

ACCESS TO JUSTICE

ACCESS TO JUSTICE: THE IMPEDIMENT OF BUDGET.

I detest conceptual analysis. Concepts becloud facts as they invent the cloak of mystery and confound us by pushing bare facts to the realm of the metaphysical. Justice and Budget are not mere concepts.

When we talk of justice we are concerned with the survival of man and woman; with the survival of a nation. We are concerned with the fact that those thousands of people that lost their lives in the World Trade Center would have been alive if our world was just; if Osama bin laden and his Al Qaeda network had understood the living codes of justice.

We are concerned with the fact that the monumental human and property losses recorded in Lagos on Jan. 27 this year, following the Ikeja Cantonment bomb explosions would not have been if somebody somewhere understood the demands of justice and acted accordingly.

In the same way, budget is not a mere statement of income and expenditure.

It is a part of living. It is about good or bad governance; accountable or corrupt leadership; working or failing justice system. Hence, if a generality of citizens are struggling to eat one meal per day; to have roof over their heads; to pay their way to obtain good education; to find an easy recourse to justice whenever they need, then we have to go back to budget.

Having said that let me state this ugly fact: Justice is slumbering in Nigeria: criminal and civil justice in Nigeria has virtually collapsed. Public confidence in our judicial system is at the lowest ebb.

This fact was admitted recently by the Justice Sector Reform Group; a coalition of Nigerian Bar association and Legal Services NGOs that gave itself the important task of drafting an Action Plan, and working same through the various levels of government with the primary aim of salvaging the Nigerian justice system.

We can no longer pretend that all is well with governance in Nigeria. We have a problem because when a sector as crucial as justice slumbers, what do we expect in other interrelated sectors? How for instance do we expect to attract foreign investment in a country where there is no security of life and property; where contracts are scarcely enforced; where corruption has wrecked almost all the public sector institutions? What type of economic reform can be carried out in a country with no effective legal and regulatory framework? Let us take the current privatization program as an illustration: how far can we go in achieving the aim of moving from a public sector- oriented

economy towards one that is more competitive, export oriented and market based without an efficient regulatory system?

How far can the law go in a country where justice moves at a snail's pace; where cases take ten to twenty years to decide; where there is a general loss of confidence in the courts?

The cumulative effect of the failure of justice is here with us: under development, our indebtedness in the midst of plenty; resort to crude justice; poverty; bad governance and so on. It is a bad phase for justice in Nigeria but government seems unconcerned. I am afraid that lip service is being paid to the task of justice reform by the government. I arrived at this conclusion after a critical analysis of our Budget from 1990-2001. Priorities are misplaced because of our fragmentary notion of development which cannot stand the forceful argument of the Comprehensive development framework popularized by the World Bank.

James Wolfesohn, President of the World Bank, in pioneering a comprehensive development framework exposes the inexactitude of a piecemeal conception of development. The crux of Wolfesohn's crusade is that true development must be seen from a wide compass thus incorporating all the interrelated notions that determine development. From this interactive and overarching compass, a country can only be said to be developed when there is a marked progress in her social, political, economic, legal, educational and other related sectors. If any of these sectors is lagging behind, then we cannot talk of development in the real sense of the word.

BUDGET ANALYSIS: TEST OF GOVERNMENTAL COMMITMENT TO ACCESS TO JUSTICE.

The 2002 Budget estimates is given in a table below:

<u>SECTOR</u>	<u>BUDGET ALLOCATION</u>	<u>% OF TOTAL</u>
Power and Steel	38,500,000,000	13.0
Works and Housing	32,907,151,000	11.0
Water Resources	30,202,917,000	10.2
Federal Capital Territory	22,000,000,000	7.4
Education	17,698,325,000	6.0
Sports and Social Development	15,000,000,000	5.0
Health, including NPI	14,887,455,000	5.0
Information	14,887,455,000	4.7
Internal Affairs	13,597,601,000	4.6
Transport and National	11,407,837,000	

Inland Waterways Authority		
Agriculture and Rural Development	3,873,646,000	1.3
Science and Technology	3,703,860,000	1.2
Solid Minerals Development	2,148,992,000	0.9
Industry	2,148,992,000	0.7
Employment, Labour and Productivity	1,311,573,000	0.4
Women and Youth Development	617,300,000	0.2

- Justice Sector has been neglected in 2002 Budget. None of the different versions of proposal sent the National Assembly as published in the media reflected allocation to the Judiciary. The same omission occurred last year and was blamed on “the learning process”. The question is how far the economy go in a country where justice has collapsed? How can we attract foreign investments in a country where contracts are seldom enforced, where there is wide-spread insecurity of life and properties? How will the current efforts to redeem the justice sector succeed with government’s demonstrated disinterest?

- There is over-emphasis on oil. Lip service is still being paid to issues of diversification of the economy. In aggregate a mere 4.1% of the budget is allocated for the development of non-petroleum products.

- In terms of policy priorities, it is disappointing that a mere 0.4% of the budget is allocated to employment, labour and productivity, and a mere 0.2% is allocated to women and youth development.

- Three items of expenditure are cause for grave concern:

1. The N22 billion (7.4% of the budget) is allocated to the Federal Capital Territory for the construction and upgrading of infrastructure, social and physical facilities. This allocation is higher than what has been allocated to health, education or non-petroleum productive sectors.

2. The N15 billion allocated to Sports and Social Development of the National Stadium Abuja and Games Village is dubious.

3. The massive N49.6 billion allocated to defense is an eloquent testimony of where government priority lies.

The rhetoric on poverty alleviation is now evident as budgetary allocations clearly de-emphasizes all the known indices of poverty reduction, let alone eradication.

It is important however, to note that an explanation has been given for the “zero allocation” to the judiciary by an expert who explained that the judiciary budget is charged under a special head. But no matter how special the judicial allocation may be, the public needs to know to enable the people assess judicial performance in the light of its fiscal allocation.

What we saw in previous budget as it relates to this issue is not encouraging. The justice sector is not prioritized.

1990 Budget

The highest priority of this budget was accorded to the agricultural sector in line with the objective of self-sufficiency in the production of food and agro-allied raw material. In this regard, emphasis was placed on the peasant farmer to increase productivity as well as preserve and market his products. The operations of the Agricultural Development Program (ADP's), the River Basin Development Authorities (RBDA's), State Ministries of Agriculture, the Directorate of Food, Roads and Rural Infrastructure (DFRRI) and Agricultural Finance Institutions were aimed at achieving this goal, without discriminating against large-scale farming.

1991 Budget

The budget focused attention on projects that are more disposed towards meeting the needs of the segments of the population that were more adversely affected by the Structural Adjustment Program, especially in the areas of healthcare delivery, rural and urban water supply, education, employment promotion and environmental protection. Besides these programs, the budget placed emphasis on the completion of projects, which would facilitate the political transition program.

The main thrust of the Federal Program was the consolidation of the gains in the Agricultural Sector, constitution of key basic industrial projects, maintenance of existing socio-economic infrastructure including the Federal High-ways. Communications, education, power, healthcare delivery and the special employment program. Accordingly, the Federal Program allocated about 22% of resources to Agriculture and Rural Development, about 9.2% to Defense and 8.9% to the FCDA. Other key programs of the Federal Government included Works and Housing (especially maintenance of Federal highways) 6.6%), Education (4.0%), and equity participation.

1992 Budget

The priority programs of the budget are as follows:

- Agriculture - The key projects included the Accelerated Food Production (N243 million), Industrial Crops Production (N20 million) as well as Farm Input and Infrastructure Development Programs (N3.7 million).
- Manufacturing - Policy goals included complete disengagement of government from direct manufacturing activities; substantial divestiture of holdings in commercial enterprises, increased local sourcing of raw materials and promotion of small-scale industries.
- Mining and Quarrying (Petroleum) - The objectives of the NNPC during the Plan period included increased exploration activities to enhance the nation's oil and gas reserves, rehabilitation and maintenance of machinery & equipment.
- Power - Emphasis was placed on the rehabilitation of existing generating plants at Kainji, Afam, Delta I, II and III, Oji and Sapele to enhance efficiency in the transmission and distribution systems, as well as raise the level of capacity utilization.
- Defence and Security - The main thrust of the Program was the provision of residential accommodation (including barracks) for officers and men of the Armed Forces.
- General Administration - The priority projects in this sector included the completion of the Federal Secretariat buildings at Benin City, Ibadan and Owerri; the construction and purchase of both offices; and the completion of Federal and State NEC Headquarters at Abuja, Oyo, Katsina, Ogun, Imo and Akwa Ibom States.

1994 Budget

The main policy objectives of the 1994 budget were the promotion of self-sustaining growth in real sectors of the economy under a fixed foreign exchange and interest rate regime, in addition to tight fiscal policies.

1996 Budget

The budget focused on the stimulation of production because it was by expanded production that inflation could be brought down. The policy measures in 1996 were geared towards the enhancement and the effectiveness of policy instruments designed to ensure optimal performance of various sectors of the economy.

- Ministry of Agriculture was allocated N1.986 billion
- Ministry of Education was allocated N673.8 million
- Ministry of Solid Minerals got N586.79 million
- Ministry of Transport got about N6.5 billion

- Ministry of Industry was given about N363.25 million
- Ministry of Power and Steel was given
- Ministry of Aviation was given about N401.85 million
- Ministry of Labour and Productivity got N122.67 million
- Ministry of Science and Technology was allocated N412.2 million
- Ministry of Water Resources and Rural Development was given N1.908 billion
- Ministry of Works & Housing was allocated N465 billion

1997 Budget

The main thrust and objectives of the 1996 Budget continued in 1997. It stressed sustainable economic growth and development which was private-sector driven. Government continued to create the enabling environment through appropriate monetary, fiscal and external policies.

- Ministry of Agriculture was allocated N3.81 billion
- Ministry of Health was allocated N7.343 billion
- Ministry of Education was given N3.807 billion
- Ministry of Water Resources and Rural Development was allocated N2.435 billion
- Ministry of Works and Housing was given N7.67 billion
- Ministry of Power and Steel got about N1.5 billion
- Ministry of Transport was given N6.374 billion

1998 Budget

The policy thrust of the 1998 budget was the stimulation of production. This was necessary in order to effectively fight, in particular, the problems of unemployment and poverty in the society. Accordingly, Government adopted measures to encourage productive activities in the various sectors of the economy. And in line with Government's determination to build a truly market-driven economy, efforts were concentrated on promoting productive private enterprises.