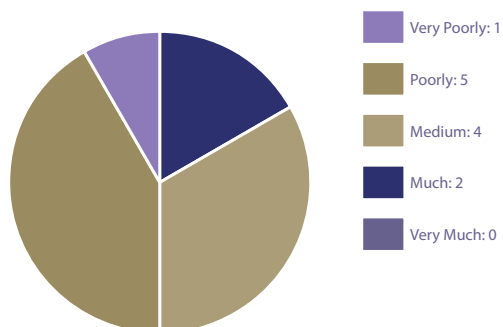
- According to 2 legislators, ministers and other executive officers do not promptly attend the plenary session or committee meetings when their presence is requested, providing the legislature with the information requested.
- According to 2 legislators, standing committees do not have the power to oversee the activity of ministries and other executive agencies in their area of competence.
- According to 1 legislator, NASS does not monitor the impact of laws once they are enacted and evaluate the problems associated with the implementation of laws
- One legislator did not answer the question in line with the questions asked

WHAT MEASURES WOULD YOU TAKE TO REMEDY THIS DEFICIENCY?

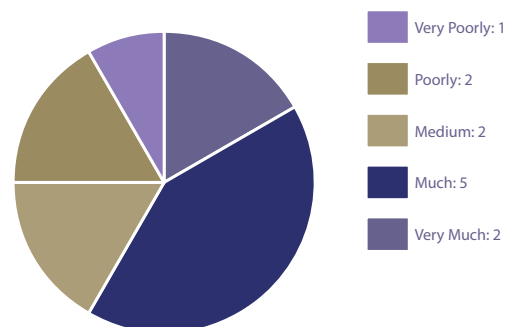
(ONLY 4 RESPONSES)

- a) According to 2 legislators, there should be effective use of constitutional powers to hold government accountable.
- b) According to one legislator, there should be more capacity building for members of NASS.
- c) One legislator did not answer the question in line with the questions asked

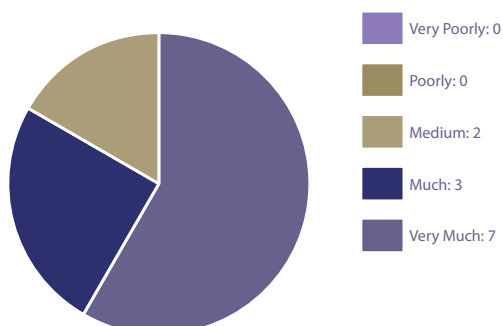
NATIONAL ASSEMBLY SECURITY OVERSIGHT CAPACITY



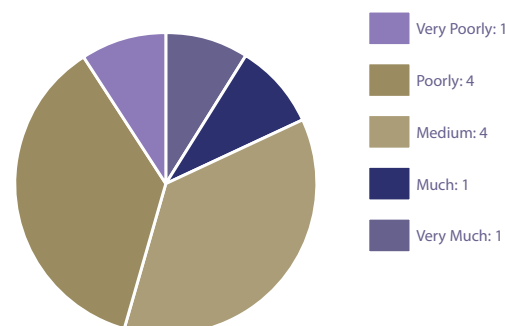
5.1 NASS is consulted in defence and security issues systematically and consistently.



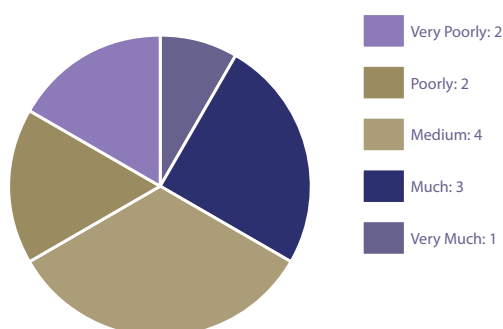
5.2 The activity of every security agency is regulated by legislation debated and enacted by NASS.



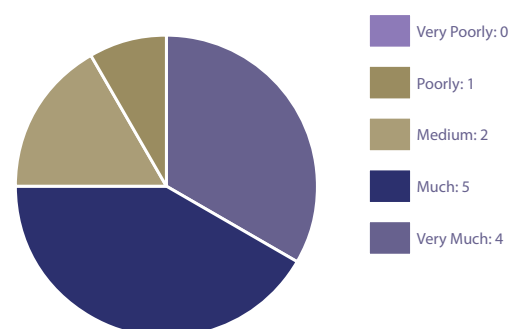
5.3 The activity of every security agencies is overseen by a legislative committee, no agency being exonerated from legislative oversight.



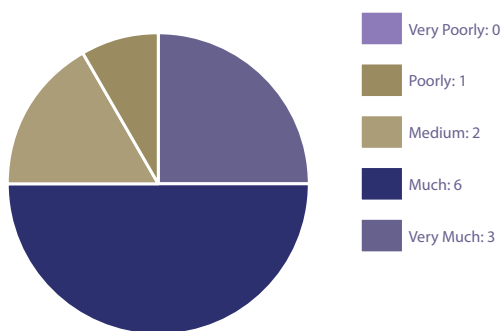
5.4 The committees responsible for defence and security issues dispose of adequate research, information, staff and other facilities to support their effective performance.



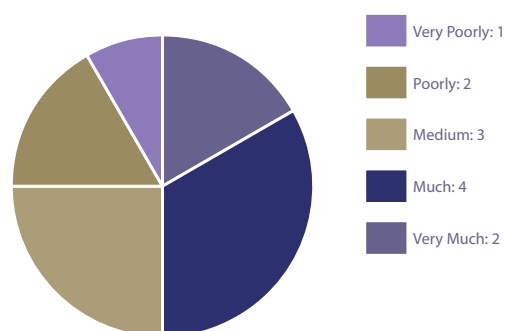
5.5 The competent legislative committees organize frequently, hearings on security matters.



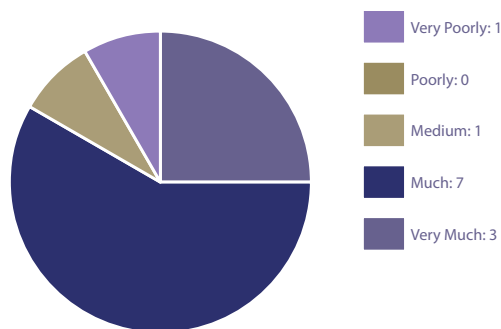
5.6 The competent legislative committees approve the budget for each security agency and monitor the execution of the budget by the respective agency.



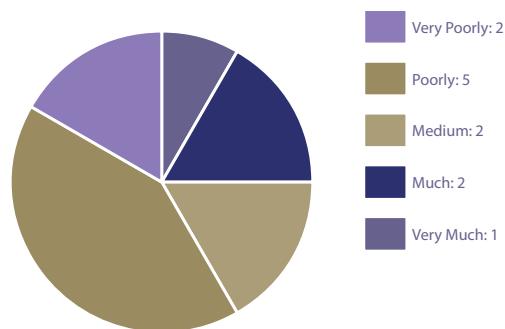
5.7 NASS has the right to request the Supreme Audit Institution (i.e. the Office of the Auditor General of the Federation) to start an audit or an investigation on security budget execution.



5.8 NASS may ask information, investigate and eventually have a say on important defence procurement contracts.



5.9 Competent legislative committees have the right to visit troops, military premises, and the offices of security sector agencies.



5.10 Members have legal access to secret information necessary to perform their oversight function, and the government is providing them with secret information.

WHAT IS THE BIGGEST RECENT IMPROVEMENT IN THE ABOVE?

(ONLY 5 RESPONSES)

- According to 2 legislators, the activity of every security agency is overseen by a legislative committee, no agency being exonerated from legislative oversight
- According to 1 legislator, the competent legislative committees approve the budget for each security agency and monitor the execution of the budget by the respective agency.
- According to 1 legislator, the competent legislative committees organize frequently, hearings on security matters
- One legislator did not answer the question in line with the questions asked

WHAT IS THE MOST SERIOUS ONGOING DEFICIENCY? (ONLY 6 RESPONSES)

- According to 1 legislator, NASS is consulted in defence and security issues systematically and consistently
- According to 1 legislator, the activity of every security agency is not overseen by a legislative committee. No agency should be exonerated from legislative oversight.
- According to 2 legislators, members do not have legal access to secret information necessary to perform their oversight function, and the government is providing them with secret information.

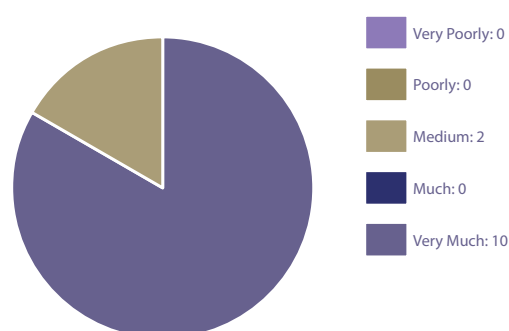
d) One legislator cited lack of synergy and another cited lack of equipment to perform to the fullest

WHAT MEASURES WOULD YOU TAKE TO REMEDY THIS DEFICIENCY?

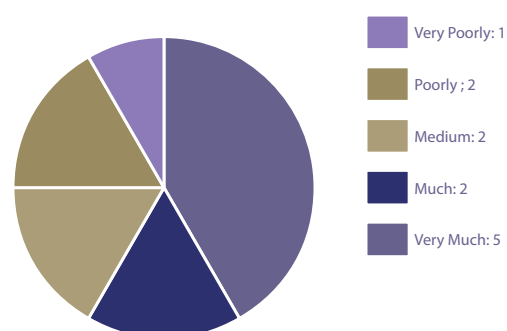
(ONLY 5 RESPONSES)

- a) According to 1 legislator, there should be more funds available
- b) According to another legislator, there should be a constitutional amendment of the National Security Act
- c) Another legislator suggested that a Supreme Audit Institution should be asked to audit the security budget
- d) According to 1 legislator there should be more transparency
- e) Another legislator suggested more synergy between the executive and NASS on security matters

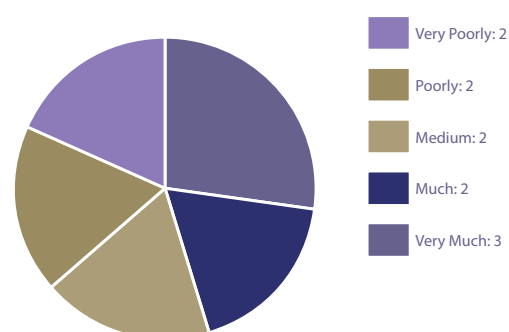
NATIONAL ASSEMBLY'S ACCOUNTABILITY AND VISIBILITY



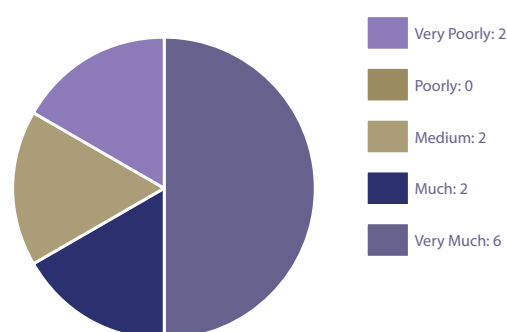
6.1 Legislative procedures allow for plenary and committee meetings which are open to the media and the public.



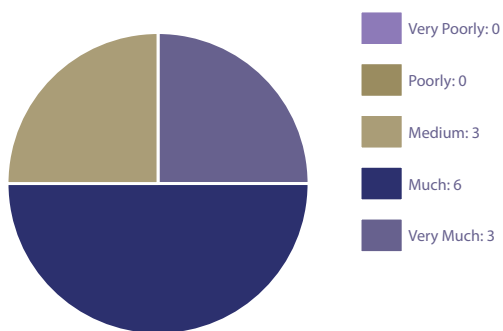
6.2 Plenary and committee minutes are published in a timely manner.



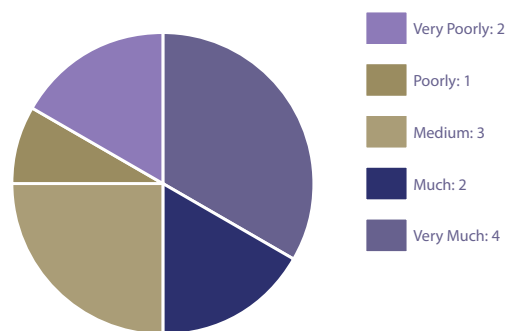
6.3 Records of voting on important legislative decisions or legislation are published in a timely manner.



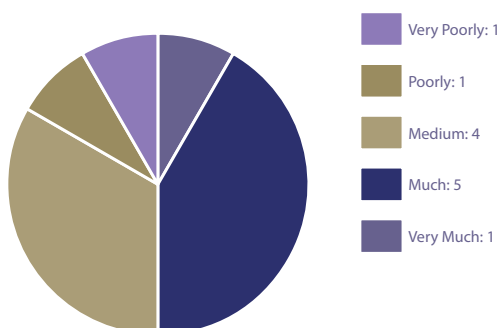
6.4 Legislative committees often publicise investigative hearings of ministers and other executive officials.



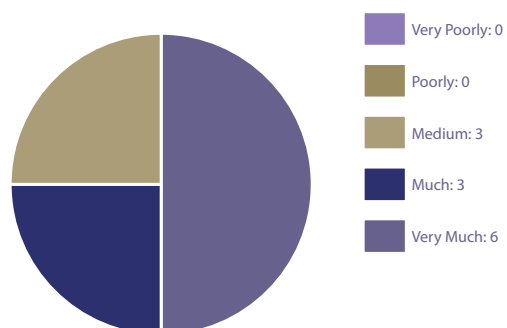
6.5 Legislative debates are frequently broadcast live on television or radiot



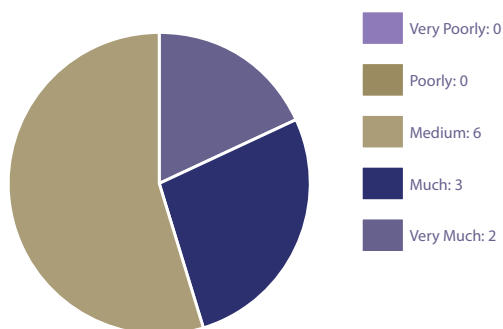
6.6 The electoral system effectively ensures the accountability of NASS, individually and collectively, to the electoratet



6.7 Citizens have immediate access to enforced legislation through a variety of channels (internet, official journal, mass media, Members circumscription offices, public libraries)t



6.8 Citizens have adequate opportunities to express their views and concerns directly to their representatives, regardless of party affiliation.



6.9 Public expectations about the role to be played by NASS are fulfilled.

WHAT IS THE BIGGEST RECENT IMPROVEMENT IN THE ABOVE?

(ONLY 6 RESPONSES)

- a) According to 3 legislators, legislative procedures allow for plenary and committee meetings which are open to the media and the public
- b) According to 1 legislator, legislative debates are frequently broadcast live on television or radio
- c) One legislator commented on the positive nature and the number of bills and motions being sponsored by members
- d) One legislator did not answer the question in line with the questions asked

WHAT IS THE MOST SERIOUS ONGOING DEFICIENCY? (ONLY 6 RESPONSES)

- a) According to 2 legislators, public expectations about the role to be played by NASS are not fulfilled
- b) According to 1 legislator, records of voting on important legislative decisions or legislation are not published in a timely manner.
- c) According to 1 legislator, citizens do not have immediate access to enforced legislation through a variety of channels (internet, official journal, mass media, members subscription, offices, public libraries).
- d) According to 1 legislator, legislative debates are seldom broadcast live on television or radio
- e) One legislator did not answer the question in line with the questions asked

WHAT MEASURES WOULD YOU TAKE TO REMEDY THIS DEFICIENCY?

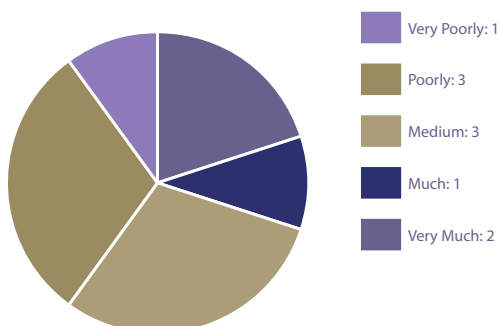
(ONLY 5 RESPONSES)

- a) According to 1 legislator, there should be more public enlightenment
- b) According to another legislator, there should be provision for an electronic voting system
- c) Another legislator suggested that citizens revisit their view and perception of the 8th Assembly
- d) According to 1 legislator there should be more media involvement in NASS activities

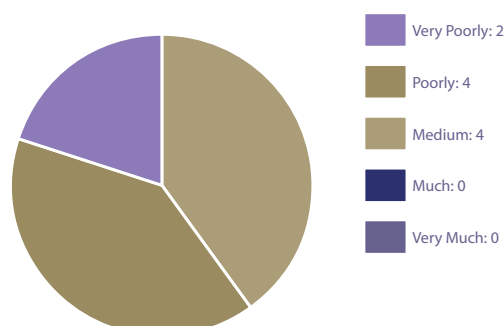
SECTION B: CLERKS

Number of Clerks Responses: 10

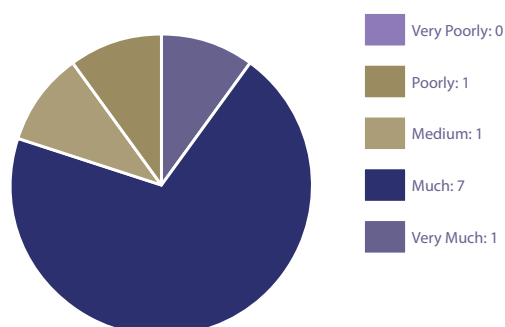
THE REPRESENTATIVENESS OF THE NATIONAL ASSEMBLY (NASS)



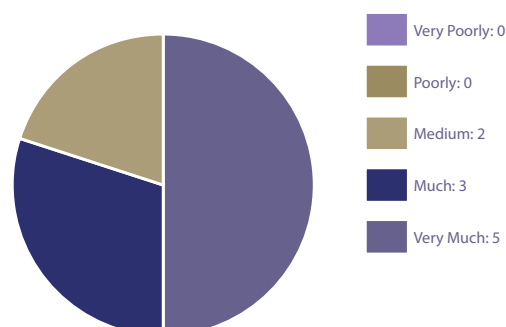
1.1 The composition of NASS is representative of minority groups and regions (in terms of political opinions, geography, ethnicity, religion, education, etc.) .



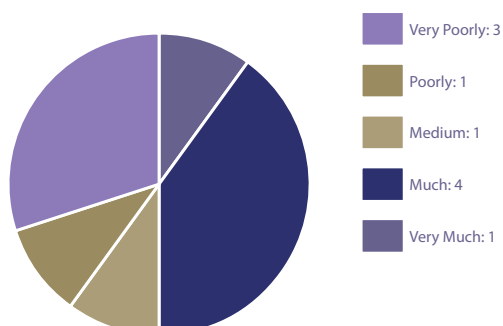
1.2 Women are fairly represented in NASS.



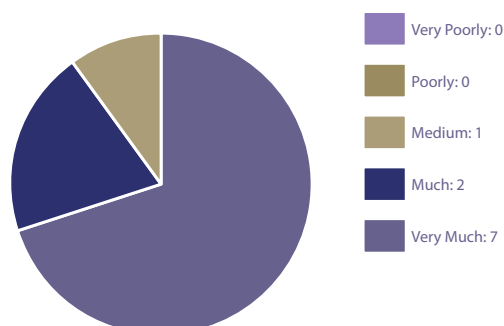
1.3 NASS procedures allow and encourage opposition and minority parties to contribute to the work of NASS.



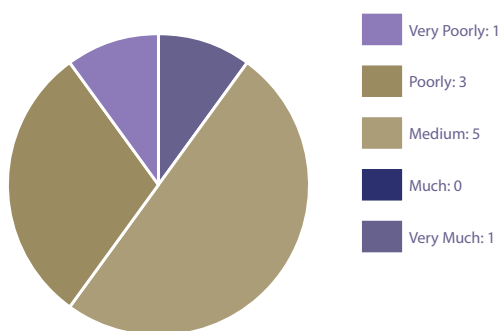
1.4 Members have a full right to express their opinion freely, being protected from executive or legal interference.



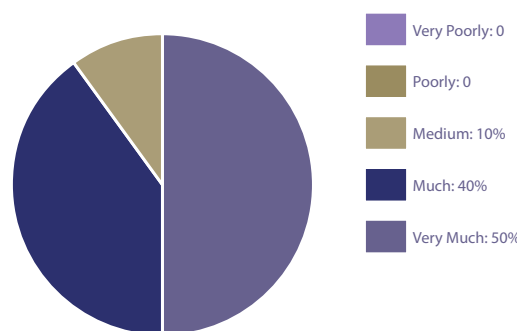
1.5 Party discipline is not strictly enforced, Members being usually allowed to vote against their party.



1.6 NASS effectively deals with citizen petitions and complaints through a specialized committee for this matter.



1.7 Members of NASS have a strong organized constituency base, disposing of offices, staff and time scheduled to go in the constituency and meet people.



1.8 NASS is effective as a forum for debate on questions of public concern.

WHAT IS THE BIGGEST RECENT IMPROVEMENT IN THE ABOVE?

(ONLY 9 RESPONSES)

- According to 4 clerks, the National Assembly has been effective in dealing with citizen petitions and complaints through a specialized committee for this matter
- According to 2 Clerks, NASS procedures allow and encourage opposition and minority parties to contribute to the work of NASS.
- According to 2 Clerks, NASS is effective as a forum for debate on questions of public concern.

WHAT IS THE MOST SERIOUS ONGOING DEFICIENCY? (ONLY 9 RESPONSES)

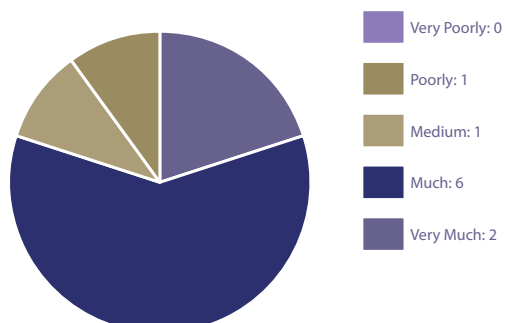
- According to 4 Clerks, women are not fairly represented
- According to 2 Clerks, Party discipline is not strictly enforced, Members being usually allowed to vote against their party
- According to 2 Clerks, members of NASS do not have a strong organized constituency base, disposing of offices, staff and time scheduled to go in the constituency and meet people
- According to 1 Clerk, NASS should be allowed to tinker with the national budget

WHAT MEASURES WOULD YOU TAKE TO REMEDY THIS DEFICIENCY?

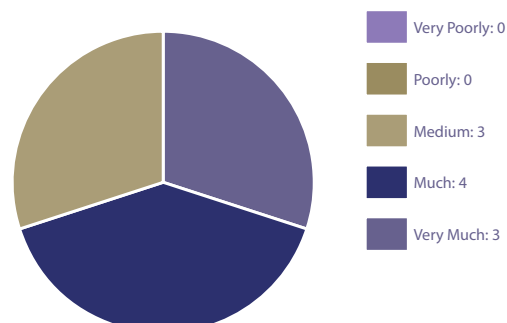
(ONLY 4 RESPONSES)

- According to 4 Clerks, to resolve the issue of women representation, there needs to be a drive to encourage women participation in politics and there should be liberalisation of the political system, as well as national orientation through mass mobilisation and enlightenment of the womenfolk on the need to be more pro-active in political participation
- According to two Clerks, tougher measures need to be taken against legislators who violate party rules.
- According to two Clerks, it should be made mandatory for legislators to reach out to their constituency so as it increase their accountability.
- Another Clerk stated that NASS should be involved in budget preparation.

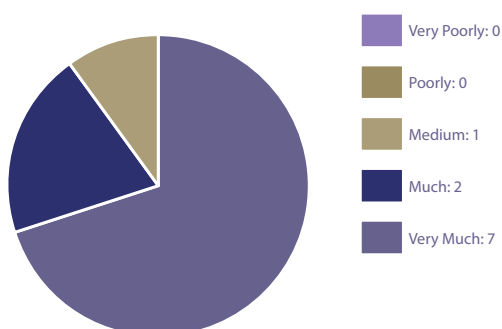
NATIONAL ASSEMBLY'S ADMINISTRATIVE CAPACITY AND INSTITUTIONALIZATION



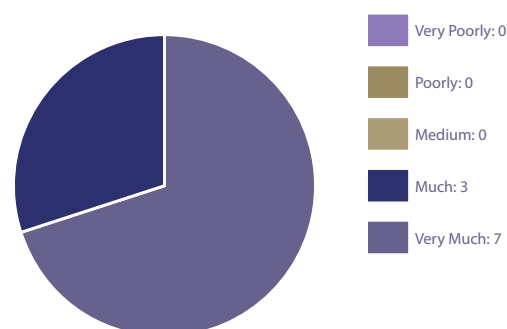
2.1 Rules of Procedure are clear, known and respected.



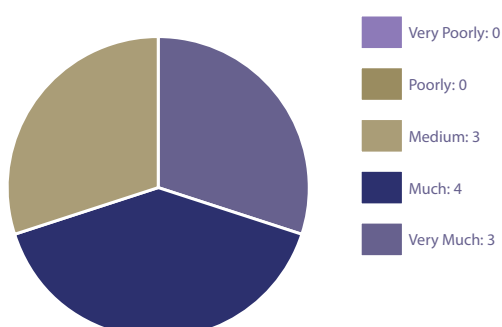
2.2 NASS is independent from the executive in deciding on its own budget.



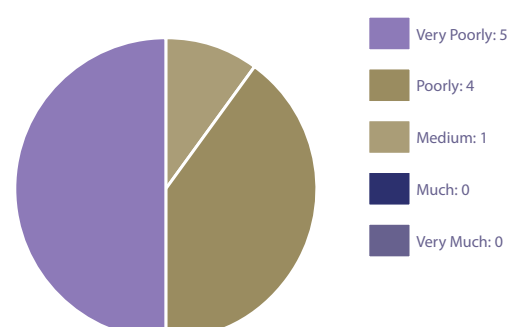
2.3 NASS is independent from the executive in deciding on its agenda and program.



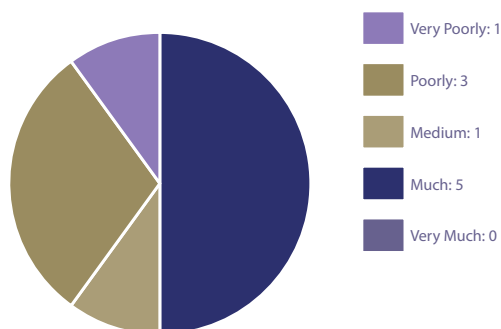
2.4 NASS is independent from the executive in deciding on its committee structure and membership.



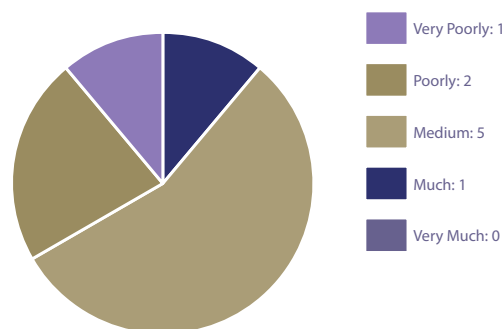
2.5 Committee membership is stable during a legislative mandate.



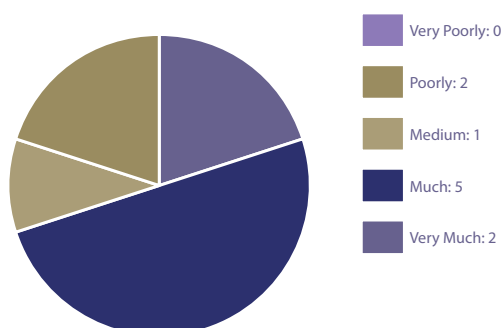
2.6 Committee resources are adequate to the needs of legislative work in terms of meeting rooms, offices and facilities.



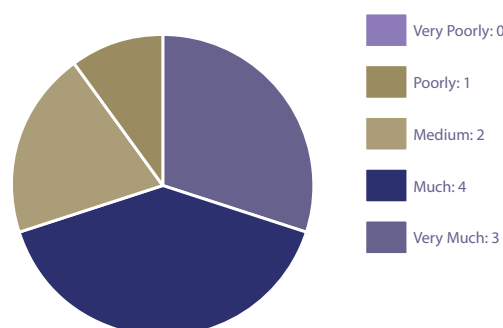
2.7 The number and the professional qualifications of legislative staff are adequate to the needs of legislative work.



2.8 NASS has sufficient information resources (library, research department, intranet system) to support the activity of members and committees.



2.9 All legislative decisions and legislative projects are debated in the competent committee before being submitted to debate and approval in the plenary.



2.10 A Code of Official Conduct/Ethics for legislators is implemented and overviewed by an appointed Ethics Commissioner or by an Ethics Committee.

WHAT IS THE BIGGEST RECENT IMPROVEMENT IN THE ABOVE?

(ONLY 7 RESPONSES)

- According to 3 Clerks, the National Assembly has independence in deciding its own agenda and program.
- According to 2 Clerks, the NASS is independent from the executive in deciding its own committee and structure.
- According to 1 Clerk, the NASS is independent from the executive in deciding its budget
- According to 1 Clerk, rules of procedure are clear, known and well respected

WHAT IS THE MOST SERIOUS ONGOING DEFICIENCY? (ONLY 7 RESPONSES)

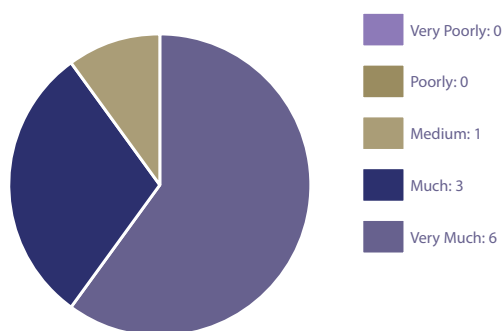
- According to 5 Clerks, there are inadequate resources to meet the needs of legislative work in terms of meeting rooms.
- According to 1 Clerks, NASS has insufficient information resources to support the activities of legislators and committees.
- According to 1 Clerk, there is insufficient funds to run committees effectively

WHAT MEASURES WOULD YOU TAKE TO REMEDY THIS DEFICIENCY?

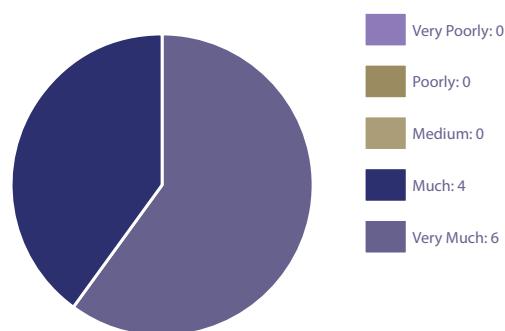
(ONLY 7 RESPONSES)

- According to 6 Clerks, NASS committees need to be well funded and internet facilities improved upon
- According to one Clerk, training is required for legislative staff

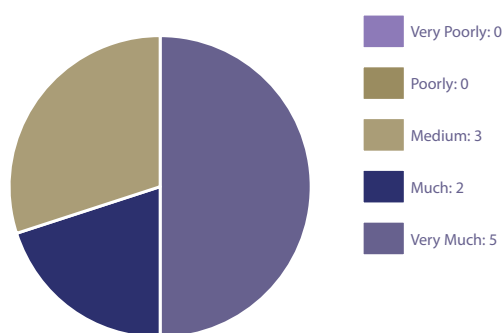
NATIONAL ASSEMBLY'S LEGISLATIVE CAPACITY



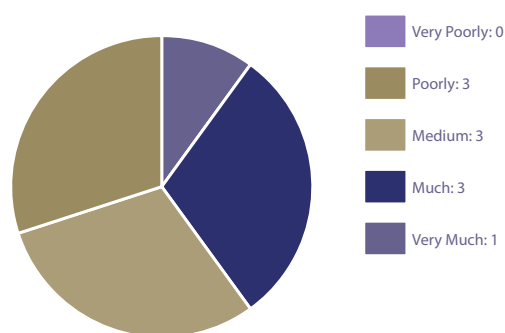
3.1 Members have the right to initiate legislation and legislative procedures allow them to make use of this right fully.



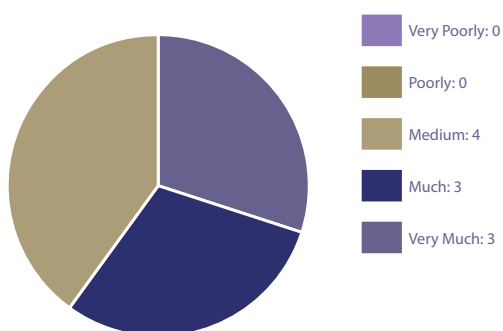
3.2 Members have the right to amend legislative proposals and legislative procedures allow them to make use of this rightfully.



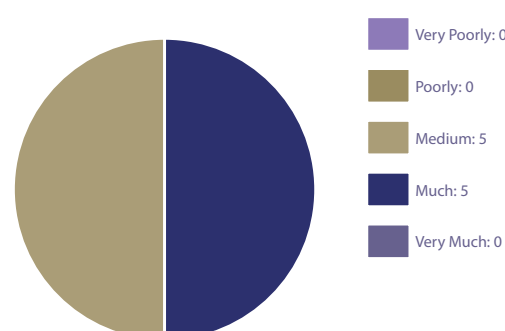
3.3 Legislative procedures provide Members and committees with sufficient time to analyze and debate legislative proposals.



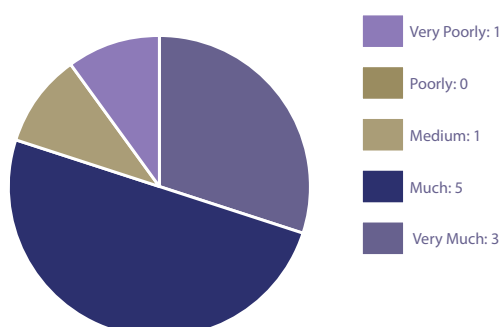
3.4 Procedures for consultation with relevant groups of interests and NGOs in the course of legislation are systematic and transparent.



3.5 The plenary usually follows committee recommendations and amendments on legislative proposals.



3.6 There is an effective and easy system to track legislation and its status inside the legislative administration.



3.7 NASS ensures that the enacted legislation is consistent with the constitution and the human rights of the population.

WHAT IS THE BIGGEST RECENT IMPROVEMENT IN THE ABOVE?

(ONLY 8 RESPONSES)

- a) According to 2 Clerks, members have the right to initiate legislation.
- b) According to 3 Clerks, the plenary usually follows committee recommendations and amendments on legislative proposals
- c) According to 1 Clerk, members have the right to initiate legislation, members have the right to amend legislative proposals and legislative procedures provide Members and committees with sufficient time to analyze and debate legislative proposals.
- d) According to 1 Clerk, members have the right to amend legislative proposals
- e) According to 1 Clerk, there is an effective and easy system to track legislation and its status inside the legislative administration.

WHAT IS THE MOST SERIOUS ONGOING DEFICIENCY? (ONLY 8 RESPONSES)

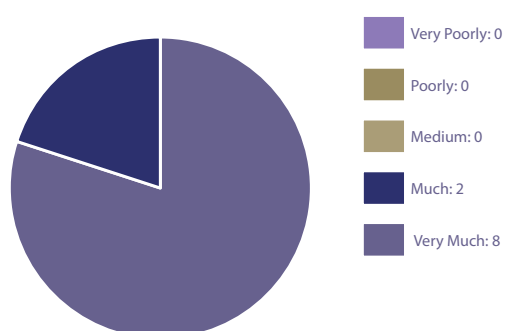
- a) According to 5 Clerks, procedures for consultation with relevant groups of interests and NGOs in the course of legislation are not systematic and transparent.
- b) According to 3 Clerks, there is no effective and easy system to track legislation and its status inside the legislative administration.

WHAT MEASURES WOULD YOU TAKE TO REMEDY THIS DEFICIENCY?

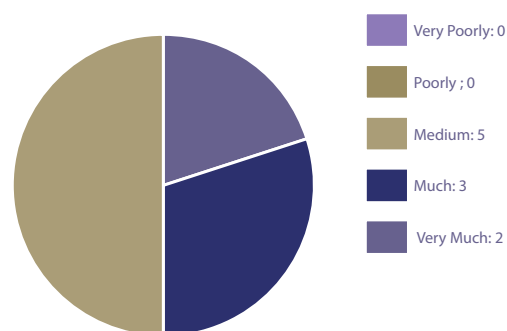
(ONLY 7 RESPONSES)

- a) According to one Clerk steps should be taken to improve Information and data update
- b) According to one Clerk, adequate procedures for consultation with relevant interests and NGOs should be enhanced by the legislators to enable them to contribute effectively and efficiently
- c) According to another Clerk, there is a need to improve practice and procedure for consultation to encourage the interest groups
- d) A Clerk suggested that the Internet system should be improved.
- e) Another Clerk suggested that a law should be enacted for participation of NGOs and CSOs during specified periods of law making
- f) According to one Clerk, measures should be put in place to allow and improve transparency in dealing with relevant interest groups, CSOs, etc
- g) A Clerk suggested that consultations with all relevant stakeholders should be encouraged and relations with civil society organisations should be improved by involvement and other engagement.

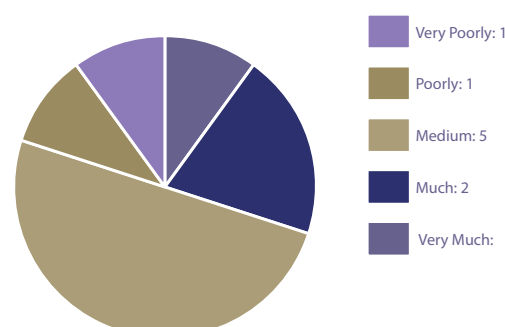
NATIONAL ASSEMBLY'S GENERAL OVERSIGHT CAPACITY



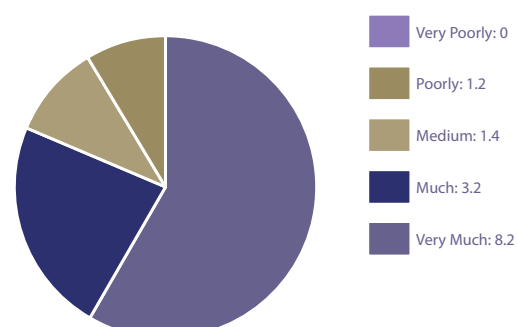
4.1 NASS has constitutional and legal powers for an effective oversight of government's activity.



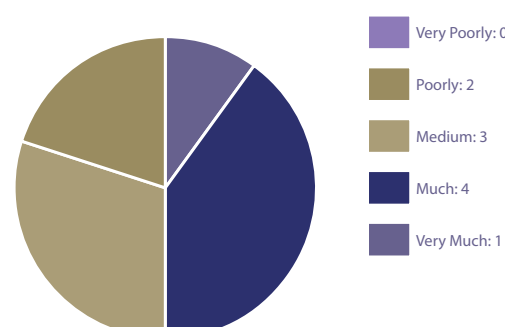
4.2 NASS is effectively making use of its constitutional and legal powers to hold the government accountable.



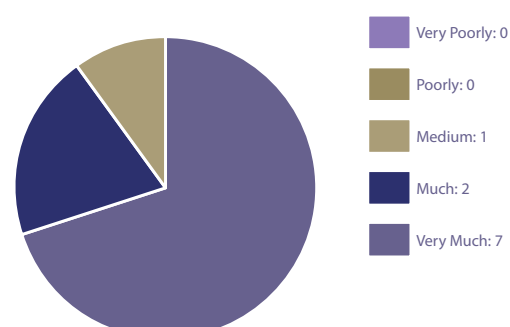
4.3 NASS monitors the impact of laws once they are enacted and evaluates the problems associated with the implementation of laws.



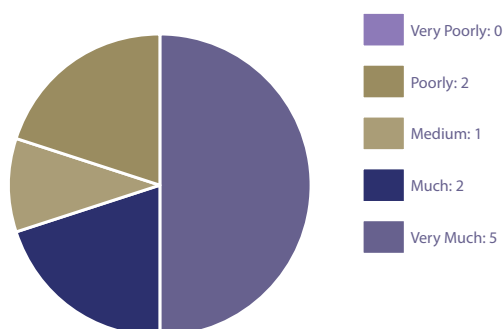
4.4 NASS has the authority to appoint or confirm ministers.



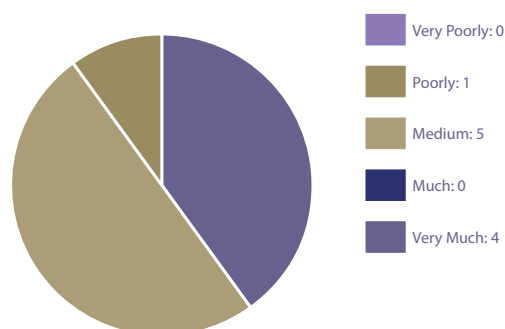
4.5 Ministers and other executive officials attend promptly the plenary session or committee meetings when their presence is requested, providing the legislature with the information requested.



4.6 Standing committees have the power to oversee the activity of ministries and other executive agencies in their area of competence.



4.7 NASS has the power to impeach or remove members of the executive.



4.8 NASS is able to influence and scrutinize the national budget through all its stages.

WHAT IS THE BIGGEST RECENT IMPROVEMENT IN THE ABOVE?

(ONLY 8 RESPONSES)

- According to 4 Clerks, NASS constitutional and legal powers for effective oversight of government's activity.
- According to 2 Clerks, the authority of NASS to appoint or confirm ministers
- According to 1 Clerk, NASS has been able to influence and scrutinize the national budget through all its stages (formulation, approval, execution, evaluation)
- According to 1 Clerk, standing committees exercise their powers over ministries and other executive agencies under their supervision

WHAT IS THE MOST SERIOUS ONGOING DEFICIENCY? (ONLY 8 RESPONSES)

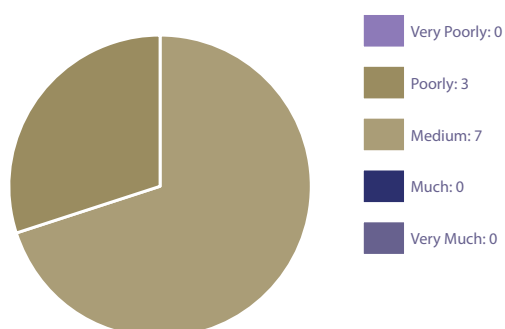
- According to 3 Clerks, NASS is not able to influence and scrutinize the national budget through all its stages (formulation, approval, execution, evaluation)
- According to 3 Clerks, Ministers and other executive officials do not attend promptly, committee meetings or sessions when their presence is requested and do not provide the legislature with required information
- According to 1 Clerk, the power of NASS to impeach or remove members of the executive
- Another Clerk cited that oversight was generally deficient

WHAT MEASURES WOULD YOU TAKE TO REMEDY THIS DEFICIENCY?

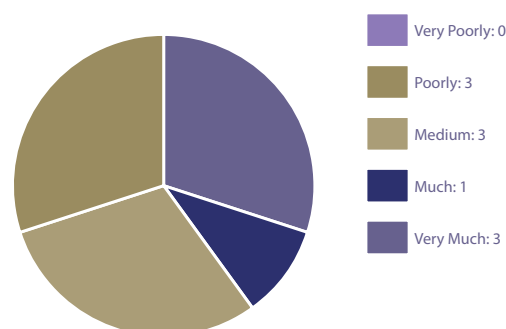
(ONLY 7 RESPONSES)

- According to 2 Clerks, the National Assembly should be involved in the formulation, execution and every aspect of the budget
- According to a Clerk, there should be better funding
- Another Clerk stated that there needs to be strictly adherence to the Constitution
- The executive should ensure its appointees obey legislative summons otherwise, they should be fired
- According to one Clerk, NASS should issue an arrest warrant for any executive officer who refuses to respond to legislative summons
- According to one Clerk, the executive should involve NASS through consultation at the formulation stage of the annual budget exercise and budget implementation should be more transparent.

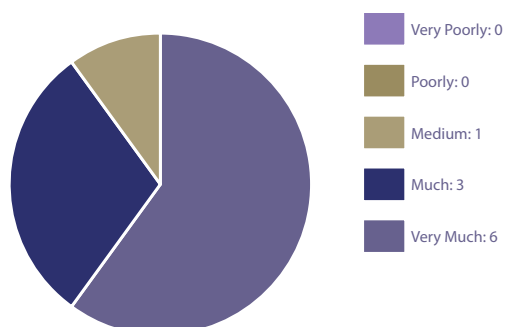
NATIONAL ASSEMBLY SECURITY OVERSIGHT CAPACITY



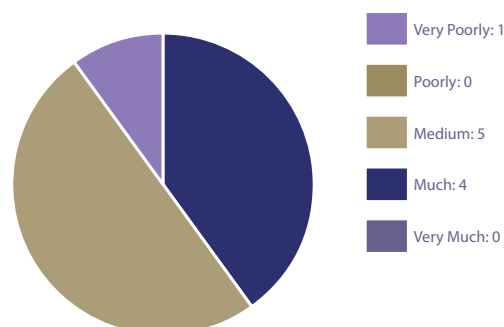
5.1 NASS is consulted in defence and security issues systematically and consistently.



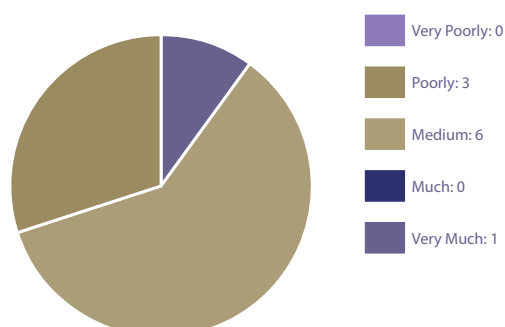
5.2 The activity of every security agency is regulated by legislation debated and enacted by NASS.



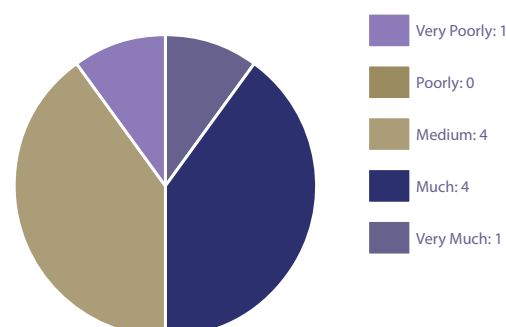
5.3 The activity of every security agencies is overseen by a legislative committee, no agency being exonerated from legislative oversight.



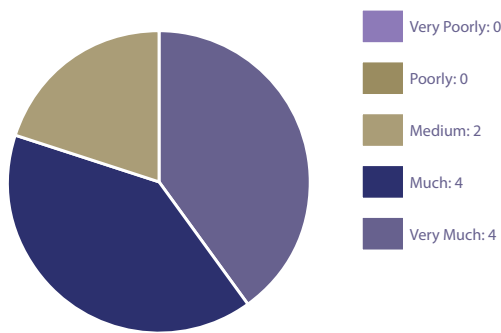
5.4 The committees responsible for defence and security issues dispose of adequate research, information, staff and other facilities to support their effective performance.



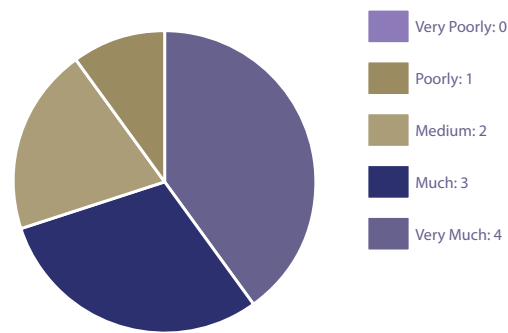
5.5 The competent legislative committees organize frequently, hearings on security matters.



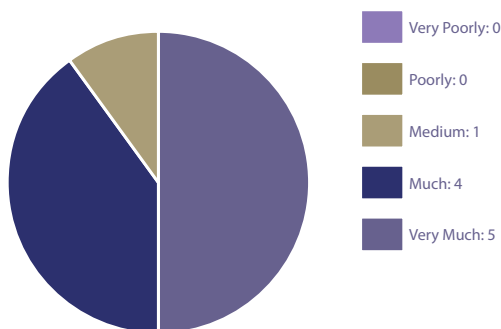
5.6 The competent legislative committees approve the budget for each security agency and monitor the execution of the budget by the respective agency.



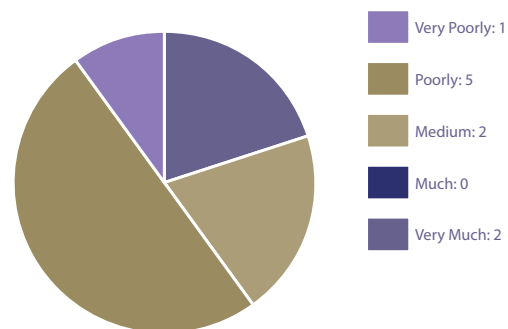
5.7 NASS has the right to request the Supreme Audit Institution (i.e. the Office of the Auditor General of the Federation) to start an audit or an investigation on security budget execution.



5.8 NASS may ask information, investigate and eventually have a say on important defence procurement contracts.



5.9 Competent legislative committees have the right to visit troops, military premises, and the offices of security sector agencies.



5.10 Members have legal access to secret information necessary to perform their oversight function, and the government is providing them with secret information.

WHAT IS THE BIGGEST RECENT IMPROVEMENT IN THE ABOVE? (ONLY 7 RESPONSES)

- a) According to 2 Clerks, the activity of every security agency is regulated according to legislation debated and enacted by NASS
- b) According to 2 Clerks, the activity of every security agency is overseen by a legislative committee and no agency is being exonerated from legislative oversight
- c) According to 1 Clerk, competent legislative committees are able to visit troops, military premises, and the offices of security sector agencies
- d) According to 1 Clerk, NASS is able to get the Office of the Auditor General of the Federation to start an audit or an investigation on security budget execution.
- e) Another Clerk cited a general deficiency in legislative oversight of agencies

WHAT IS THE MOST SERIOUS ONGOING DEFICIENCY? (ONLY 7 RESPONSES)

- a) According to 3 Clerks, NASS does not have information to investigate and take action on important defence procurement contracts

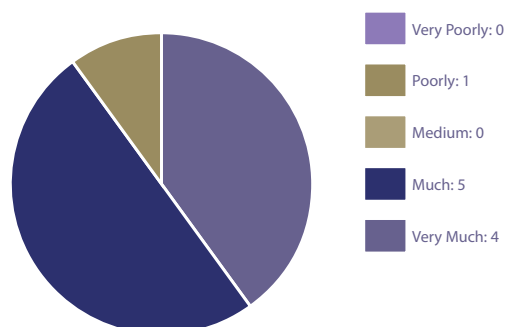
- b) According to 2 Clerks, the competent legislative committees do not organize frequent hearings on security matters
- c) According to 1 Clerk, the committees responsible for defence and security issues are not disposed of adequate research, information, staff and other facilities to support their effective performance.
- d) According to 1 Clerk, members do not have legal access to secret information necessary to perform their oversight function

WHAT MEASURES WOULD YOU TAKE TO REMEDY THIS DEFICIENCY?

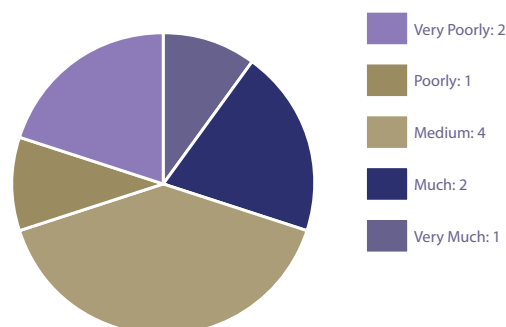
(ONLY 7 RESPONSES)

- a) It was suggested that security agencies should share information and not hoard it
- b) A clerk suggested that NASS need not to ask for information but should be involved fully on the defence procurement contracts
- c) A Clerk suggested that steps be taken to ensure the relevant committees work
- d) Another suggestion was that measures should be taken to improve and provide adequate research information etc to the committee staff of relevant security and defence
- e) Security related committees in NASS should on a frequent basis, organise interactive hearings and sessions with relevant agencies to brainstorm on pertinent issues with a view of updating themselves and coming up with proactive measures to meet with increasing security challenges

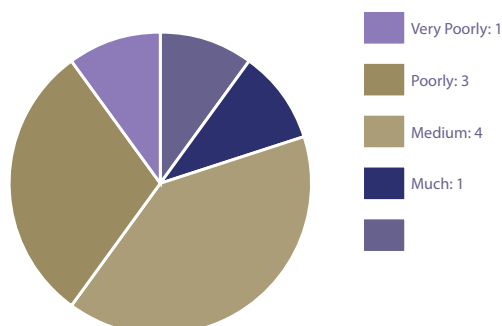
NATIONAL ASSEMBLY'S ACCOUNTABILITY AND VISIBILITY



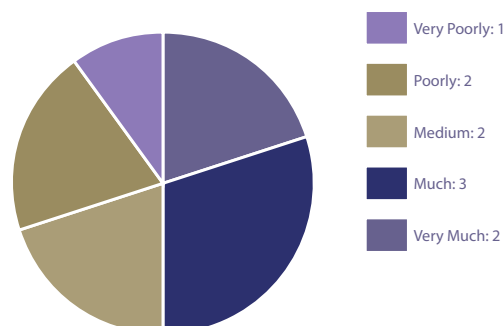
6.1 Legislative procedures allow for plenary and committee meetings which are open to the media and the public.



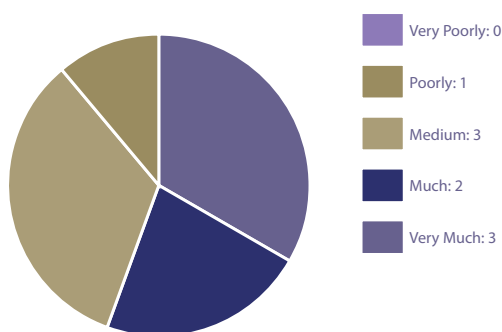
6.2 Plenary and committee minutes are published in a timely manner.



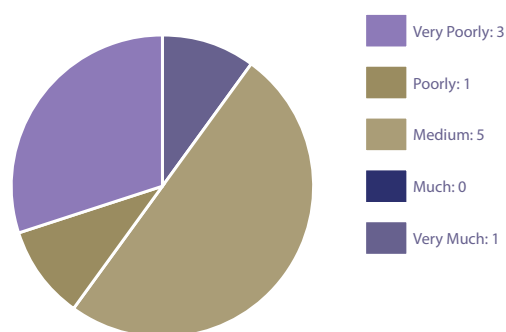
6.3 Records of voting on important legislative decisions or legislation are published in a timely manner.



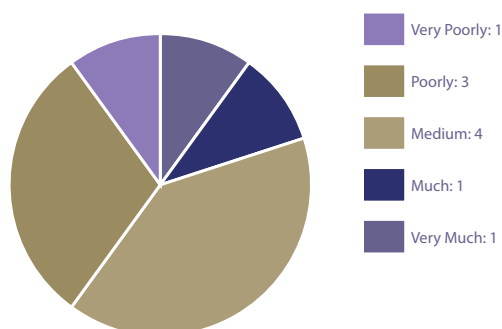
6.4 Legislative committees often publicise investigative hearings of ministers and other executive officials.



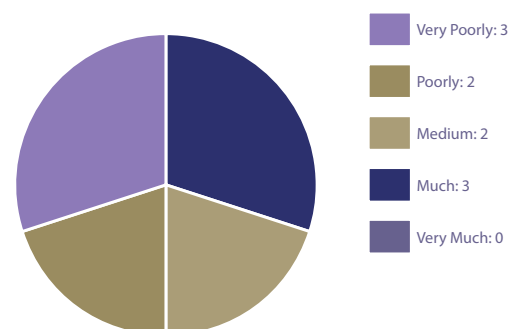
6.5 Legislative debates are frequently broadcast live on television or radio. 6.6 The electoral system effectively ensures the accountability of NASS, individually and collectively, to the electorate.



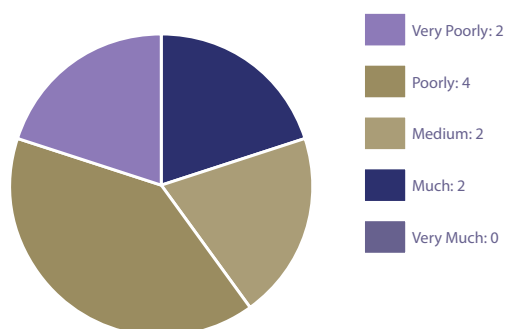
6.6 The electoral system effectively ensures the accountability of NASS, individually and collectively, to the electorate



6.7 Citizens have immediate access to enforced legislation through a variety of channels (internet, official journal, mass media, Members circumscription offices, public libraries).



6.8 Citizens have adequate opportunities to express their views and concerns directly to their representatives, regardless of party affiliation.



6.9 Public expectations about the role to be played by NASS are fulfilled.

WHAT IS THE BIGGEST RECENT IMPROVEMENT IN THE ABOVE?

(ONLY 7 RESPONSES)

- a) According to 4 Clerks, legislative procedures allow for plenary and committee meetings which are open to the media and the public
- b) According to 1 Clerk, plenary and committee minutes are now published in a timely manner
- c) According to 1 Clerk, records of voting on important legislative decisions or legislation are published in a timely manner
- d) According to 1 Clerk, legislative committees often publicise investigative hearings of ministers and other executive officials

WHAT IS THE MOST SERIOUS ONGOING DEFICIENCY? (ONLY 7 RESPONSES)

- a) According to 2 Clerks, public expectations about the role to be played by NASS are not fulfilled
- b) According to 2 Clerks, citizens do not have adequate opportunities to express their views and concerns directly to their representatives, regardless of party affiliation.
- c) According to 1 Clerk, citizens do not have adequate opportunities to express their views and concerns
- d) According to 1 Clerk, records of voting on important legislative decisions or legislation are not published in a timely manner
- e) According to 1 Clerk, legislative committees seldom publicise investigative hearings of ministers and other executive officers

WHAT MEASURES WOULD YOU TAKE TO REMEDY THIS DEFICIENCY?

(ONLY 7 RESPONSES)

- a) According to 2 Clerks, there should be an avenue for citizens to contact their representatives and citizens should have full access to their representatives to express their views and concerns A suggested measure was convening a forum and meeting
- b) According to a Clerk, legislators must be held responsible and to account
- c) Another Clerk suggested a plan for a systematic way of publicising legislative decisions
- d) A Clerk suggested publicising investigative hearing of ministers and other executive officials. This will encourage and promote discipline and transparency in government activities
- e) Another suggested national orientation of citizens or public enlightenment

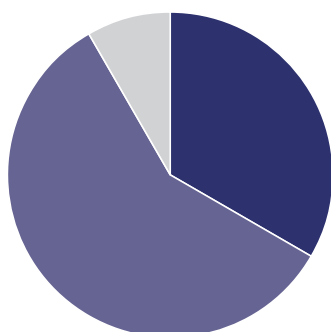
APPENDIX 3: COMPREHENSIVE RESULTS FROM THE QUESTIONNAIRE ON LEGISLATIVE NEEDS FOR DEMOCRATIC GOVERNANCE OF SECURITY

Section A: Legislators

Number of legislators' responses- 12

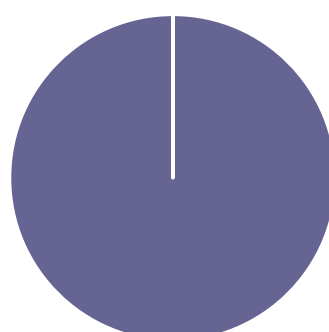
NATIONAL SECURITY AND DEFENCE POLICY

4 Yes 7 No 1 No answer



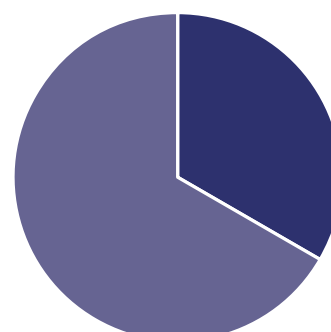
1 National security policy is set out by the government in a strategy document (such as National Security Strategy, White Paper for Defence, Security Concept etc.) that clearly defines priorities, tasks and responsibilities of the security sector agencies.

0 Yes 12 No 0 No answer



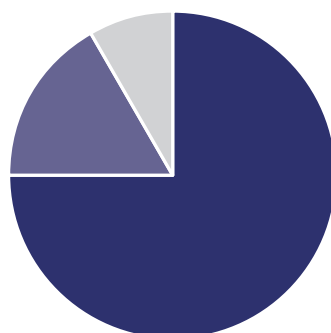
2 National security policy and its supporting documents are submitted to NASS for approval.

4 Yes 8 No 0 No answer



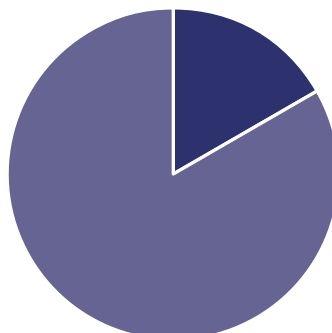
3 NASS ratifies all treaties on security and defence cooperation, including those referring to the country's accession to international organizations and military alliances.

9 Yes 2 No 1 No answer



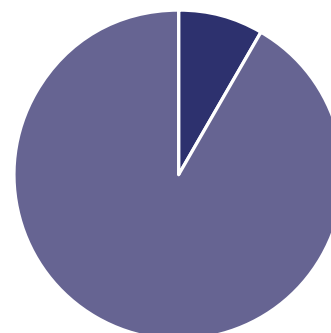
4 NASS has a decisive say in the declaration of war.

2 Yes 10 No 0 No answer



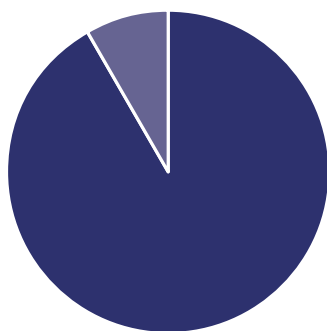
5 NASS approves national participation in international missions abroad.

1 Yes 11 No 0 No answer



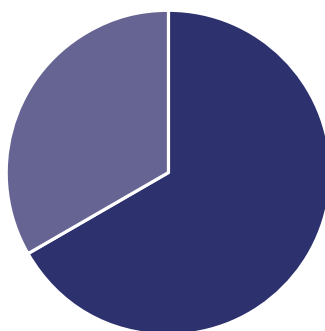
6 NASS approves the deployment of foreign troops on national soil.

11 Yes 1 No 0 No answer



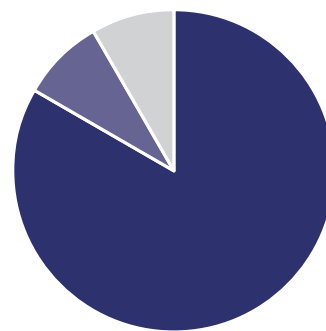
7 NASS approves the level of defence and security spending within the overall annual state budget.

8 Yes 4 No 0 No answer



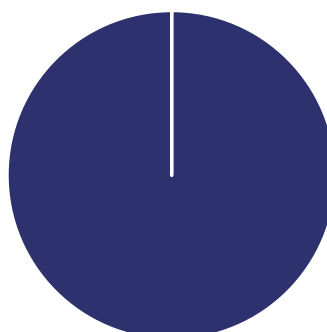
8 The creation, the missions and the powers of every defence and security agency are clearly defined by laws enacted by NASS.

10 Yes 1 No 1 No answer



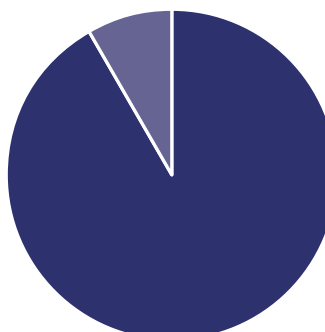
9 The executive and civil management authorities in charge of security forces are accountable to NASS (can be questioned, summoned, inquired).

10 Yes 0 No 0 No answer



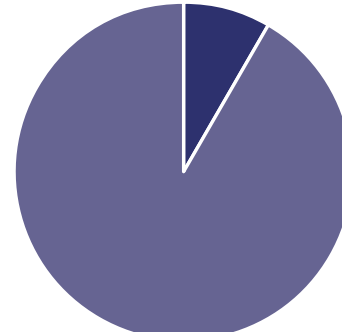
10 Ministerial nominations, including the ones for defence and internal security, are endorsed by NASS.

11 Yes 1 No 0 No answer



11 Legislation clearly lays down that NASS has the right to be informed by executive on security and defence matters.

1 Yes 11 No 0 No answer



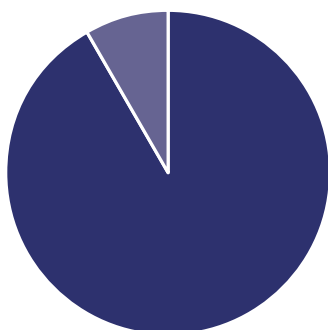
12 A supreme council for defence and security, as the advisory body under the head of the executive branch, is accountable to and reports to NASS.

PRIORITIES FOR LEGISLATIVE DEVELOPMENT PLAN

- Five legislators highlighted no. 1 and 2 - the need for clear definition of the National Security Policy and its approval by NASS.
- Five legislators cited no. 4- NASS's role in the declaration of war.
- Four legislators cited no. 3 on ratification of treaties on security and defence cooperation, including those referring to the country's accession to international organizations and military alliances.
- Three legislators cited no. 3 - the approval of defence and security spending within the overall annual state budget.
- Two legislators noted that National security policy and its supporting documents are submitted to NASS for approval.
- Numbers 8,9, 10, 11 and 12 were also each cited once as a legislative priority.

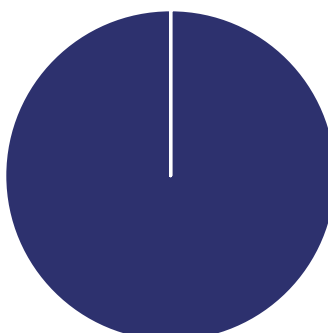
DEFENCE ESTABLISHMENT

11 Yes 1 No 0 No answer



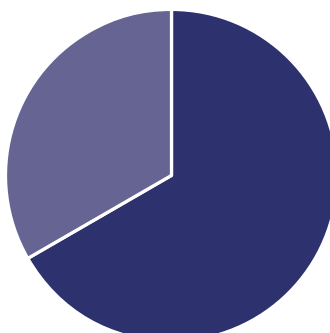
1 The functioning, force structure and powers of the military are well defined in a law enacted by NASS

12 Yes 0 No 0 No answer

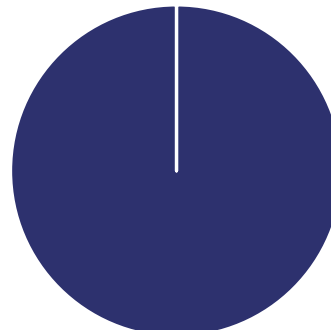


2 Armed Forces are subject to civilian oversight (through a government department led by a civilian minister).

8 Yes 4 No 0 No answer

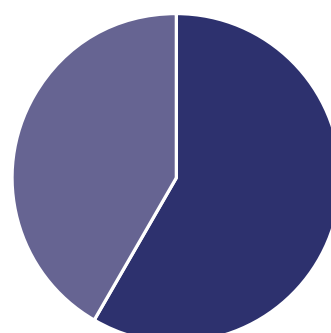


12 Yes 0 No 0 No answer



3 Armed Forces are subject to legislative oversight (through a permanent legislative committee for defence).

7 Yes 5 No 0 No answer

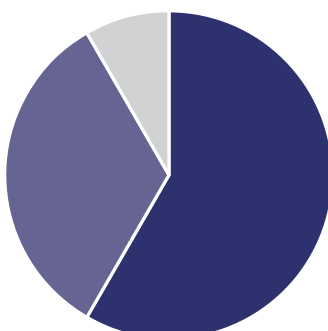


4 Armed forces are politically neutral (mainly through limitations imposed by military status, referring to: membership in political parties, eligibility for public office, freedom of expression and participation in public demonstrations).

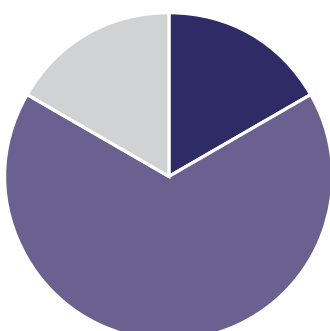
5 Recruitment in the armed forces is non-discriminatory of race, ethnicity, gender, religion, geographical origin.

6 Career advancement in the armed forces is based on merit and equal opportunity.

7 Yes 4 No 1 No answer



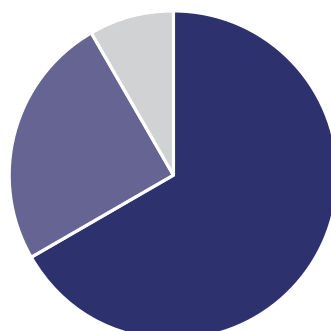
2 Yes 8 No 2 No answer



7 All military expenditures are comprised in the state budget law, which is approved by NASS (the military establishment does not dispose of additional sources of revenues)

8 NASS oversees important defence procurement contracts (equipment, weapon systems, etc).

8 Yes 3 No 1 No answer



9 Circumstances for the use of armed forces in internal security are exceptional and well defined by law (states of emergency).

6 Yes 4 No 2 No answer



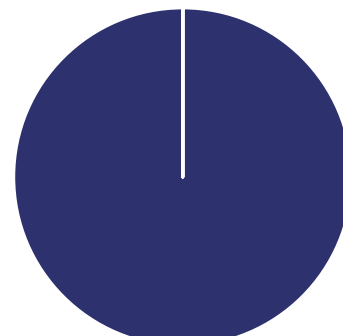
10 Human rights of armed forces personnel are protected, including by preventing discrimination, mistreatment, bullying, and sexual harassment.

6 Yes 4 No 2 No answer



11 Internal mechanisms (such as written orders, internal complaints mechanisms, inspector general) are in place to protect soldiers from illegal or improper orders and ministerial abuse.

12 Yes 0 No 0 No answer



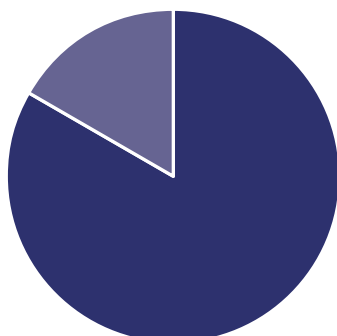
12 Parliament can examine petitions and complaints from military personnel, as well as from civilians, concerning the armed forces.

PRIORITIES

- a) Three legislators cited no. 3 - the need for NASS to oversee important defence procurement contracts (equipment, weapon systems, etc).
- b) Two legislators cited no. 7 - military expenditures are comprised in the state budget law, which is approved by NASS (the military establishment does not dispose of additional sources of revenues)
- c) Two legislators cited no. 5 - the issue of non-discriminatory recruitment into the armed forces
- d) Two legislators cited no. 3 - the Armed Forces are subject to legislative oversight (through a permanent legislative committee for defence). This response is difficult to interpret considering that this should be a factual answer i.e. there are permanent committees in charge of defence oversight. It could be implied that respondents are referring to the quality or adequacy of oversight, however there are no qualification to the responses to clarify if this is the case.
- e) Two legislators cited no. 9 - that is to say that circumstances for the use of armed forces in internal security should be better defined by law.
- f) Numbers 1,2,6, 10, 11 and 12 were each cited once as priority.

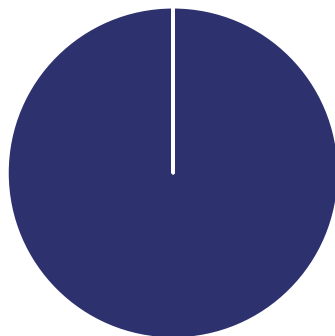
LAW ENFORCEMENT

10 Yes 2 No 0 No answer



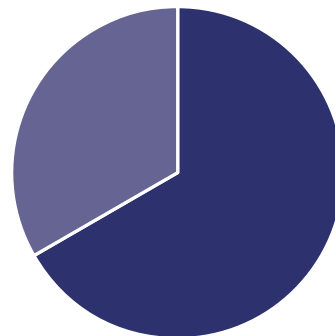
1 Law enforcement forces (police) are subject to civilian oversight (through a government department led by a civilian).

12 Yes 0 No 0 No answer



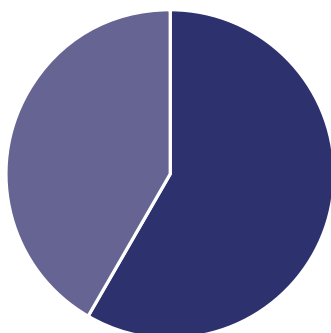
2 Law enforcement forces are subject to legislative oversight (through a permanent legislative committee competent for public order).

8 Yes 4 No 0 No answer



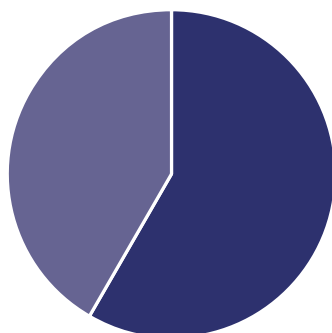
3 Law enforcement forces are politically neutral and their activity is independent of political interference.

7 Yes 5 No 0 No answer



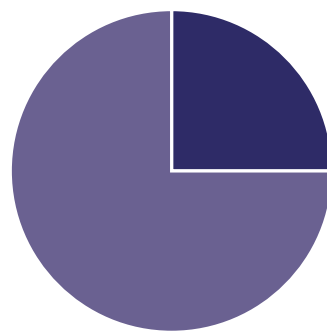
4 Conditions and situations for the use of force and firearms by law enforcement officials are clearly defined by law.

7 Yes 5 No 0 No answer



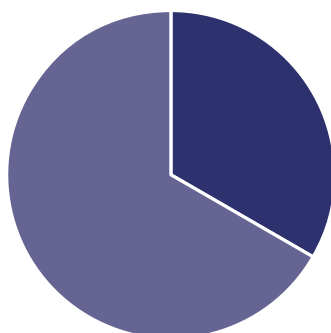
5 Protection of human rights is central to police activity and it sets boundaries in the exercise of police coercive powers.

3 Yes 9 No 0 No answer



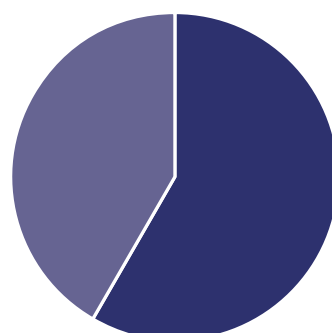
6 There is a community-based policing approach in the organization of law enforcement forces (a police service which is accountable, open, professional, consultative, preventive, people centred).

4 Yes 8 No 0 No answer



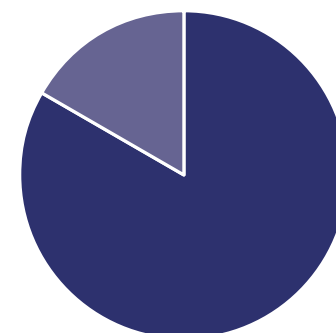
7 The police has a merit-based recruitment, selection and promotion system, providing equal opportunities for all specific groups such as ethnic minorities.

7 Yes 5 No 0 No answer



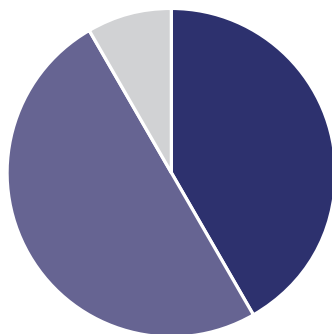
8 Internal police accountability mechanisms are in place (such as internal affairs units, financial control unit, anti-corruption unit).

10 Yes 2 No 0 No answer



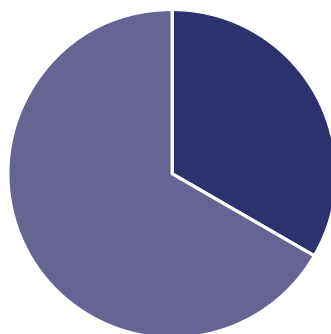
9 A Code of Conduct (or Code of Ethics) for law enforcement officials provides guidelines and principles for behaviour.

5 Yes 6 No 1 No answer



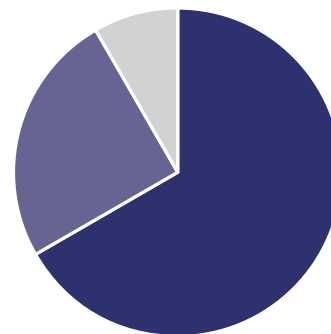
10 The Prosecution service is independent from police, and is charged to supervise criminal investigation conducted by police.

4 Yes 8 No 0 No answer



11 There is an effective oversight over the management of firearm registries, civilian licensing of small arms, and licensing of private security companies.

8 Yes 3 No 1 No answer



12 The correctional system and the status of the penitentiary personnel are regulated by law.

PRIORITIES

a) Three legislators cited no. 2 - law enforcement forces (Police) are subject to civilian oversight (through a government department led by a civilian) as a legislative priority. There was no further explanation here. It is important to note that there is a Ministry of Police Affairs headed by a civilian.

b) Three Legislators cited no. 2 - law enforcement forces are politically neutral and their activity is independent of political interference. This issue has been a contentious one in Nigeria, with many observers believing that there is no real independence or neutrality in practice.

c) Two legislators noted numbers 2 and 6 as priorities.

d) Numbers 5,7, 9 and 11 were each cited once as a priority.

OTHER COMMENTS

a) Additional comment made on number 8 on the need for more supervision of internal accountability mechanisms.

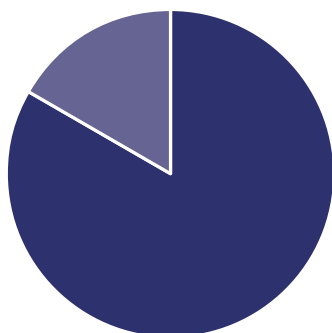
b) Additional comment made on number 9 on the need for strict implementation of the Code of Conduct (or Code of Ethics) for law enforcement officials.

c) Additional comment on number 10 on whether there is an independent prosecution service. The comment recommends an expansion of cases prosecuted by the DPP (Director of Public Prosecutions).

d) Additional comment on number 11 stating that there is a need to be a strict and regulated oversight approach over the management of firearm registries, civilian licensing of small arms, and licensing of private security companies.

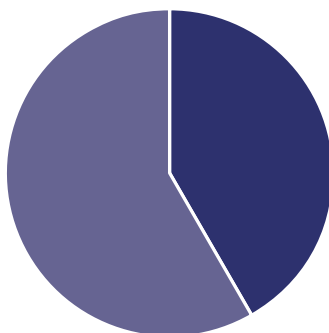
INTELLIGENCE

10 Yes 2 No 0 No answer



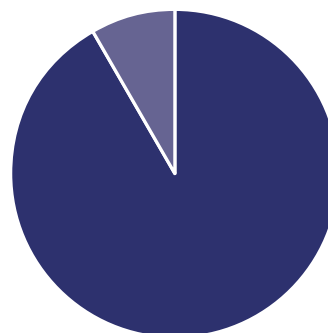
1 Every intelligence service or department has its purpose, mandate, tasks and powers clearly specified by laws enacted by NASS.

5 Yes 7 No 0 No answer



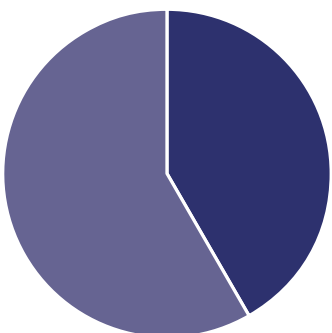
2 NASS has a say on the appointment of the directors of the main intelligence agencies, which are accountable to both the executive and the NASS.

11 Yes 1 No 0 No answer



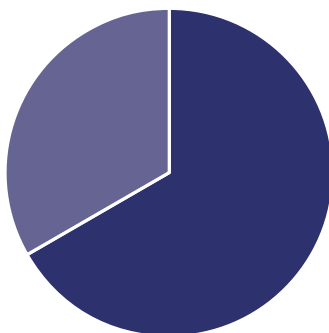
3 Intelligence agencies are subject to legislative oversight through a specialized permanent legislative committee.

5 Yes 7 No 0 No answer



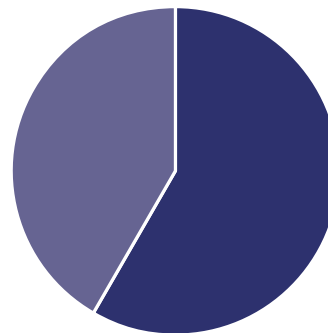
4 The special powers of intelligence are grounded in legislation and their use must be proportionate to the danger incurred to national security, and must not be unduly prolonged in time.

8 Yes 4 No 0 No answer



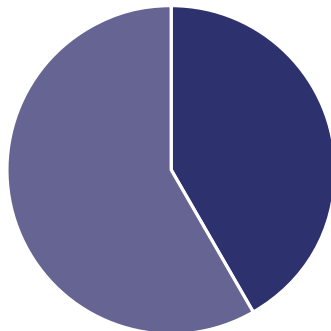
5 Derogations of fundamental rights and freedoms are always justified by the need to protect national security interests.

7 Yes 5 No 0 No answer



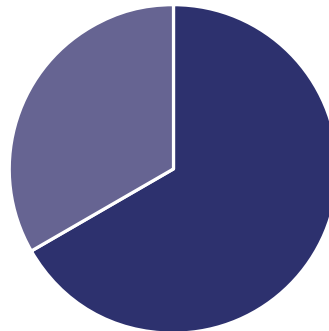
6 “National security interests” and “threats to national security” are clearly defined in legislation enacted by NASS, and they take a human security perspective.

5 Yes 7 No 0 No answer



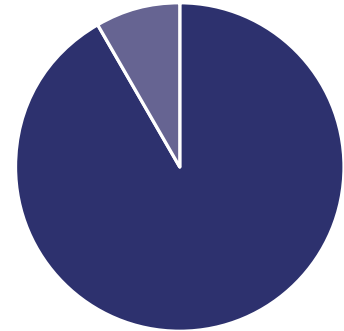
7 Intrusive techniques (such as telephone intercepts and surveillance) are approved by the judiciary, by granting warrants.

8 Yes 4 No 0 No answer



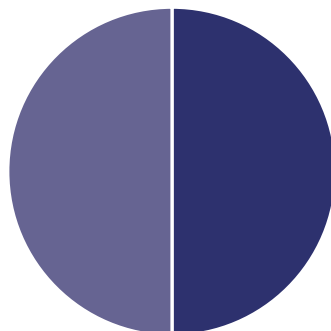
8 There is a clear institutional and functional separation between intelligence (information gathering, analysis and interpretation) and police (arrest, interrogation, detention).

11 Yes 1 No 0 No answer



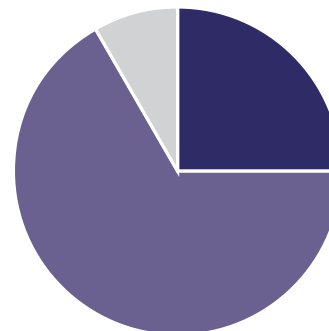
9 The budget allocated to the service is approved by NASS and properly monitored by executive, NASS, and the supreme audit institution.

6 Yes 6 No 0 No answer



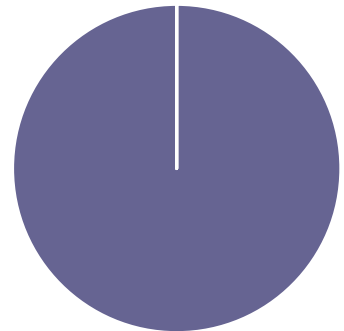
10 Codes of conduct and ethics for intelligence officials are implemented and monitored.

3 Yes 8 No 1 No answer



11 Members of the legislative committee for intelligence oversight have access to classified information.

0 Yes 12 No 0 No answer



12 Selected members of NASS are informed about secret intelligence operations and their budget.

PRIORITIES

a) Three legislators cited no. 3 - dealing with legislative oversight of Intelligence agencies through a specialized permanent legislative committee. The responses here imply a need to step up oversight of these agencies.

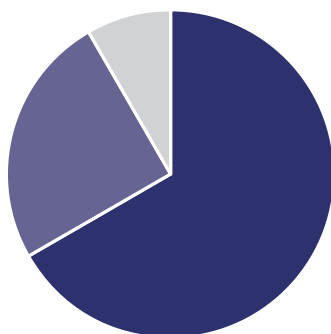
b) Three legislators selected no. 8 - dealing with clear institutional and functional separation between intelligence (information gathering, analysis and interpretation) and police (arrest, interrogation, detention). This sharp separation doesn't seem to be the case in Nigeria as some agencies actually have information gathering, as well as arrest and detention powers.

c) Two legislators noted numbers 2, 4 and 6 each as priorities

a) Numbers 1 and 10 were each cited once as a priority

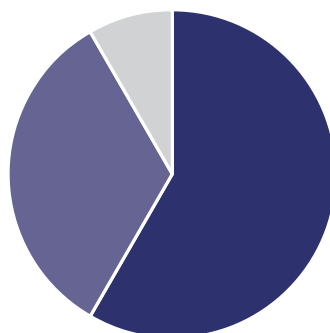
PUBLIC ACCOUNTABILITY AND TRANSPARENCY

8 Yes 3 No 1 No answer



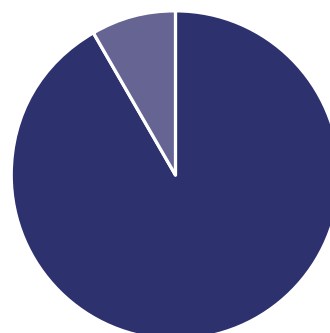
1 A freedom of information Act gives every citizen the free right to access information of public interest, without giving an explanation for their request.

7 Yes 4 No 1 No answer



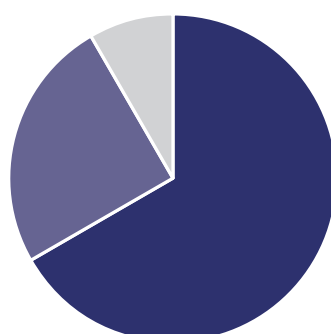
2 Laws provide for affirmative publication of information: government agencies routinely release certain categories of information (such as structure, functions, budget, annual reports, etc.).

11 Yes 1 No 0 No answer



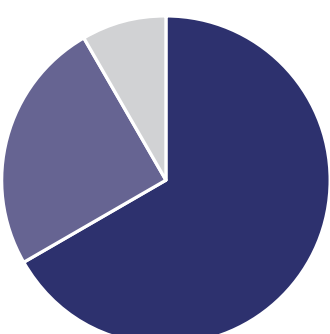
3 A public relations office is established in every public institution, including security agencies.

8 Yes 3 No 1 No answer



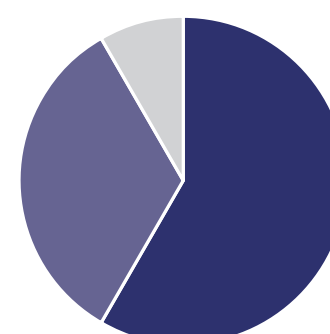
4 Legislation regulating the protection of human rights and the activity of security agencies is available to the public.

8 Yes 3 No 1 No answer



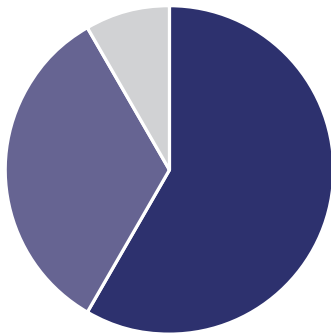
5 A law regulates “secret” or “classified information”: establishes clearly what categories of information can be classified, by what authorities, codifies vetting procedures, and establishes sanctions for unauthorized disclosure.

7 Yes 4 No 1 No answer



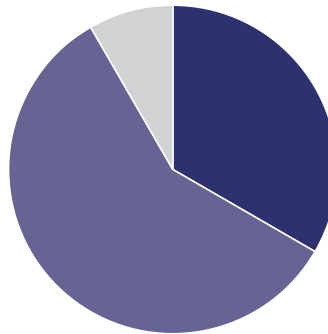
6 Independent oversight bodies responsible for human rights protection function on the basis of statutory law, they are accessible to citizens and report to the NASS (such as Ombudsman, Human Rights Commission, Inspector General).

7 Yes 4 No 1 No answer



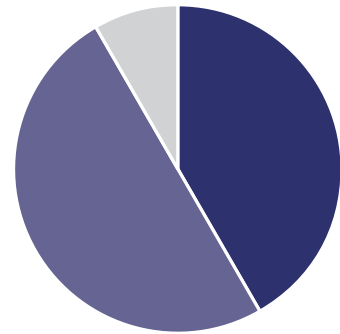
7 A Supreme Audit Institution responsible for the audit of the State budget execution functions on the basis of statutory law and reports to NASS.

4 Yes 7 No 1 No answer



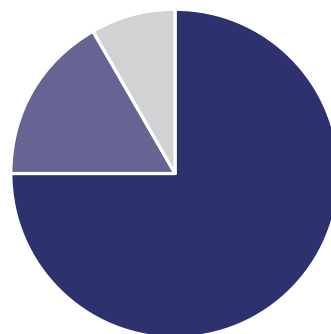
8 Independent oversight bodies and the Supreme Audit Institution can, on their own initiative or mandated by NASS, undertake investigations, visit sites, get access to documents of security sector agencies.

5 Yes 6 No 1 No answer



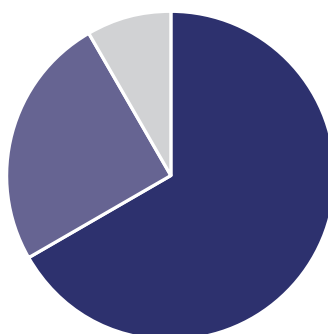
9 Wealth and interest declarations of Members, ministers and executive officials are accessible to the public and they are regularly updated.

9 Yes 2 No 1 No answer



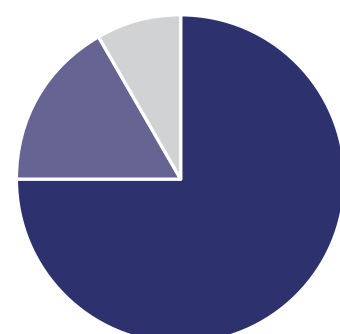
10 Civil Society Organisations (CSOs) are given legal opportunities to participate actively in legislative consultations.

8 Yes 3 No 1 No answer



11 CSOs can monitor the justice and security agencies for human rights violations and corruption without intimidation or undue interference.

9 Yes 2 No 1 No answer



12 Media is free, plural, and independent from state control and political pressure.

PRIORITIES

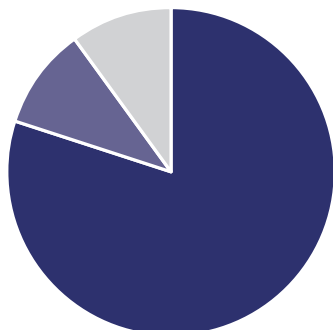
- a) Three legislators cited no. 4 - dealing with public availability of legislation regulating the protection of human rights and the activity of security agencies.
- b) Three legislators cited no. 6 - dealing with accessibility of independent oversight bodies responsible for human rights protection and the reporting of their activities to NASS.
- c) Numbers 1, 2, 11 and 12 were each cited once as a priority.

Section B: Clerks

Number of responses- 10

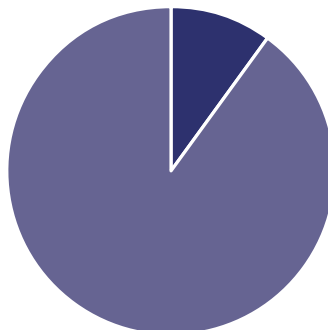
NATIONAL SECURITY AND DEFENCE POLICY

8 Yes 1 No 1 No answer



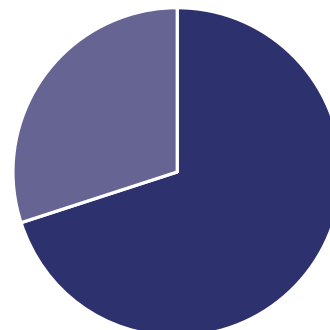
1 National security policy is set out by the government in a strategy document (such as National Security Strategy, White Paper for Defence, Security Concept etc.) that clearly defines priorities, tasks and responsibilities of the security sector agencies.

1 Yes 9 No 0 No answer



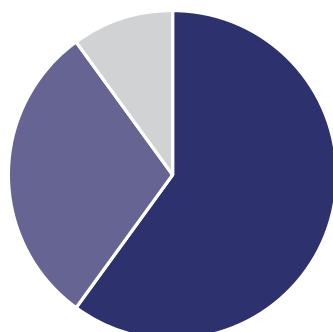
2 National security policy and its supporting documents are submitted to NASS for approval.

7 Yes 3 No 0 No answer



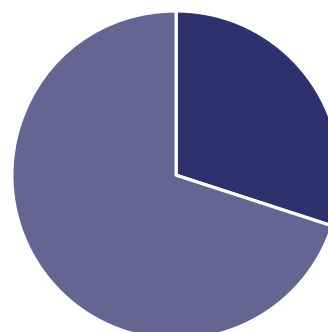
3 NASS ratifies all treaties on security and defence cooperation, including those referring to the country's accession to international organizations and military alliances.

6 Yes 3 No 1 No answer



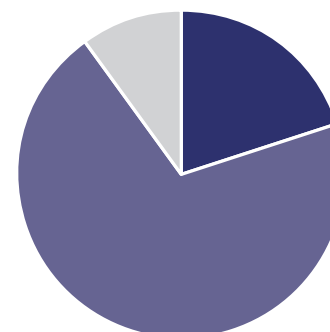
4 NASS has a decisive say in the declaration of war.

3 Yes 7 No 0 No answer



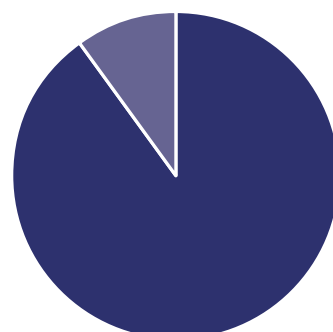
5 NASS approves national participation in international missions abroad.

2 Yes 7 No 1 No answer



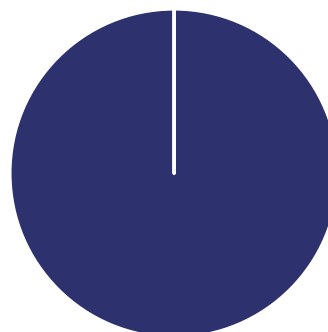
6 NASS approves the deployment of foreign troops on national soil.

9 Yes 1 No 0 No answer



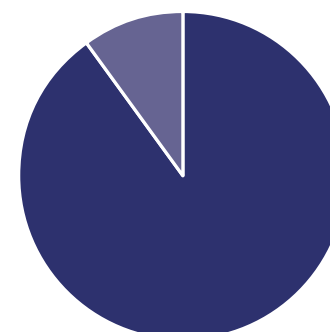
7 NASS approves the level of defence and security spending within the overall annual state budget.

10 Yes 0 No 0 No answer



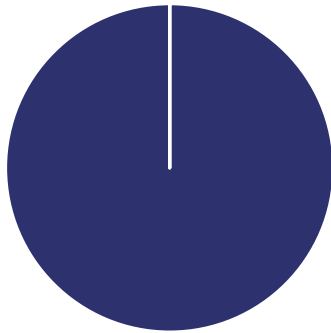
8 The creation, the missions and the powers of every defence and security agency are clearly defined by laws enacted by NASS.

9 Yes 1 No 0 No answer



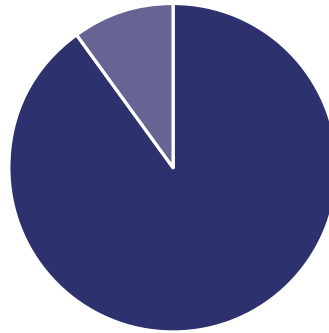
9 The executive and civil management authorities in charge of security forces are accountable to NASS (can be questioned, summoned, inquired).

10 Yes 0 No 0 No answer



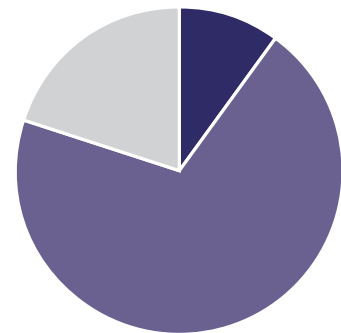
10 Ministerial nominations, including the ones for defence and internal security, are endorsed by NASS.

9 Yes 1 No 0 No answer



11 Legislation clearly lays down that NASS has the right to be informed by executive on security and defence matters.

1 Yes 7 No 2 No answer



12 A supreme council for defence and security, as the advisory body under the head of the executive branch, is accountable to and reports to NASS.

PRIORITIES FOR LEGISLATIVE DEVELOPMENT PLAN

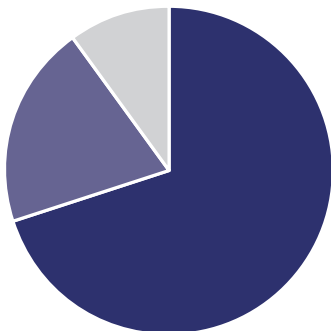
- g) Three Clerks cited no. 2 - national security policy and its supporting documents are submitted to NASS for approval.
- h) Three Clerks cited no. 10 - the need for NASS to endorse ministerial nominations, including the ones for defence and internal security.
- i) Two Clerks cited no. 5 - the need for NASS to approve national participation in international missions abroad.
- j) Two Clerks cited no. 7 - NASS approval of the level of defence and security spending within the overall annual state budget.
- k) Two Clerks noted no. 11 - dealing with legislation clearly prescribing that NASS has the right to be informed by executive on security and defence matters.
- l) Numbers 1,4, 9 and 12 were noted once each as legislative priorities.

OTHER COMMENTS

- a) It was also recommended that there be proper appropriation of funds for effective security action
- b) It was stated that Legislators/ NASS should be guided by legislation or best practices
- c) Additional comments were made in respect to number 10 - recommends limiting NASS endorsement to ministerial nominations only
- d) Additional comment on number 12 - states that the Security Council's reporting accountability to NASS only occurs when it is asked for.

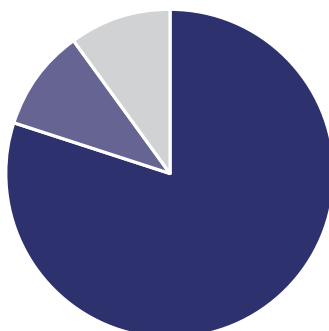
DEFENCE ESTABLISHMENT

7 Yes 2 No 1 No answer



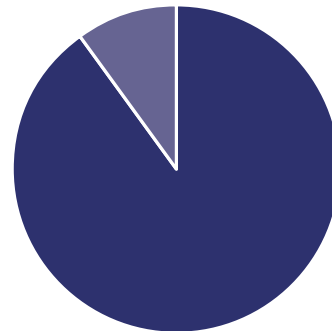
1 The functioning, force structure and powers of the military are well defined in a law enacted by NASS

8 Yes 1 No 1 No answer



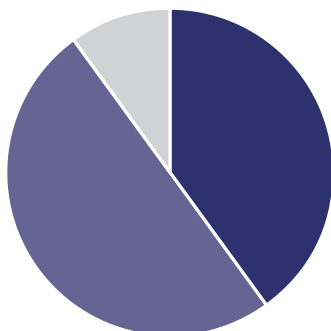
2 Armed Forces are subject to civilian oversight (through a government department led by a civilian minister).

9 Yes 1 No 0 No answer



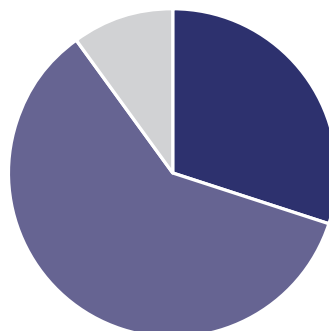
3 Armed Forces are subject to legislative oversight (through a permanent legislative committee for defence).

4 Yes 5 No 1 No answer



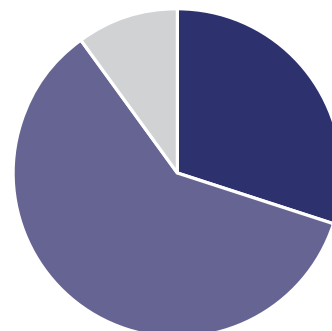
4 Armed forces are politically neutral (mainly through limitations imposed by military status, referring to: membership in political parties, eligibility for public office, freedom of expression and participation in public demonstrations).

3 Yes 6 No 1 No answer



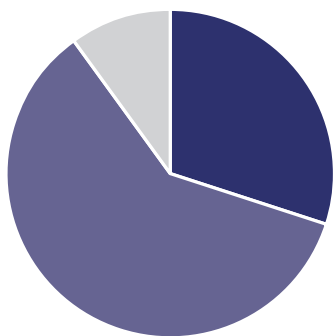
5 Recruitment in the armed forces is non-discriminatory of race, ethnicity, gender, religion, geographical origin.

3 Yes 6 No 1 No answer



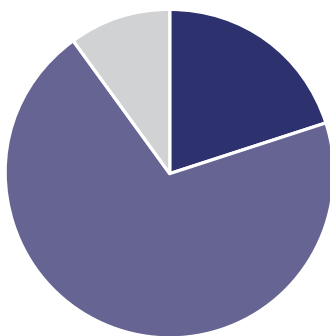
6 Career advancement in the armed forces is based on merit and equal opportunity.

3 Yes 6 No 1 No answer



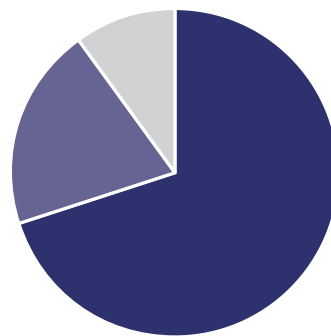
7 All military expenditures are comprised in the state budget law, which is approved by NASS (the military establishment does not dispose of additional sources of revenues)

2 Yes 7 No 1 No answer



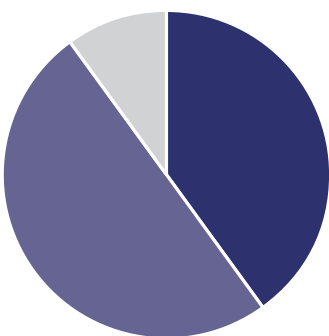
8 NASS oversees important defence procurement contracts (equipment, weapon systems, etc.).

7 Yes 2 No 1 No answer



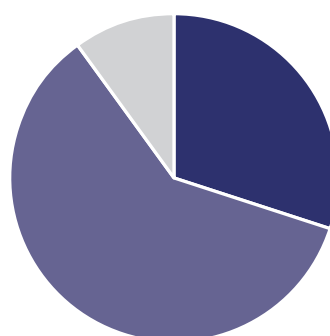
9 Circumstances for the use of armed forces in internal security are exceptional and well defined by law (states of emergency).

4 Yes 5 No 1 No answer



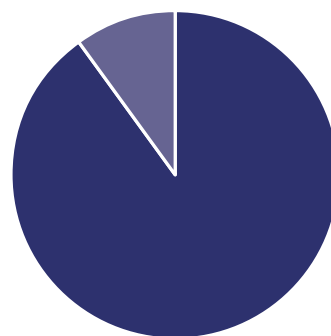
10 Human rights of armed forces personnel are protected, including by preventing discrimination, mistreatment, bullying, and sexual harassment.

3 Yes 6 No 1 No answer



11 Internal mechanisms (such as written orders, internal complaints mechanisms, inspector general) are in place to protect soldiers from illegal or improper orders and ministerial abuse.

9 Yes 1 No 0 No answer



12 Parliament can examine petitions and complaints from military personnel, as well as from civilians, concerning the armed forces.

PRIORITIES

g) Three Clerks cited no. 7 - dealing with all military expenditures being part of the state budget law and being approved by NASS.

h) Three Clerks cited nos. 2 and 3 and dealing with civilian oversight (through a government department led by a civilian minister) and legislative oversight (through a permanent legislative committee for defence).

i) Two Clerks cited no. 5 - the issue of non-discriminatory recruitment into the armed forces.

j) Numbers 1,8,9, 10, 11 and 12 were each cited once as a priority.

OTHER COMMENTS

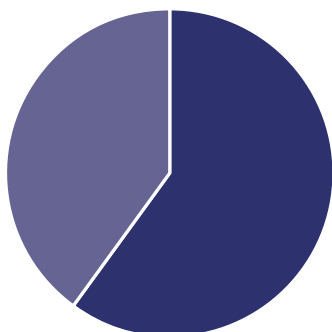
a) There should be an approval of budget law for ease of oversight

b) NASS should oversee project implementation/ performance

c) NASS should examine petitions/ complaints in response to victimisation in the armed forces

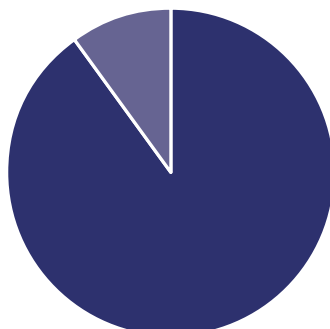
LAW ENFORCEMENT

6 Yes 4 No 0 No answer



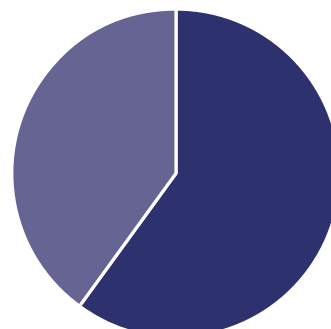
1 Law enforcement forces (police) are subject to civilian oversight (through a government department led by a civilian).

9 Yes 1 No 0 No answer



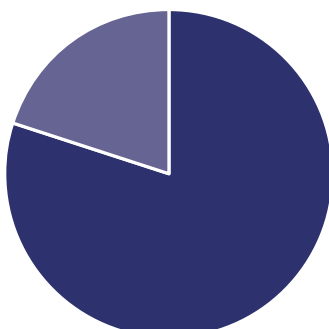
2 Law enforcement forces are subject to legislative oversight (through a permanent legislative committee competent for public order).

6 Yes 4 No 0 No answer



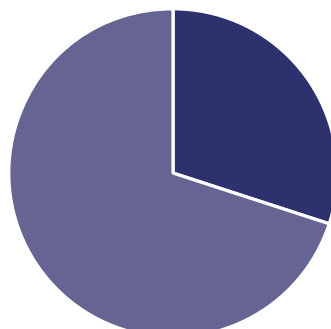
3 Law enforcement forces are politically neutral and their activity is independent of political interference.

8 Yes 2 No 0 No answer



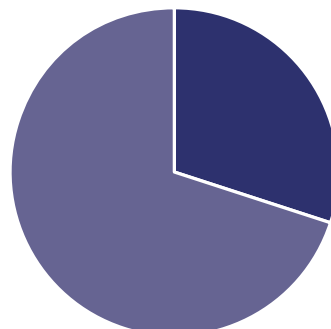
4 Conditions and situations for the use of force and firearms by law enforcement officials are clearly defined by law.

3 Yes 7 No 0 No answer



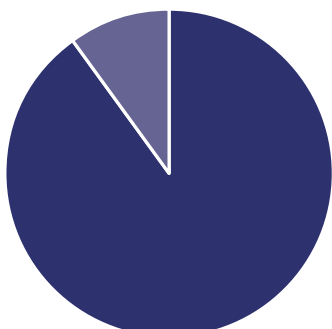
5 Protection of human rights is central to police activity and it sets boundaries in the exercise of police coercive powers.

3 Yes 7 No 0 No answer



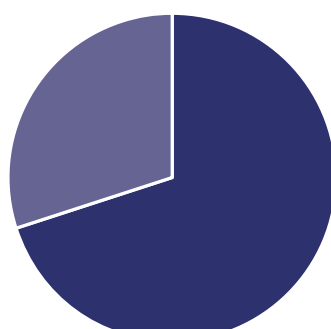
6 There is a community-based policing approach in the organization of law enforcement forces (a police service which is accountable, open, professional, consultative, preventive, people centred).

9 Yes 1 No 0 No answer



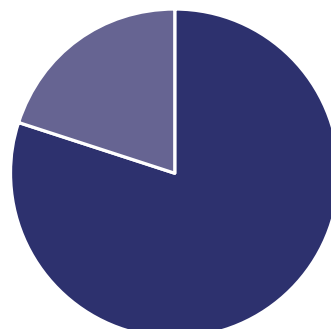
7 The police has a merit-based recruitment, selection and promotion system, providing equal opportunities for all specific groups such as ethnic minorities.

7 Yes 3 No 0 No answer



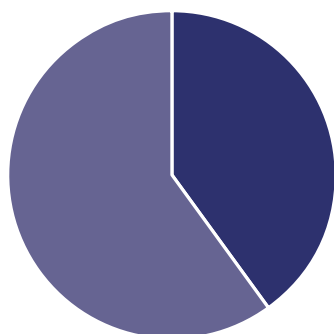
8 Internal police accountability mechanisms are in place (such as internal affairs units, financial control unit, anti-corruption unit).

8 Yes 2 No 0 No answer



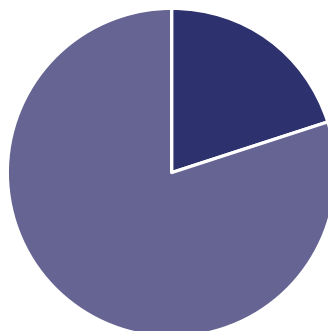
9 A Code of Conduct (or Code of Ethics) for law enforcement officials provides guidelines and principles for behaviour.

4 Yes 6 No 0 No answer



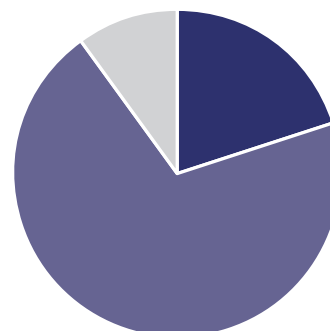
10 The Prosecution service is independent from police, and is charged to supervise criminal investigation conducted by police.

2 Yes 8 No 0 No answer



11 There is an effective oversight over the management of firearm registries, civilian licensing of small arms, and licensing of private security companies.

2 Yes 7 No 1 No answer



12 The correctional system and the status of the penitentiary personnel are regulated by law.

PRIORITIES

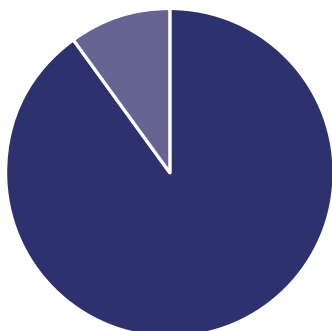
- a) Three Clerks cited no. 2 - law enforcement forces being subject to legislative oversight (through a permanent legislative committee competent for public order.
- b) Two Clerks cited numbers 1, 3,4,5,6 and 9 each as priorities
- c) Numbers 7, 8 and 12 were each cited once as a priority

OTHER COMMENTS

- a) It was also noted that there is need for effective budgetary allocations
- b) It was noted that it is essential to enact laws to protect human rights
- c) Additional comment made to number 8 - that internal police accountability mechanisms are not followed accordingly
- d) There was a comment recommending that there should be provision of a code of conduct (code of ethics) for law enforcement officials, guidelines and principles for behaviour. However, a different comment noted that there is a constant violation of this code. This conflicting response reveals some lack of awareness of an existing of the code of conduct among some respondents.

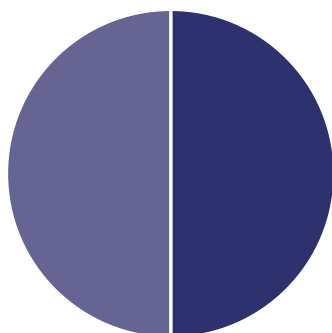
INTELLIGENCE

9 Yes 1 No 0 No answer



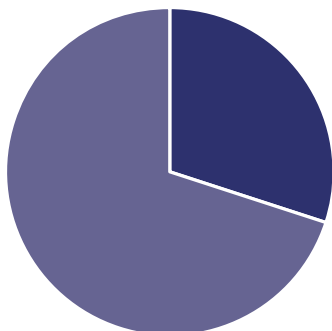
1 Every intelligence service or department has its purpose, mandate, tasks and powers clearly specified by laws enacted by NASS.

5 Yes 5 No 0 No answer



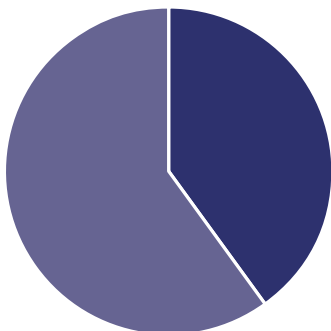
4 The special powers of intelligence are grounded in legislation and their use must be proportionate to the danger incurred to national security, and must not be unduly prolonged in time.

3 Yes 7 No 0 No answer



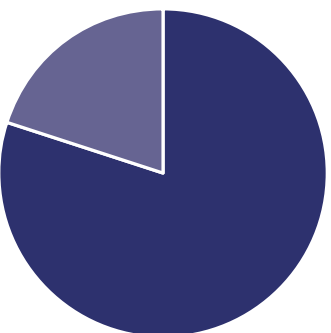
7 Intrusive techniques (such as telephone intercepts and surveillance) are approved by the judiciary, by granting warrants.

4 Yes 6 No 0 No answer



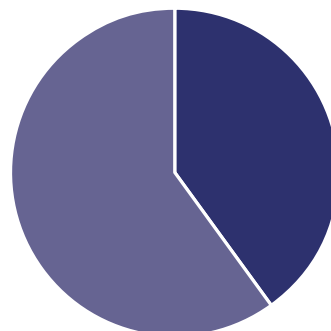
2 NASS has a say on the appointment of the directors of the main intelligence agencies, which are accountable to both the executive and the NASS.

8 Yes 2 No 0 No answer



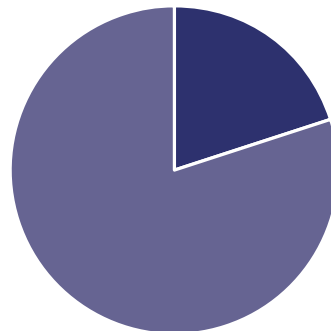
5 Derogations of fundamental rights and freedoms are always justified by the need to protect national security interests.

4 Yes 6 No 0 No answer



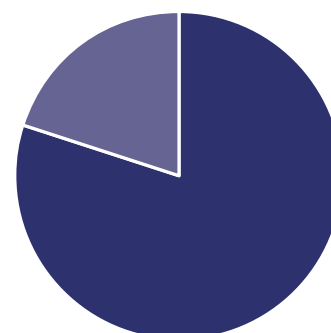
8 There is a clear institutional and functional separation between intelligence (information gathering, analysis and interpretation) and police (arrest, interrogation, detention).

2 Yes 8 No 0 No answer



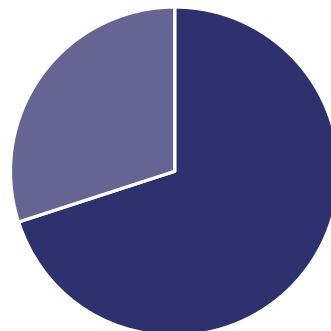
3 Intelligence agencies are subject to legislative oversight through a specialized permanent legislative committee.

8 Yes 2 No 0 No answer



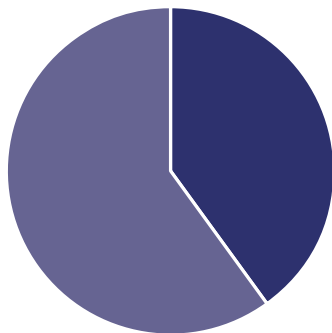
6 “National security interests” and “threats to national security” are clearly defined in legislation enacted by NASS, and they take a human security perspective.

7 Yes 3 No 0 No answer



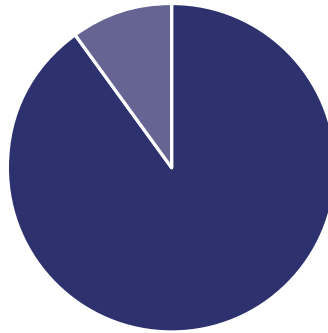
9 The budget allocated to the service is approved by NASS and properly monitored by executive, NASS, and the supreme audit institution.

4 Yes 6 No 0 No answer



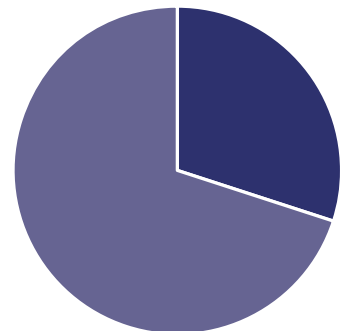
10 Codes of conduct and ethics for intelligence officials are implemented and monitored.

9 Yes 1 No 0 No answer



11 Members of the legislative committee for intelligence oversight have access to classified information.

3 Yes 7 No 0 No answer



12 Selected members of NASS are informed about secret intelligence operations and their budget.

PRIORITIES

d) Three Clerks selected no 4 as priority - the special powers of intelligence are grounded in legislation and their use must be proportionate to the danger incurred to national security, and must not be unduly prolonged in time.

e) Two Clerks noted numbers 1,2,3,6,9 and 12 each as priorities

b) Numbers 7, 8 and 12 were each cited once as a priority

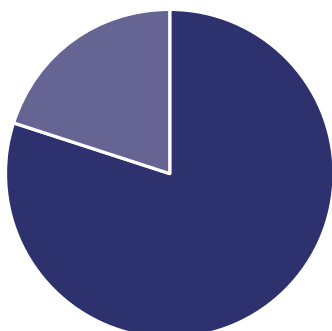
OTHER COMMENTS

a) Additional comment made on no. 9 - dealing with budget of the intelligence service, its approval by NASS and its monitoring by the office of the auditor general. It was noted that there are usually fights over superiority and no clear separation of functions. It was also noted that executive monitoring in this regard was poor and that this needs to be addressed.

b) Additional comment on no. 8 - noting that there are usually areas of conflict when it comes to intelligence gathering functions and arrest/interrogation functions.

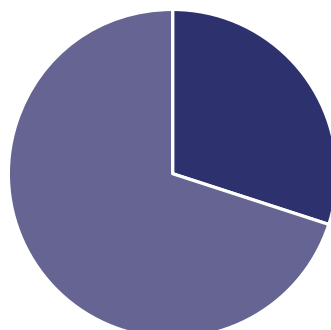
PUBLIC ACCOUNTABILITY AND TRANSPARENCY

8 Yes 2 No 0 No answer



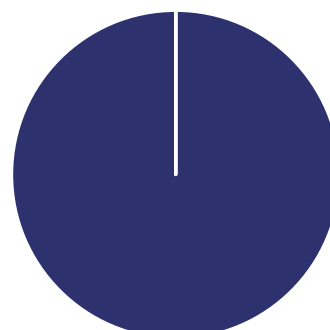
1 A freedom of information Act gives every citizen the free right to access information of public interest, without giving an explanation for their request.

3 Yes 7 No 0 No answer



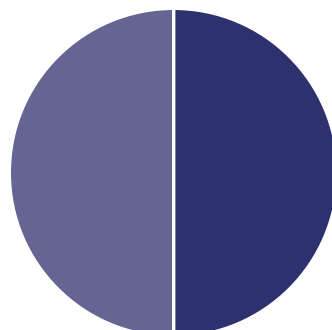
2 Laws provide for affirmative publication of information: government agencies routinely release certain categories of information (such as structure, functions, budget, annual reports, etc.).

10 Yes 0 No 0 No answer



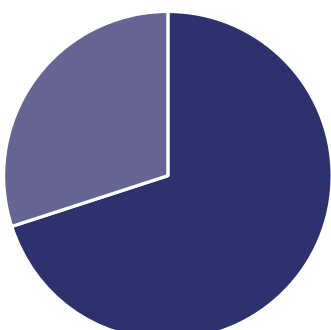
3 A public relations office is established in every public institution, including security agencies.

5 Yes 5 No 0 No answer



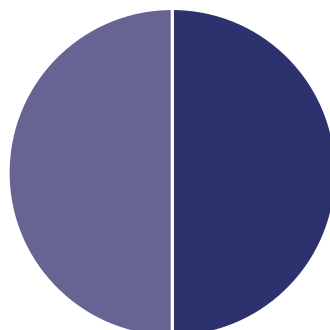
4 Legislation regulating the protection of human rights and the activity of security agencies is available to the public.

7 Yes 3 No 0 No answer



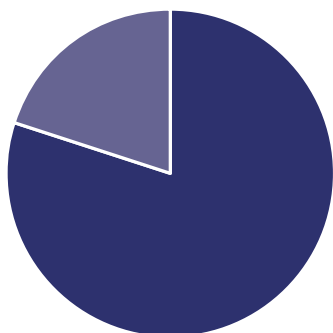
5 A law regulates "secret" or "classified information": establishes clearly what categories of information can be classified, by what authorities, codifies vetting procedures, and establishes sanctions for unauthorized disclosure.

5 Yes 5 No 0 No answer



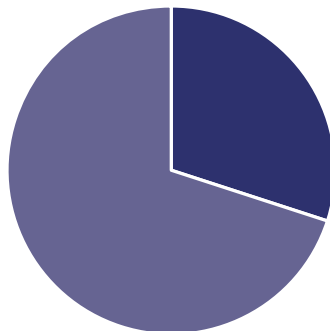
6 Independent oversight bodies responsible for human rights protection function on the basis of statutory law, they are accessible to citizens and report to the NASS (such as Ombudsman, Human Rights Commission, Inspector General).

8 Yes 2 No 0 No answer



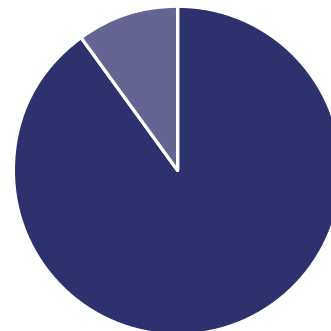
7 A Supreme Audit Institution responsible for the audit of the State budget execution functions on the basis of statutory law and reports to NASS.

3 Yes 7 No 0 No answer



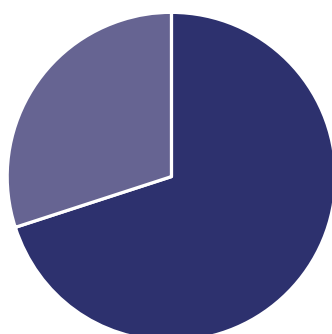
8 Independent oversight bodies and the Supreme Audit Institution can, on their own initiative or mandated by NASS, undertake investigations, visit sites, get access to documents of security sector agencies.

9 Yes 1 No 0 No answer



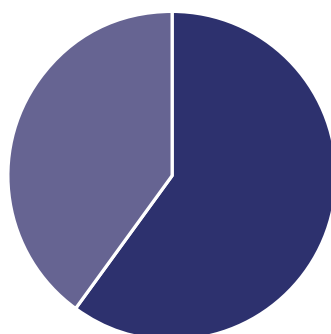
9 Wealth and interest declarations of Members, ministers and executive officials are accessible to the public and they are regularly updated.

7 Yes 3 No 0 No answer



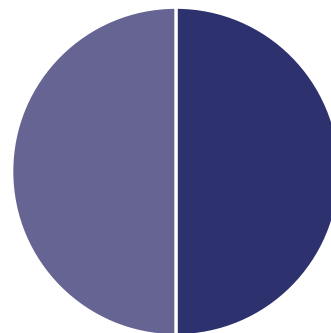
10 Civil Society Organisations (CSOs) are given legal opportunities to participate actively in legislative consultations.

6 Yes 4 No 0 No answer



11 CSOs can monitor the justice and security agencies for human rights violations and corruption without intimidation or undue interference.

5 Yes 5 No 0 No answer



12 Media is free, plural, and independent from state control and political pressure.

PRIORITIES

a) Four Clerks cited no. 1 - this implies that there needs to be a Freedom of Information Act giving every citizen the free right to access information of public interest. There was no explanation why this was indicated as a priority especially considering that a Freedom of Information Act actually does exist.

b) Four Clerks cited no. 10 - implying that legal opportunities for Civil Society Organisations (CSOs) to participate actively in legislative consultations should be prioritised.

c) Two Clerks noted numbers 4,5,6,7 and 9 each as priorities

d) Numbers 2, 11 and 12 were each cited once as a priority

APPENDIX 6: QUESTIONNAIRE FOR SELF-ASSESSMENT OF CAPACITY OF SECURITY SECTOR RELATED COMMITTEES IN THE HOUSE OF REPRESENTATIVES

This self-assessment exercise will help users to examine the overall capacity of their parliament, identifying particular areas in which parliament's capacity needs to be strengthened. Each section covers a specific area of parliament's capacity, essential for the performance of the role of parliament in a democracy.

The self-assessment invites users to read each statement, make a judgment regarding the application of that principle/standard by their own parliament, and to mark a score on a five-point scale:

5 = very much 4 = much 3 = medium 2 = poorly 1 = very poorly

1. THE REPRESENTATIVENESS OF THE NATIONAL ASSEMBLY (NASS)

- 1.1. The composition of NASS is representative of minority groups and regions (in terms of political opinions, geography, ethnicity, religion, education, etc.)

5	4	3	2	1
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- 1.2. Women are fairly represented in NASS.

5	4	3	2	1
---	---	---	---	---

- 1.3. NASS procedures allow and encourage opposition and minority parties to contribute to the work of NASS.

5	4	3	2	1
---	---	---	---	---

- 1.4. Members have a full right to express their opinion freely, being protected from executive or legal interference.

5	4	3	2	1
---	---	---	---	---

- 1.5. Party discipline is not strictly enforced, Members being usually allowed to vote against their party.

5	4	3	2	1
---	---	---	---	---

- 1.6. NASS effectively deals with citizen petitions and complaints through a specialized committee for this matter.



- 1.7. Members of NASS have a strong organized constituency base, disposing of offices, staff and time scheduled to go in the constituency and meet people.



- 1.8. NASS is effective as a forum for debate on questions of public concern.



What is the biggest recent improvement in the above?

What is the most serious ongoing deficiency?

What measures would you take to remedy this deficiency?

2. NATIONAL ASSEMBLY'S ADMINISTRATIVE CAPACITY AND INSTITUTIONALIZATION

2.1. Rules of Procedure are clear, known and respected.



2.2. NASS is independent from the executive in deciding on its own budget.



2.3. NASS is independent from the executive in deciding on its agenda and program.



2.4. NASS is independent from the executive in deciding on its committee structure and membership.



2.5. Committee membership is stable during a legislative mandate.



2.6. Committee resources are adequate to the needs of legislative work in terms of meeting rooms, offices and facilities.



2.7. The number and the professional qualifications of legislative staff are adequate to the needs of legislative work.



- 2.8. NASS has sufficient information resources (library, research department, intranet system) to support the activity of members and committees.



- 2.9. All legislative decisions and legislative projects are debated in the competent committee before being submitted to debate and approval in the plenary.



- 2.10. A Code of Official Conduct/Ethics for legislators is implemented and overviewed by an appointed Ethics Commissioner or by an Ethics Committee.



What is the biggest recent improvement in the above?

What is the most serious ongoing deficiency?

What measures would you take to remedy this deficiency?

3. NATIONAL ASSEMBLY'S LEGISLATIVE CAPACITY

- 3.1. Members have the right to initiate legislation and legislative procedures allow them to make use of this right fully.



- 3.2. Members have the right to amend legislative proposals and legislative procedures allow them to make use of this rightfully.



- 3.3. Legislative procedures provide Members and committees with sufficient time to analyze and debate legislative proposals.



- 3.4. Procedures for consultation with relevant groups of interests and NGOs in the course of legislation are systematic and transparent.



- 3.5. The plenary usually follows committee recommendations and amendments on legislative proposals.



- 3.6. There is an effective and easy system to track legislation and its status inside the legislative administration.



- 3.7. NASS ensures that the enacted legislation is consistent with the constitution and the human rights of the population.



What is the biggest recent improvement in the above?

What is the most serious ongoing deficiency?

What measures would you take to remedy this deficiency?

4. NATIONAL ASSEMBLY'S GENERAL OVERSIGHT CAPACITY

4.1. NASS has constitutional and legal powers for an effective oversight of government's activity.



4.2. NASS is effectively making use of its constitutional and legal powers to hold the government accountable.



4.3. NASS monitors the impact of laws once they are enacted and evaluates the problems associated with the implementation of laws.



4.4. NASS has the authority to appoint or confirm ministers.



- 4.5. Ministers and other executive officials attend promptly the plenary session or committee meetings when their presence is requested, providing the legislature with the information requested.



- 4.6. Standing committees have the power to oversee the activity of ministries and other executive agencies in their area of competence.



- 4.7. NASS has the power to impeach or remove members of the executive.



- 4.8. NASS is able to influence and scrutinize the national budget through all its stages (formulation, approval, execution, evaluation).



What is the biggest recent improvement in the above?

What is the most serious ongoing deficiency?

What measures would you take to remedy this deficiency?

5. NATIONAL ASSEMBLY SECURITY OVERSIGHT CAPACITY

5.1. NASS is consulted in defence and security issues systematically and consistently.



5.2. The activity of every security agency is regulated by legislation debated and enacted by NASS.



5.3. The activity of every security agencies is overseen by a legislative committee, no agency being exonerated from legislative oversight.



5.4. The committees responsible for defence and security issues dispose of adequate research, information, staff and other facilities to support their effective performance.



5.5. The competent legislative committees organize frequently, hearings on security matters.



5.6. The competent legislative committees approve the budget for each security agency and monitor the execution of the budget by the respective agency.



- 5.7. NASS has the right to request the Supreme Audit Institution (i.e. the Office of the Auditor General of the Federation) to start an audit or an investigation on security budget execution.



- 5.8. NASS may ask information, investigate and eventually have a say on important defence procurement contracts.



- 5.9. Competent legislative committees have the right to visit troops, military premises, and the offices of security sector agencies.



- 5.10. Members have legal access to secret information necessary to perform their oversight function, and the government is providing them with secret information.



What is the biggest recent improvement in the above?

What is the most serious ongoing deficiency?

What measures would you take to remedy this deficiency?

6. NATIONAL ASSEMBLY'S ACCOUNTABILITY AND VISIBILITY

- 6.1. Legislative procedures allow for plenary and committee meetings which are open to the media and the public.



- 6.2. Plenary and committee minutes are published in a timely manner.



- 6.3. Records of voting on important legislative decisions or legislation are published in a timely manner.



- 6.4. Legislative committees often publicise investigative hearings of ministers and other executive officials.



- 6.5. Legislative debates are frequently broadcast live on television or radio.



- 6.6. The electoral system effectively ensures the accountability of NASS, individually and collectively, to the electorate.



- 6.7. Citizens have immediate access to enforced legislation through a variety of channels (internet, official journal, mass media, Members circumscription offices, public libraries).



- 6.8. Citizens have adequate opportunities to express their views and concerns directly to their representatives, regardless of party affiliation.



- 6.9. Public expectations about the role to be played by NASS are fulfilled.



What is the biggest recent improvement in the above?

What is the most serious ongoing deficiency?

What measures would you take to remedy this deficiency?

APPENDIX 5: QUESTIONNAIRE FOR SELF-ASSESSMENT OF LEGISLATIVE NEEDS FOR THE DEMOCRATIC GOVERNANCE OF SECURITY

The users of this toolkit are expected to mark with an “X” those legislative provisions which are already covered by national legislation. The number of “X”s acquired in each section will allow an evaluation of the assimilation of international principles about democratic oversight in the national legislation. Different scores obtained by different sections will allow a comparison between the stage of democratic reforms in the main sectors of security sector (mainly a comparison between defence, police and intelligence reforms).

1. National Security and Defence Policy

1 National security policy is set out by the government in a strategy document (such as National Security Strategy, White Paper for Defence, Security Concept etc.) that clearly defines priorities, tasks and responsibilities of the security sector agencies.	
2 National security policy and its supporting documents are submitted to NASS for approval.	
3 NASS ratifies all treaties on security and defence cooperation, including those referring to the country’s accession to international organizations and military alliances.	
4 NASS has a decisive say in the declaration of war.	
5 NASS approves national participation in international missions abroad.	
6 NASS approves the deployment of foreign troops on national soil.	
7 NASS approves the level of defence and security spending within the overall annual state budget.	
8 The creation, the missions and the powers of every defence and security agency are clearly defined by laws enacted by NASS.	
9 The executive and civil management authorities in charge of security forces are accountable to NASS (can be questioned, summoned, inquired).	
10 Ministerial nominations, including the ones for defence and internal security, are endorsed by NASS.	
11 Legislation clearly lays down that NASS has the right to be informed by executive on security and defence matters.	
12 A supreme council for defence and security, as the advisory body under the head of the executive branch, is accountable to and reports to NASS.	

According to you, which are the top three priorities of a legislative development plan in the sector above?

1. _____
2. _____
3. _____

2. Defence Establishment

1 The functioning, force structure and powers of the military are well defined in a law enacted by NASS	
2 Armed Forces are subject to civilian oversight (through a government department led by a civilian minister).	
3 Armed Forces are subject to legislative oversight (through a permanent legislative committee for defence).	
4 Armed forces are politically neutral (mainly through limitations imposed by military status, referring to: membership in political parties, eligibility for public office, freedom of expression and participation in public demonstrations).	
5 Recruitment in the armed forces is non-discriminatory of race, ethnicity, gender, religion, geographical origin.	
6 Career advancement in the armed forces is based on merit and equal opportunity.	
7 All military expenditures are comprised in the state budget law, which is approved by NASS (the military establishment does not dispose of additional sources of revenues)	
8 NASS oversees important defence procurement contracts (equipment, weapon systems, etc).	
9 Circumstances for the use of armed forces in internal security are exceptional and well defined by law (states of emergency).	
10 Human rights of armed forces personnel are protected, including by preventing discrimination, mistreatment, bullying, and sexual harassment.	
11 Internal mechanisms (such as written orders, internal complaints mechanisms, inspector general) are in place to protect soldiers from illegal or improper orders and ministerial abuse.	
12 Parliament can examine petitions and complaints from military personnel, as well as from civilians, concerning the armed forces.	

According to you, which are the top three priorities of a legislative development plan in the sector above?

1. _____
2. _____
3. _____

3. Law Enforcement (Public Order)

1 Law enforcement forces (police) are subject to civilian oversight (through a government department led by a civilian).	
2 Law enforcement forces are subject to legislative oversight (through a permanent legislative committee competent for public order).	
3 Law enforcement forces are politically neutral and their activity is independent of political interference.	
4 Conditions and situations for the use of force and firearms by law enforcement officials are clearly defined by law.	
5 Protection of human rights is central to police activity and it sets boundaries in the exercise of police coercive powers.	
6 There is a community-based policing approach in the organization of law enforcement forces (a police service which is accountable, open, professional, consultative, preventive, people centred).	
7 The police has a merit-based recruitment, selection and promotion system, providing equal opportunities for all specific groups such as ethnic minorities.	
8 Internal police accountability mechanisms are in place (such as internal affairs units, financial control unit, anti-corruption unit).	
9 A Code of Conduct (or Code of Ethics) for law enforcement officials provides guidelines and principles for behaviour.	
10 The Prosecution service is independent from police, and is charged to supervise criminal investigation conducted by police.	
11 There is an effective oversight over the management of firearm registries, civilian licensing of small arms, and licensing of private security companies.	
12 The correctional system and the status of the penitentiary personnel are regulated by law.	

According to you, which are the top three priorities of a legislative development plan in the sector above?

1. _____
2. _____
3. _____

4. Intelligence

1 Every intelligence service or department has its purpose, mandate, tasks and powers clearly specified by laws enacted by NASS.	
2 NASS has a say on the appointment of the directors of the main intelligence agencies, which are accountable to both the executive and the NASS.	
3 Intelligence agencies are subject to legislative oversight through a specialized permanent legislative committee.	
4 The special powers of intelligence are grounded in legislation and their use must be proportionate to the danger incurred to national security, and must not be unduly prolonged in time.	
5 Derogations of fundamental rights and freedoms are always justified by the need to protect national security interests.	
6 “National security interests” and “threats to national security” are clearly defined in legislation enacted by NASS, and they take a human security perspective.	
7 Intrusive techniques (such as telephone intercepts and surveillance) are approved by the judiciary, by granting warrants.	
8 There is a clear institutional and functional separation between intelligence (information gathering, analysis and interpretation) and police (arrest, interrogation, detention).	
9 The budget allocated to the service is approved by NASS and properly monitored by executive, NASS, and the supreme audit institution.	
10 Codes of conduct and ethics for intelligence officials are implemented and monitored.	
11 Members of the legislative committee for intelligence oversight have access to classified information.	
12 Selected members of NASS are informed about secret intelligence operations and their budget.	

According to you, which are the top three priorities of a legislative development plan in the sector above?

1. _____
2. _____
3. _____

5. Public Accountability and Transparency

1 A freedom of information Act gives every citizen the free right to access information of public interest, without giving an explanation for their request.	
2 Laws provide for affirmative publication of information: government agencies routinely release certain categories of information (such as structure, functions, budget, annual reports, etc.).	
3 A public relations office is established in every public institution, including security agencies.	
4 Legislation regulating the protection of human rights and the activity of security agencies is available to the public.	
5 A law regulates “secret” or “classified information”: establishes clearly what categories of information can be classified, by what authorities, codifies vetting procedures, and establishes sanctions for unauthorized disclosure.	
6 Independent oversight bodies responsible for human rights protection function on the basis of statutory law, they are accessible to citizens and report to the NASS (such as Ombudsman, Human Rights Commission, Inspector General).	
7 A Supreme Audit Institution responsible for the audit of the State budget execution functions on the basis of statutory law and reports to NASS.	
8 Independent oversight bodies and the Supreme Audit Institution can, on their own initiative or mandated by NASS, undertake investigations, visit sites, get access to documents of security sector agencies.	
9 Wealth and interest declarations of Members, ministers and executive officials are accessible to the public and they are regularly updated.	
10 Civil Society Organisations (CSOs) are given legal opportunities to participate actively in legislative consultations.	
11 CSOs can monitor the justice and security agencies for human rights violations and corruption without intimidation or undue interference.	
12 Media is free, plural, and independent from state control and political pressure.	

According to you, which are the top three priorities of a legislative development plan in the sector above?

1. _____
2. _____
3. _____

PHOTO GALLERY



