

*Increasing Awareness and
Engagement of the*

**Senate
Committee on
Ethics,
Privileges and
Public
Petitions**



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OVERVIEW OF THE SENATE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS

The Senate Committee on Ethics, Privileges and Public Petitions¹ is designated a Special Committee by virtue of Order 96 (iv) Rule of the Standing Orders of the Senate which accords this status to 6 Committees.² It is due to this special status for instance that the Committee is required to be constituted within the first fourteen legislative days of the first sitting of a New Assembly³. This privilege is not accorded to the other Standing Committees in the Senate whose constitution is at the discretion of its leadership.

In part, the special status accorded by the Rules of the Senate may be due to the symbolic role the Committee plays in enabling a mechanism of access for citizen engagement with the Legislature in its scrutiny against arbitrary power or excesses of government agencies.

In the 8th National Assembly (2015-2019), the Senate Committee on Ethics, Privileges and Public Petitions received 536 petitions on various subjects calling for its intervention.

PETITION/PETITIONER AND RESPONDENT

While there is no formal definition of a petition in the Senate Standing Rules, it can be described as a formal written request made to an authority or organized body. Following this, the person who makes

1 While the last published standing Rules of the Senate describe this Committee as the Committee on Ethics; Code of Conduct and Privileges, the official documents of the Committee including its letter head describe it as the Senate Committee on Ethics, Privileges and Public Petitions

2 Order 96 (iv) , Senate Standing Orders 2015 (as amended)

3 Order 96, Senate Standing Orders 2015 (as amended)

such request is referred to as a **petitioner** while the person who it seeks relief against is referred to as the **respondent**. There can be more than one petitioner and respondent on a petition. Also, while private or corporate personalities can present a petition, the language of sections 88 and 89 of the 1999 Constitution (as amended) appear to limit respondents to public agencies and officers.

JURISDICTION OF THE SENATE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS

Order 97 Rule 4 of the Senate Standing Orders 2015 as amended provides for the jurisdiction of the Ethics, Privileges and Public Petitions Committee as follows:

- (a) **Oversight of the Code of Conduct Bureau** - The Committee directly oversees and monitors the activities of the Code of Conduct Bureau, a government agency that primarily addresses issues bordering around the conduct of public officials to ensure that their actions and behavior conform to the highest standards of public morality and accountability. The National Assembly is also empowered under Chapter 58, Code of Conduct Bureau and Tribunal Act, LFN 1990, to confer additional functions on the Bureau.

- (b) **Power to consider the subject matter of all petitions referred to it and reporting to the Senate from time to time, its recommendations on actions to be taken thereon, together with such other observations on the petitions** - The Committee has power to consider petitions referred to it by the Senate. However, the Committee will limit itself to fact finding and making recommendations that may be finally adopted by the Senate.

(c) **Recommendation to the Senate on Administrative Actions**

The Committee shall make recommendations to the Senate on administrative actions as it deems appropriate to establish and enforce standards of official conduct for Senators.

It is noteworthy that the outlined areas of jurisdiction given to the Committee under its Standing Rules are derived from section 88(1) of the 1999 Constitution (as amended).

AREAS OUTSIDE THE JURISDICTION OF THE SENATE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS

- The Senate shall not receive any Petition on any matter for which there is a judicial remedy⁴
- The Committee shall not investigate matters pending before any court of Law in Nigeria
- The Senate will not receive any petition which asks for a grant of public funds unless the recommendation of the President of the Federal Republic of Nigeria has been signified
- The Committee has no jurisdiction to investigate matters between two private citizens⁵
- The Committee shall not investigate any matter or thing over which the National Assembly has no powers to make Laws⁶
- The Committee is not mandated to make Laws or Resolutions⁷

4 Order 41, Rule 7, Senate Standing Orders 2015 as amended

5 <http://placng.org/wp/wp-content/uploads/2016/06/PUBLIC-PETITION-REPORT.pdf> page 26

6 <http://placng.org/wp/wp-content/uploads/2016/06/PUBLIC-PETITION-REPORT.pdf> page 23

7 <http://placng.org/wp/wp-content/uploads/2016/06/PUBLIC-PETITION-REPORT.pdf> page 28

CHALLENGES FACING THE SENATE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS

Volume of Work- The Mandate of the Senate Committee on Ethics, Privileges and Public Petitions allows for unparalleled engagement with Nigerian citizens who may present petitions on issues or grievances relating to the conduct of the affairs of public offices to the Committee. As Petitioners do not have to pass through the formalities or financial burden of going through the court system, the Committee is an appealing channel for petitioners to present their cases to be investigated and heard. However, this could pose a challenge for the Committee who face an increasing workload due to its free access at no cost.

This position is different from the United States whose electronic petition (e-petition) platform titled "We the People" requires a minimum of 100,000 signatures in 30 days for an e - petition to be issued an official response by the appropriate policy experts and groups. In 2017, for instance a total of 1,114,870 signatures were received on a petition calling for an immediate release of Donald Trump's full tax returns, with all information needed to verify emoluments clause compliance.

Also, unlike the House of Representatives Committee on Public Petitions, the mandate of the Senate Committee on Ethics , Privileges and Public Petitions extends to enforcing the official code of conduct of Senators in the Assembly. However, as most of its Members belong to other Committees in the National Assembly, they may be unable to give the Committee the undivided attention it requires. Thus, the capacity of the Committee may be constrained to meet the volume of cases it is presented with. This is made worse by the existing structure that enables only the Federal Legislature or National Assembly hear public petitions.

High Turn Over of Legislators - The high turnover of Legislators during and after each Assembly limits the efficiency and effectiveness of the Committee. In such instances where new members are first time Legislators, time and effort are taken to get acquainted with the mandate of the Committee in the National Assembly and build their capacity. In the 9th Senate, only one Member of the Committee on Ethics, Privileges and Public Petitions (Senator Matthew Urhoghide) was a Member of the Committee in the 8th Assembly.

Non-compliance with Resolutions of the National Assembly - Another limitation to the efficiency and effectiveness of the Committee is in the area of non-implementation of Resolutions adopted by the Senate following the Committee's recommendations. This issue can arise when;

- i. Some implementing partners including the general public, ministries, departments and agencies are not aware of the powers and jurisdiction of the Committee and are not involved in the entire process.
- ii. Passed resolutions are not practicable or enforced.

However, as the Senate Committee on Ethics, Privileges and Public Petitions deals mostly with the affairs of the ordinary citizen in the society who are unjustly treated in their place of work or in their dealings with the bodies or institutions petitioned against⁸, it is imperative that its resolutions adopted by the Senate are implemented to enhance citizen engagement and trust in the Legislature.

Following this, it is important that the work and mandate of the Committee are visible and familiar to the public, so that citizens are aware of the process and procedures for filing public petitions⁹ in

8 Rt. (Hon) Barr. Ughanze Nnaemeka Celestine, National Assembly Petition Committees and CSOs, PLAC, 2015

9 House of Representatives: Procedure for Hearing of Public Petitions, PLAC, 2019

addition to understanding the powers and mandate of the Committee. This is particularly so as a lack of information on the side of the public may invariably affect the optimal achievement of its mandate.

THE CASE FOR E-PETITIONS & STRATEGIES FOR INCREASING AWARENESS OF THE SENATE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS

Although petitions have existed in society for centuries, e-petitions have become increasingly popular in the 21st century. Some notable Parliaments that have adopted the use of e-petitions include the United States Congress, the United Kingdom's House of Commons, the Scottish Parliament and the European Parliament to name a few.

In Nigeria, the standing order of the Committee requires a petition to be handwritten and affixed with original signatures of petitioners. While this requirement is to validate the originality of a petition, countries around the world have adopted the use of an e-petition system that promote efficiency and output. Best practices for petitions to Parliament also appear to involve both the use of paper and e-petitions.

In addition to the reduced effort and costs associated with submitting paper petitions, some of the identified advantages of the e-petition system include;

- Increased transparency and legitimacy of political systems
- More efficient petitions collation and record keeping system
- Enhanced political participation by citizens
- Increased public opinion and improved public perception of the National Assembly

However, it is noteworthy that a majority of petitions received by the Senate Committee on Ethics, Privileges and Public Petitions Committee are characterized by personal grievances between petitioners and respondents.

For example, of the 536 petitions received by the Senate Committee on Ethics, Privileges and Public Petitions in the 8th Assembly (2015 – 2019), 51% of the petitions were recorded as workplace grievances such as unlawful dismissal/termination of appointment or wrongful retirement from service and non-payment of benefits.

As pointed earlier this position is different from the United States' "We the People" e-petition platform which requires a minimum of 100,000 signatures in 30 days for an e - petition to be issued an official response by the appropriate policy experts and groups. In 2017 for instance a total of 1,114,870 signatures were received on a petition calling to "Immediately release Donald Trump's full tax returns, with all information needed to verify emoluments clause compliance". Less than a day after the petition was created, it surpassed the 100,000 required signature mark¹⁰.

Other popular petitions on the US "We the People" e-petitions site include a petition to "repeal the National Firearms Act of 1934" with 311,168 signatures and "Let American Farmers Grow Hemp Once Again to Create Jobs and Rebuild the Rural Economy" with 115,956 signatures. Similarly, a petition by the Venezuelan American National Bar (VENAMBAR) recommending that Venezuela be designated for Temporary Protected Status gained 127,046 signatures.

Although majority of petitions received by the Senate Committee on

¹⁰ <https://www.washingtonpost.com/news/the-fix/wp/2017/01/21/the-white-house-petitions-page-is-still-live-the-top-one-calls-for-trumps-tax-returns/>

Ethics, Privileges and Public Petitions are private, this is not to say that some petitions involving some community interests are not received. Since it is established that e-petitions are capable of bridging the gap between a Legislator and the petitioner, with reference to the aforementioned record from the US Parliament, this trend may invariably translate into a higher number of petitioners who otherwise may not have been able to file a petition due to constraints such as distance, accommodation costs, etc.

Utilising an e-petition system will undoubtedly revolutionize the availability and reach of the Senate Committee on Ethics, Privileges and Public Petitions as it facilitates quick and expansive communication between citizens and the Legislature. Any citizen with a smart phone or computer with internet connectivity will be able to raise issues for consideration which will consequently increase public awareness of the Committee and its mandate.

RECOMMENDATIONS

Development of a Mechanism to Ensure Compliance with Resolutions - The work of the Committee would be incomplete and counterproductive if strict adherence is not given to the Resolutions passed by the National Assembly. It is important for the Committee and the National Assembly that the Public and other stakeholders adhere to them, as this will further strengthen the work of the Legislature and the smooth and efficient running of democratic governance. The Committee should commit to developing a mechanism that will ensure that the public and other stakeholders obey resolutions passed by the National Assembly.

Deployment of Technology and Social Media - The Committee should aim for full scale deployment of modern technology and

mainstreaming digital/technical corporate culture in its records/ data management and stakeholder engagement. It could also deploy technology in increasing public awareness through electronic newsletters, media campaigns, live streaming of its hearings in addition to providing information on its work through social media tools like Facebook and twitter for instance. The disaggregation of data through proper records/data management will also aid the Committee to monitor its users, their sex and class which can help it assess its reach and make proper adjustments where necessary.

Engagement and Partnership with Civil Society Organizations -

Civil Society Organisations (CSOs) remain critical stakeholders to the advancement of human rights. CSOs can partner with the Senate Committee on Ethics, Privileges and Public Petitions to educate the public on the powers and duties of the Committee.

Capacity Building of Members and Staff – Due to the high turnover of Legislators in each Assembly and a change in composition of membership, there is need for Members and staff to improve on their skills and competencies required to increase the efficacy of the Committee. This could also involve carrying out an evaluation or a needs assessment of its capacity in addition to partaking in trainings. As the secretariat serves as the institutional memory of the Committee, there is need to strengthen its capacity to provide continuity during the transition and induction of new and returning Legislators.

Exploring the Possibility of the Public Petitions Office at state level

Due to the large volume of public petitions that the Committee receives and the fact that petitioners and respondents may have to travel from across the country, there is need to explore the possibility of having a Public Petitions office at the State level.

CONCLUSION

The Senate Committee on Ethics, Privileges and Public Petitions is an important Committee capable of transforming citizens experiences in their interface with the Legislature. However, the current mechanism of providing citizens with a voice to participate in decision making and democracy can be improved through the implementation of the recommendations contained in this publication.

LIST OF MEMBERS OF THE SENATE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS

Senator Ayo Akinyelure - **Chairman**

Senator Ahmad Babba Kaita - **Deputy Chairman**

Senator Matthew Urhoghide

Senator Samuel Egwu

Senator Chukwuka Utazi

Senator Opeyemi Bamidele

Senator James Manager

Senator Ibrahim Gobir

Senator Dimka Hezekiah

Senator Gabriel Suswan

Senator Haliru Jika

Senator Albert Basse Akpan

Senator Aishatu Ahmad

Committee Secretariat

Freedom Osolo - Clerk

Christian Onwusonye - Assistant Clerk

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About Us

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

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