

ACHIEVEMENTS OF THE MINISTRY OF JUSTICE UNDER THE
SENATOR DR. IFEANYI OKOWA'S ADMINISTRATION

The Delta State Ministry of Justice as a statutory Ministry of Government is key to the successful implementation of governmental policies and programmes as it provides the necessary legal framework and advice for Government to achieve its overall objectives.

The Ministry of Justice as a service oriented delivery Ministry is crucial to the formulation of formidable legal instruments to drive the SMART agenda and the prosperity for all Deltans vision of the Senator Dr. Ifeanyi Okowa's administration.

The Attorney-General and Commissioner for Justice is empowered by Section 195 of the 1999 Constitution of the Federal Republic of Nigeria as (amended) where he derives his powers from as the Chief Law Officer of the State Government. The Attorney-General works with the Solicitor-General/Permanent Secretary and with other Officers in the Ministry in performing the statutory functions conferred on the Ministry by law.

The functions of the Ministry include:

- *Rendering of Legal advice to Government Ministries, Departments and Agencies (MDA's)*
- *Drafting of Bills and Regulations*
- *Handling of litigations by or against Government in tax and revenue matters*
- *Criminal Prosecutions*
- *Perform the functions of Administrator General and Public Trustee*
- *Law Reporting, Review, Research and Publication*

- *Drafting and vetting of contractual agreements and memorandum of understanding between Government and its contractors, other levels of Government, International Agencies and Multinational Corporations*
- *Non-Adversarial dispute Resolution through reconciliation, arbitration and mediation*
- *Promotion and Protection of Human Rights including the child's right amongst others.*

Under the Senator Dr. Ifeanyi Okowa's administration, the Ministry of Justice has received tremendous overhaul to deliver on its core mandate and serve as a vehicle to drive and provide a solid legal framework for the successful implementation of the SMART agenda of the government as well as the entrenchment of law and order, good governance, respect for human rights and the rule of law in Delta.

THE ADMINISTRATION OF CRIMINAL JUSTICE SYSTEM.

The desire of the State Government to prevent crime and promote peace and security has also manifested in the vigorous reform process of the various aspects of our Criminal Jurisprudence, both substantive and procedural. To this end, the State is in the process of domesticating the Administration of Criminal Justice Act into a Law of the State. A committee made up of eminent jurists, scholars and lawyers are presently working on the reform of our laws and are currently reviewing the Criminal Justice aspect of it. The Delta State Justice Sector Reform Committee was inaugurated by His Excellency, the Governor, Senator Dr. Ifeanyi Okowa in a formal ceremony on the 5th day of May, 2015 at the Unity Hall, Government House, Asaba. A public hearing on the Administration of Criminal Justice Law took place on Tuesday 9th of August, 2016 at the State House of Assembly. It is hoped that with the passage of the Bill into law, our Criminal Procedure Law will experience its first major reform since 1945 and this will speed up the justice delivery process and make the state more attractive to investors.

Below are some of the legal instruments initiated by the Executive arm of government through the Ministry of Justice for the law and order and good governance of the State.

S/N	EXECUTIVE BILLS	STATUS
1.	<i>A bill for a Law to amend the Delta State Economic Planning Council Law, 2008</i>	<i>Passed</i>
2.	<i>A bill for a Law to prohibit Terrorism, cultism and the use of bombs and other explosives and for other matters connected thereto</i>	<i>Passed</i>
3.	<i>A bill for a Law to provide for the establishment, composition and functions of an Advisory Council on the Prerogative of Mercy and for Purposes Connected therewith</i>	<i>Passed</i>
4.	<i>A bill for a Law to establish the Delta State Investments Development Agency with responsibility for the Regulation and Administration of Investments in Infrastructural Development through Public Private Partnership and other Matters Connected therewith</i>	<i>Passed</i>
5.	<i>A bill for a Law to establish the Delta State Scholarship Board and for Matters Connected thereto</i>	<i>Passed</i>
6.	<i>A bill for a Law to establish the Delta State Signage and Advertisement Agency for the Regulation of Outdoor Structures of Advertisement and for other matters Connected</i>	<i>Passed</i>

	<i>thereto</i>	
7.	<i>A bill for a Law to prohibit kidnapping, hostage taking and for other matters connected thereto The Delta State Anti-Kidnapping Law 2016 has very novel provisions as it seeks to punish all those involved with the commission of the offence including conspirators, those who aid and abet the Kidnappers, owners of properties used to house victims and telecommunication companies which refuse to assist in the investigation of the matter. Victims of the offence who refuse to testify during the trial of accused persons are also liable to be punished. The stringent provisions of this Law will send the required signal that the State takes its responsibilities to provide security for its citizenry and investors seriously.</i>	<i>Passed</i>
8.	<i>A bill for a Law to repeal the Delta State College of Physical Education Mosogar Law, 2002</i>	
9.	<i>A bill for a Law to provide for the Collection Of Haulage fees from Lorries, Trailers and Truck Operators in Delta State and for other matters connected thereto</i>	
10.	<i>A bill for a Law to provide for the Collection of Metal/Steel Scraps from vehicles operators, the registration of Scraps Vendors operating within Delta State and for other Matters Connected thereto</i>	
11.	<i>A bill for a Law to amend the Privatization and</i>	

	<i>Commercialization Law, 1994 Cap p.12 Vol. IV Laws of Delta State, 2008</i>	
12.	<i>A bill for a Law to Regulate the Retirement Age of State-owned Tertiary Institutions in the State and for other Matters Connected therewith</i>	
13.	<i>A bill for a Law to Repeal the Delta State Property Tax Law, Cap D38 Laws of Delta State and Enact a Law to Provide for the levying and Collection of Land Charge and for Purposes Connected therewith</i>	
14.	<i>A bill for a Law to Amend the Delta State Anti-Kidnapping Law, 2016</i>	<i>Passed</i>
15.	<i>A bill for a Law to Repeal the Delta State Peace and Vigilante Commission Law, 2013 and to Enact a bill for a Law to Establish the Delta State Peace and Vigilante Commission and for other Matters Connected thereto</i>	
16.	<i>A bill for a Law to Repeal the Public Procurement Commission Law, 2008 and to Enact the Delta State Public Procurement Commission Law, 2016.</i>	
17	<i>A bill for a Law to Amend the Traditional Rulers Council and Chiefs Law, 2006 in respect of the Ukwata of Umukwata</i>	

MoUS ENTERED INTO BY DELTA STATE GOVERNMENT

These MoUs govern Government’s relationship with the aforementioned Institutions/Bodies and to create obligations, responsibilities and to provide an avenue for further contractual legal obligations if and when the need arises.

1. *Delta State Government and Nigeria Mortgage Refinance Company (NMRC) (An MoU to establish an enabling environment through collaboration that will address the key barrier of access to finance to developing accessible and affordable housing in Delta State which will set a growth process in motion that will deliver affordable houses to Deltans)*
2. *Delta State Government and North China Railway*
(An MoU to execute various infrastructural projects ranging from World Class Office Projects to Erosion Control, Urban Renewal etc)
3. *Delta State Government and Darcano Integrated Services Ltd and Al'Huda Properties Ltd.*
(An MoU to build a Commercial City in Asaba)
4. *Federal Government of Nigeria and Delta State Government*
(An MoU to provide for a National Social Safety Net Programme (NASSP) involving cash transfers to poor and vulnerable Nigerians in order to reduce the increasing rate of poverty.)
5. *Delta State Government and Digital Gaming Systems Ltd.*
(An MoU establishing a State owned lottery to improve revenue generation in the State and provide employment/entertainment platform for residents of Delta State.)
6. *Delta State Government and Mobile Software Solutions Ltd and Consortium*
(An MoU to establish an ICT based on PPP alliance to drive development to the different sectors of the State).
7. *Delta State Government and Yutai Li Nigeria Limited.*

(An MoU to provide sustainable solar power generation which is to be located between Umunede and Otolokpo).

8. *Delta State Government and Alpha Energy and Electric. Inc. & Groups.*

(An MoU aimed at performing detailed technical due diligence to identify probable locations, size, technology and initial cost of power generation plants).

9. *Delta State Government and Samsung Electronics.*

(An MoU to equip an ICT Centre to train 50 teachers who will in turn train other teachers on Information Technology).

10. *Delta State Government and Cosmopolitan.*

(An MoU to build a 200 bed Hospital)

11. *Delta State Government and Multichoice Nigeria Ltd.*

(An MoU to provide virtual learning in classrooms with the aid of satellite connections).

12. *Delta State Government and Nigeria Institute of Medical Research (NIMR)*

(An MoU to establish a research Centre in Delta State).

13. *Delta State Government and Federal Government of Nigeria*

(An MoU to establish an incubation centre in Warri).

CRIMINAL PROSECUTIONS

The Ministry of Justice through the Department of Public Prosecutions receive criminal case files from the Police Criminal Investigation Department, and the Magistrate Courts for rendering of legal advice on all criminal matters, take over and prosecutes criminal cases at the trial and Appellate Courts and

when given a fiat by the Federal Attorney-General, it can also prosecute Federal offences.

From May 29th, 2015 to 7th of September, 2016 the Ministry of Justice through the Department of Public Prosecutions received and rendered a total of 1810 (one thousand and eight hundred and ten) legal opinions and secured over 30 convictions on cases of armed robbery, kidnapping, rape, murder amongst others.

DEPARTMENT OF PEOPLE'S RIGHTS IN THE MINISTRY OF JUSTICE.

It is worthy of note that before the passage of the Multi-door Courthouse Law 2012, in the year 2000, the Government through the Ministry of Justice in its effort to carry out one of its cardinal responsibilities of facilitating just, peaceful and speedy resolution of disputes between persons or between Government or authority and persons with respect to all matters in the State, set up the Department of Peoples Rights vide an EXCO Conclusion E.C. (2000) 22. The Department is to provide an alternative to the traditional Court System for dispute resolution.

The hitherto wholesale reliance only on the conventional court-based litigation system with its attendant limitations of technicality, high costs, delays and its unpredictability had in no small measure made the option less attractive to litigants and persons with one grouse or the other with their fellow individuals or with government or its institutions. In addition the court-based litigation option does not admit of all types of grievances being limited to justiciable grievances and disputes arising from a breach of right or duty that is legally recognizable and enforceable.

There was no place for non-justiciable grievances/ which by our recent experience in the Niger Delta forms the bulk of dispute between individuals and Host communities, Companies and Government. This lacuna only promoted recourse to violence and self-help as a ready means for the settlement of

disputes. As is obvious most of these conflicts are economic related and as such generate a lot of tension and emotion which impedes communication and fruitful dialogue. The alternative dispute resolution option will provide a forum for aggrieved persons to ventilate these grievances unhindered. Expense and cost will also be saved and most importantly previous relationships and trust between the parties are maintained.

The Alternative Dispute Resolution centre in the State Ministry of Justice called the Department of Peoples Rights has the authority to use alternative dispute resolution in the following areas:

(i) Disputes between Companies and host Communities:

To provide a rational basis for resolving this category of dispute every major company shall be required to negotiate and execute a Memorandum of Understanding (MoU) with its host community or communities. The MoU shall set out the social responsibilities of the respective parties as negotiated by them. The MoU shall be attested to by the Honourable Attorney-General and Commissioner for Justice by franking and a copy shall be deposited with the Department for the purpose of monitoring its implementation and settling any disputes that may arise therefrom between the parties.

(ii) Common dispute between Landlords and Tenants:

This category of disputes usually creates insecurity of tenure with its attendant social problems for the tenant and his family. Security of tenure is a necessary ingredient of social stability, required for peaceful disposition in any society.

(iii) Cases of Violation of Human Rights:

One of the constitutional responsibilities of the government is the protection of the human rights of the individual. The responsibility is carried out by the Ministry of Justice and the Department of Peoples Rights is to help the Ministry

become more rights sensitive and responsive to the legal needs of the disadvantaged in particular.

(iv) Dispute between Employers and Employees

There is a need to create industrial harmony in the State and the Department employs every method of dispute resolution to maintain industrial peace.

(v) Any Other Dispute:

Any other type of dispute that may be referred to the Department by the Governor or any Commissioner from time to time.

(vi) Public Enlightenment Campaigns:

The Department is also authorized to undertake public enlightenment campaigns to educate our people on the criminality of the prevalent anti-social conducts such as extortion, kidnapping, riots, youth hooliganism, mob action with their attendant criminal undertone.

*In the discharge of its functions the department is to collaborate with relevant civil society groups such as non-governmental organizations, the private bar and other interested parties to provide greater efficiency and access to justice for all particularly the disadvantaged. The Department, within the period under review, received 452 (four hundred and **fifty-two**) cases, resolved **150 (one hundred and fifty)** of the cases, **50 (fifty)** were abandoned by the complainants while **215 (Two hundred and fifteen)** are still pending.*

This administration has invested massively in capacity building initiatives so as to ensure that the Department of People's Rights perform its duties, particularly in the area of ensuring that Companies that invest in our State are provided a conducive environment to carry out their businesses without disturbance from Host Communities. A conducive environment to do business is a great incentive for investors to do business in Delta State. These initiatives include:-

Training of lawyers in the use of Alternative Dispute Resolution mechanisms. Over 60 Mediators and 15 Arbitration Experts have been trained by this administration.

Provision of laptop Computers fitted with professional legal software and internet connectivity for lawyers in the Ministry. This will ensure that our lawyers spread across the state are competent and well trained to address the needs of Investors across the State on any Community-Company challenges that may arise.

Creation of 25 Mediation Centers across the State by this administration. The Ministry of Justice presently has a Mediation Centre at Asaba, however in view of the several requests for our services across the State, it became imperative to increase the number of such Centres. This will ensure a rapid response time to the needs of investors or companies operating in the State who have issues with their Host Communities and their employees. The need to come to Asaba is therefore eliminated.

Creation of Zonal Offices across the State: In a bid to make justice accessible to all indigenes, residents and investors, the Ministry of Justice has established eleven (11) Zonal offices across the state to prosecute criminal matters, commercial disputes, civil claims, etc within the respective zones. The zones include:

Agbor Zone: This zone prosecutes matters in the twin local governments of Ika South and Ika North East. The zonal office is located at Agbor.

Ogwashi-Uku/Ibusa Zone was created under the period under review and it covers Aniocha South Local Government Area and part of Oshimili North Local Government Area. The office is situate at Ogwashi-Uku, Aniocha South Local Government Area.

Akukwu-Igbo/ Issele-Uku also created under this administration covers part of Oshimili North and the entire Aniocha North Local Government Area. The office is located at Issele-Uku, Aniocha North Local Government Area.

Kwale Zone: The three local government areas of Ukwuani, Ndokwa West and Ndokwa East are serviced by the staff of the Ministry of Justice in the Zone. The headquarters of the zone is located in Kwale.

Ozoro/Oleh Zone: This zone prosecutes matters in Isoko North and Isoko South Local Government Areas of Delta State. The office is located at Ozoro, Isoko North Local Government Area.

Ughelli Zone: This zone prosecutes matters from Ughelli North, Bomadi and Patani Local Government Areas. The office is located at Ughelli in Ughelli North Local Government Area.

Otu-Jeremi Zone covers Ughelli South and Udu Local Government Areas and the office is situated at Otu-Jeremi, Ughelli South Local Government Area.

Effurun Zone renders services to the people and investors in Uvwie Local Government Area.

Orerokpe Zone renders services to the people and investors in Okpe and Ethiope East Local Government Areas. The office is located at Orerokpe in Okpe Local Government Area.

Warri Zone: This zone encapsulates 3 local government areas viz: Burutu, Warri North, Warri South and Warri South- West. The office is at Warri in Warri North Local Government Area.

Sapele Zone: There are two local government areas in this zone viz: Sapele and Ethiope West Local Government Areas. The office is situated at Sapele in Sapele Local Government Area.

The creation of the various zonal offices has impacted hugely on the access to justice in the State.

The Policy of the Ministry of Justice to insert Dispute Resolution Clauses in all Commercial Contract agreements between the State and its Investors is aimed at ensuring that ADR is attempted as a first option in resolving disputes.

INFRASTRUCTURAL DEVELOPMENT

- *Renovation of Ministry of Justice Headquarter buildings*
- *Provision of over 170 laptops equipped with e-library (Law Pavilion) for lawyers and non-legal Officers*
- *Provision of modern office furniture*
- *Provision of Internet Connectivity*
- *Refurbishment of over 5 abandoned official vehicles*
- *Provision of air conditioners*
- *Provision of photocopiers*

PUBLIC ENLIGHTENMENT CAMPAIGN

- (i.) *Within the period under review, the Ministry initiated a Public Enlightenment Programme on TV known as Justice Half Hour. The programme is aimed at creating public awareness for members of the public to respect the laws of the land and also to highlight the role of the Ministry of Justice in promoting peace and security, the rule of law and good governance in the State.*
- (ii.) *The 30 minutes educative programme is also aimed at promoting the spirit of patriotism and encourage our people to exercise their civic responsibilities of reporting activities of criminals as well as encourage witnesses in matters pending in Court to willingly come forward to give evidence during trials against accused person. It is also designed to create public confidence in the minds of our people*

to join hands with Government in fighting crime and the prosecution of offenders.

