

CHAPTER 45

ENUGU STATE CITIZENS' RIGHTS AND MEDIATION CENTRE LAW

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Short title

Interpretation

CHAPTER 45

ENUGU STATE CITIZENS' RIGHT AND MEDIATION CENTRE LAW

A Law to provide for the establishment of the Citizens' Rights and Mediation Centre, for the duties of the Centre and for other matters connected therewith.

I. This Law may be cited as the Enugu State Citizens' Rights and Mediation Centre Law.

2. In this Law —

"Attorney-General" means the Attorney-General of the State.

"Centre" means the Citizens' Rights and Mediation Centre established under section 3 of this Law

"Council " means Governing council of the Centre

"Government" means Government of the State:

"Governor" means Governor of the State.

"Indigent citizen" means a person considered indigent by the Council, "Memorandum of

Understanding" means the terms of the resolution agreed upon by the parties to the dispute as recorded by the mediator:

'State" means Enugu State of Nigeria

Duties of the
Centre

3. (1) There is hereby established a Centre to be known as the Citizens' Rights and Mediation Centre (referred to in this Law as "the Centre")

(2) The Centre shall be body corporate with perpetual succession and common seal and may sue and be sued in its corporate name.

4. The Centre shall serve as an Alternative Dispute resolution Centre providing a non-adversarial forum for the mediation and settlement of disputes between parties who voluntarily agree to the mediation of disputes by the Centre,

5. The Centre shall —

(a) mediate on disputes reported to it in respect of —

- (i) landlord and tenant matters;
- (ii) contracts of employment
- (iii) family matters
- (iv) debt related matters
- (v) any other matter as the Centre may deem fit to deal with.

- (b) have responsibility for the provision of free legal service and advice to and in respect of, persons entitled thereto in accordance with this Law.
- (c) In performing its duties under this Law, provide a free dispute resolution option and shall resolve disputes within the shortest possible time

Establishment of
the citizen
Mediation Centre

Centre as
Forum for
Alternative
Dispute
Resolution.

6. (1) There shall be a Governing Council for the Centre, which shall consist of—

- (a) a Chairman who shall be the Attorney-General or his representative;
- (b) the director of the Centre;
- (c) a Chief Magistrate to be nominated by the State Chief Judge;
- (d) a representative of the Nigerian Bar Association, Enugu Branch;

Council

- (e) two representatives of non-governmental organizations concerned with the provision of legal aid,
- (a) two other persons to represent interests not otherwise represented

(2) The members of the Council mentioned in paragraphs (d)(e) and (f) of subsection I of this section shall be appointed by the Governor on the recommendation of the Attorney- General,

Director of
the Centre
and other

7. (1) The Director of the Centre shall be appointed by the Attorney-General. from among the law officers in the Ministry of Justice not below the rank of Chief Legal Officer

(2) Subject to (he approval of the Governor, there shall be appointed from time to time, by the Council such legal and other supporting staff as may be required for the purpose of the efficient performance of the duties of the Centre under this Law.

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8. Notwithstanding the provisions of tire Pensions Act, service in the Centre shall be approved service for the purposes of this Law and accordingly, the Director and oilier members of staff of the Centre shall in respect of their services in the Centre be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades in the public service of the State

PART II- MEDIATION AND MEDIATORS

9.(1) There shall he mediators who shall handle alternative dispute resolutions

Mediators

(2) A Mediator shall—

- (a) be an impartial facilitator who is acceptable to all parties;
- (b) protect the integrity of the proceedings;
- (c) elicit good faith from the participants;
- (d) be a good facilitator and give directions in respect of the mediation process;
- (e) remain neutral and impartial at all limes;
- (f) empower the parties to make their own decisions,
- (g) ensure that parties enter into mediation voluntarily

(3) The mediator shall be a legal practitioner or such oilier person who is trained by a local or international mediation institution or body

10. (1) It shall be the duty of the mediator to find an expedient way of resolving the dispute between panties provided that the method shall be cost effective and less time consuming than a formal adjudicative process.

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(2) The mediator shall resolve disputes through collaboration with the parties.

11. All the parties to the mediation must-

- (a) submit themselves thereto voluntarily

Parties of Mediation

(b) be present throughout the mediation.

12. (1) The mediation procedure shall be commenced by way of a complaint to the Centre
Commencement of the Mediation process.

(2) The mediator shall, on being satisfied that any matter should be dealt with by the Centre, issue letters of invitation to all parties concerned.

13. (1) At the end of every successful mediation, the Centre shall issue a Memorandum of Understanding, which shall be in writing and signed by the parties.

(2) The Memorandum of Understanding shall not be invalid by reason of death of any party thereto, but shall in such an event be enforceable by or against the personal representatives of the deceased party

(3) The Memorandum of Understanding shall be recognized as binding and upon application in writing to the Court, be enforced by the Court

(4) An authenticated original copy of the Memorandum of Understanding or a duly certified copy thereof, shall be without further, sufficient proof of the matters contained therein

(5) The Memorandum of Understanding may be leave of the Court or a Judge, be enforced in the same manner as a judgment or order of Court of the same effect
Service of Centre.

14.(1) The services of the Centre shall be for—

(a) the indigent citizens including woman and children

(b) persons with physical disability resident in the State irrespective of tribe, race and religion

(2) The subject-matter of any mediation must be that in which Courts of the State have jurisdiction.

(3) The Centre shall receive complaints directly from affected persons or through referrals from non-government organizations

(4) The Centre may refer matters brought before it to other appropriate agencies or non-government organizations.

Independence of the Office

15. The Centre shall be independent and impartial in the conduct of its cases

16. the funds of the Centre shall include —

(a) grants from the Governor; and

(b) donations from non-governmental agencies and other donor agencies.

17. The Centre shall periodically organize symposia, conferences, educational activities, workshops and exchange programmes for the purpose of educating and enlightening its staff and the public.

18. (1) The Centre may accept gifts of land, money or other property upon such trusts and conditions, if any, as may be specified by the person or organisation making the gifts,

Commencement of the mediation process

FUNDS OF THE CENTRE

Power to accept gifts

Power to accept gifts

(2) The centre shall not accept any gift if the conditions attached by the person in organisation making the offer are inconsistent with the functions of the Centre.

19. The accounts of the Centre shall lie audited as soon as may be practicable after the end of each financial year by the Auditor General of the State and the expenses for the audit generally shall be paid from the funds of the Centre,

20. (I) Subject to the provisions of subsection (2) of this section, no information furnished to the Council for the purposes of this Law in connection with the case of a person seeking mediation shall be disclosed to any other person otherwise than —

(a) for the purpose of facilitating the proper performance by any person or group of persons of their functions under this Law, or

(b) for the purpose of any criminal proceedings for an offence thereunder or of any report of such proceedings.

(2) The provisions of subsection (I) of this section shall not prevent the disclosure of information for any purpose with the consent of the person in connection with whose case it was given and where he did not give it himself, with that of the person or group or persons, that gave it.

(3) Any person who otherwise than in compliance with the provisions of this Law or any regulations made pursuant to this Law discloses any information obtained by him shall be guilty of an offence and shall be liable, on summary conviction to a fine of ten thousand naira or imprisonment for a term of six months, or both.

21. (1) The Centre shall in each year through the Office of the Attorney-General make a report of its activities in the preceding year to the Council.

(2) The report shall contain —

(a) an account of its operations and transactions throughout the preceding year

(b) a statement of the account of the Centre audited in accordance with section 19 of this Law

22. (1) There may be established such number of branches of the centre in the Local Government Areas of the state as the Council may from time to time deem necessary.

(2) The branches established pursuant to subsection (1) of this section shall be under the supervision of the centre.

23. The Attorney-General may from time to time make regulations for the purposes of this Law

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