

Extraordinary



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ARMED FORCES ACT (AMENDMENT) BILL, 2021

ARRANGEMENT OF CLAUSES

Clauses:

1. Amendment of Armed Forces Act Cap A20 Laws of the Federation of Nigeria 2004
2. Amendment of section I of the Principal Act
3. Amendment of section 4 of the Principal Act
4. Amendment of section 6 of the Principal Act
5. Amendment of section 26 of the Principal Act
6. Insertion of new Clauses 179A - 179G
7. Citation

A BILL

FOR

AN ACT TO AMEND ARMED FORCES ACT CAP A20 LAWS OF THE
FEDERATION OF NIGERIA 2004 TO FOSTER COLLABORATION BETWEEN
THE ARMED FORCES AND OTHER SECURITY AGENCIES IN THE PROVISION
OF NATIONAL SECURITY AND ESTABLISH THE ARMED FORCES HUMAN
RIGHTS UNIT TO PROVIDE A REPORTING CHANNEL FOR CIVILIANS WHOSE
HUMAN RIGHTS ARE VIOLATED BY MEMBERS OF THE ARMED FORCES
AND FOR RELATED MATTERS

Sponsors:

Hon. Babajimi Benson

Hon. Abdulrazak Namdas

Hon. Yusuf Gagdi

[] Commencement

ENACTED by the National Assembly of the Federal Republic of
Nigeria-

- | | |
|---|--|
| <p>1 1. The Armed Forces Act Cap. A20 Laws of the Federation of</p> <p>2 Nigeria 2004 (in this Bill referred to as 'the Principal Act') is amended as set</p> <p>3 out under this Bill.</p> | <p>Amendment of
armed Forces Act
Cap A20 LFN,
2004</p> |
| <p>4 2. Section 1 of the Principal Act is amended:</p> <p>5 (a) by inserting, after the existing subsection (3), new subclauses</p> <p>6 "(3A), (3B) and (3C)":</p> <p>7 "(3A) The Armed Forces in discharging their functions under</p> <p>8 subsection (3), may collaborate with other relevant security agencies in joint</p> <p>9 operations.";</p> <p>10 "(3B) The Armed Forces shall share intelligence with other</p> <p>11 security agencies and with each other in joint operations, pursuant to sub-</p> <p>12 clause 3(A);</p> <p>13 "(3C) The Armed Forces shall be the lead agency in matters relating</p> <p>14 to their functions under this Bill.";</p> <p>15 (b) in subsection (4)(a), by substituting for the existing</p> <p>16 subparagraphs (i) and (ii), new subparagraphs "(i), (ii) and (iii)"-</p> | <p>Amendment of
section 1 of the
Principal Act</p> |

1 "(i) assisting the Nigeria Customs Service in the enforcement of all
2 customs laws, including anti-bunkering and fishery;

3 "(ii) assisting the Nigeria Immigration Service in the enforcement of
4 all Immigration laws of Nigeria at sea; and

5 "(iii) assisting the Nigerian Maritime Administration and Safety
6 Agency in the enforcement of national and international maritime laws
7 ascribed or acceded to by Nigeria;" and

8 (c) by inserting, after the existing subsection (4), a new subsection
9 "(4A)":

10 "4A For the purpose of the provisions of:

11 (a) subsection (4)(a) (i), upon invitation of the Armed Forces, the
12 Nigeria Customs Service shall be the lead co-ordinating and enforcement
13 agency;

14 (b) subsection (4)(a) (ii), upon invitation of the Armed Forces, the
15 Nigeria Immigration Service, shall be the lead co-ordinating and enforcement
16 agency; and

17 (c) subsection (4)(a) (iii), upon invitation of the Armed Forces, the
18 Nigerian Maritime Administration and Safety Agency shall be the lead co-
19 ordinating and enforcement agency."

Amendment of
section 4 of the
Principal Act t

20 **3.** Section 4 of the Principal Act is amended by:

21 (a) inserting new paragraphs "(ff)" "(fg)" and "(fh)" after the existing
22 paragraph (f) in subsection (2):

23 "(ff) the Vice President;

24 "(fg) the National Security Adviser; and

25 "(fh) the Attorney General of the Federation." and

26 (b) inserting new sub-clauses "(7)" and "(8)" after the existing sub-
27 section (6):

28 "(7) The Forces Council shall meet not less than 4 times in each year,
29 and whenever it is summoned by the Chairman."

30 "(8) The Vice President shall in the absence of the President, chair the

1 meetings of the Forces Council."

2 **4.** Section 6 of the Principal Act is amended by substituting for the
3 existing section 6, a new "Section 6":

Amendment of
section 6 of the
Principal Act

4 "6. The Forces Council shall:

5 (a) formulate policy for the effective regulation of the Armed
6 Forces;

7 (b) organise the work of the Forces Council and the manner in
8 which it shall perform its functions and determine the duties and
9 responsibilities of the members of the Forces Council;

10 (c) ensure the effective coordination of mandatory training for
11 members of the Armed Forces in Human Rights and Criminal Justice
12 Administration;

13 (d) delegate to any member of the Armed Forces Council, by
14 notification, any function and power of the Forces Council;

15 (e) consult with persons who are not members of the Forces
16 Council where necessary;

17 (f) determine the procedure to be followed by the Forces Council in
18 conducting its business, including its quorum; and

19 (g) do such other things which the Forces Council may consider
20 necessary or desirable to secure the better performance of its functions under
21 this Act."

22 **5.** Section 26 of the Principal Act is amended by substituting for
23 the existing section 26, a new "Section 26":

Amendment of
section 26 of the
Principal Act

24 "26 (1) The Forces Council shall have the power to make
25 regulations governing the commissioning of officers, their terms of service,
26 promotion, retirement, resignation, dismissal and such other matters
27 concerning officers of the Armed Forces as may seem necessary.

28 (2) In exercising the powers in sub-clause (1), the Forces Council
29 shall:

Insertion of new
Clauses 179A-
179G

1 (a) determine the qualifications for the appointment of Service
2 Chiefs; and

3 (b) specify conditions for retiring, dismissal, and elongation of the
4 tenure of Service Chiefs."

5 **6.** The Principal Act is amended by inserting new "Clauses 179A -
6 179G":

7 "179A(1) There is established an Armed Forces Human Rights Unit
8 (in this Bill referred to as "the Unit"), to be domiciled in the Ministry of
9 Defence, with the objective to investigate and ensure that civilian complaints
10 are resolved in a fair, economical and expeditious manner.

11 (2) The Unit shall establish offices in each geo-political zone.

12 (3) The Unit shall:

13 (a) receive complaints lodged by civilians;

14 (b) investigate complaints in prescribed manner;

15 (c) where necessary, summon any person to submit an affidavit or to
16 appear in person to give evidence, or produce any document relating to the
17 matter under investigation;

18 (d) resolve any dispute by means of mediation, conciliation or
19 negotiations or in any other expedient manner;

20 (e) ensure the observance of the fundamental human rights of all
21 parties;

22 (f) upon the conclusion of the investigation:

23 (i) uphold or dismiss the complaint, or issue an alternative resolution;

24 (ii) recommend an alternative resolution to the Minister;

25 (iii) recommend to the Minister, any relief, redress or disciplinary
26 measure; or

27 (iv) refer the complainant to the appropriate public institution for
28 conclusion, where the matter falls outside jurisdiction of the Unit;

29 (g) submit to the Minister, not less than four times in a year, a report of
30 the activities of the Unit, and the Minister shall submit such report to the

1 National Assembly within one month of receipt of the report.

2 (h) forward such complaints and reports to the appropriate Armed
3 Forces Headquarters; and

4 (i) do such other things as may be assigned from time to time by the
5 Minister."

6 (3) Any complaint lodged with the Unit shall be determined within
7 six months of receipt of such complaint.

8 (4) Where the complaint lodged pursuant to "Clause 179E" is
9 upheld, the Director shall recommend the appropriate relief, redress or
10 disciplinary measure for implementation to the Minister, and shall
11 immediately in writing, notify all parties of the outcome of the investigation.

12 (5) In the performance of its functions under this Act, the Unit shall
13 be an independent body."

14 "179B(1) There shall be for the Unit, a Director, who shall be
15 appointed by the President, on recommendation of the Minister.

16 (2) The Director shall:

17 (a) be a person with cognate knowledge of the Constitution and
18 legal experience;

19 (b) possess at least ten years cognate experience in the military or
20 possess knowledge of the military and public administration; and

21 (c) hold office for a non-renewable term of five years.

22 (3) The Director shall be the chief executive of the Unit and shall be
23 responsible for:

24 (a) the execution of the functions of the Unit;

25 (b) the administration, coordination, supervision and management
26 of the day to day activities of the Unit;

27 (c) ensuring that the Unit achieves its objective;

28 (d) keeping the books and proper records of the proceedings of the
29 Unit;

30 (e) the training, supervision and general direction of all other

1 employees of the Unit; and

2 (f) the performance of such other duties as the Minister may, from
3 time to time, assign.

4 (4) The Director may be suspended or removed from office by the
5 President, where the Director:

6 (a) demonstrates inability to effectively perform the functions of the
7 office;

8 (b) is guilty of serious misconduct; or

9 (c) in the case of a person in possession of professional qualifications,
10 is disqualified or suspended from practicing the profession in Nigeria by an
11 order of a competent Authority."

12 "179C The Unit may not investigate a complaint relating to:

13 (a) the manner in which a military judge performs his functions;

14 (b) a matter that is pending before a military or any court of competent
15 jurisdiction;

16 (c) a matter on which a decision has been taken by a military or any
17 court of competent jurisdiction;

18 (d) a matter that is frivolous or vexatious;

19 (e) matters where the complainant failed to lodge a complaint within
20 the time frame as prescribed by relevant law or regulations; and

21 (f) a matter that has been referred by the complainant to any other
22 dispute resolution mechanism."

23 "179D(l) The Unit shall employ either directly or on transfer or
24 secondment from the civil service of Federation or private sector, such number
25 of employees as may be required to assist the Director in the discharge of the
26 functions of the Unit under this Bill.

27 (2) The remuneration of the staff shall be determined in consultation
28 with the Salaries and Wages Commission."

29 "179E(1) A civilian who alleges a human rights violation by a
30 member of the Armed Forces, may make a complaint in the prescribed manner

1 with respect to that matter to the Armed Forces Human Rights Unit
2 established under "Clause 179 A."

3 (2) Any matter brought pursuant to sub-clause (1), shall be
4 reported to the Unit within reasonable time of the occurrence of such
5 incident."

6 "179F Subject to the approval of the Minister, the Unit shall make
7 regulations with respect to:

8 (a) the procedure for lodging a complaint;

9 (b) the method and conduct of investigation;

10 (c) the prescribed manner for lodging complaints; and

11 (d) any matter in furtherance of the functions of the Unit."

12 "179G (1) The Unit shall establish and maintain a Fund, from
13 which shall be defrayed all expenditures incurred by the Unit for the purpose
14 its functions under this Bill.

15 (2) There shall be credited to the Fund of the Unit:

16 (a) such sums as may be appropriated to the Unit Federal by the
17 Government;

18 (b) sums accruing to the Unit by way of gifts, endowments,
19 donations, bequests, grants or other contributions by individuals and
20 organisations; and

21 (c) other sums which may, from time to time, accrue to the Unit.

22 (3) The Unit shall not accept any fund under subclause (2), where
23 the conditions attached by the person or organization providing such funds
24 are inconsistent with the objectives and functions of the Unit under this
25 Bill."

26 7. This Bill may be cited as the Armed Forces Act (Amendment) Citation
27 Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend Armed Forces Act Cap A20 Laws of the Federation of Nigeria 2004, to foster collaboration between the Armed Forces and other Security Agencies in the provision of national security, and establish the Armed Forces Human Rights Unit to provide a reporting channel for civilians whose fundamental human rights are violated by members of the Armed Forces.

NIGERIA POLICE ACT (AMENDMENT) BILL, 2021

ARRANGEMENT OF CLAUSES

Clause:

1. Amendment of the Nigeria Police Act 2020. (The Principal Act)
2. Amendment of section 4 of the Principal Act
3. Amendment of section 8 of the Principal Act
4. Amendment of section 60 of the Principal Act
5. Amendment of section 84 of the Principal Act
6. Amendment of section 113 of the Principal Act
7. Amendment of section 114 of the Principal Act
8. Amendment of section 115 of the Principal Act
9. Amendment of section 116 of the Principal Act
10. Amendment of section 117 of the Principal Act
11. Amendment of section 118 of the Principal Act
12. Amendment of section 119 of the Principal Act
13. Amendment of Section 141 of the Principal Act
14. Citation

A BILL

FOR

AN ACT TO AMEND THE NIGERIA POLICE ACT 2020 TO REGULATE THE POWERS OF THE POLICE TO PROMOTE EFFECTIVE COLLABORATION BETWEEN THE POLICE AND OTHER SECURITY AGENCIES AND TO PROVIDE FOR THE OPERATIONAL FRAMEWORK FOR COMMUNITY POLICING IN NIGERIA AND FOR RELATED MATTERS

Sponsors:

Hon. Yusuf Gagdi

Hon. Umar Kumo

Hon. Henry Nwawuba

Hon. Olaide Akinremi

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria:

- 1 **1.** The Nigeria Police Act 2020 (in this Bill referred to as 'the
- 2 Principal Act') is amended as set out under this Bill.
- 3 **2.** Section 4 of the Principal Act is amended by:
- 4 (a) deleting paragraph (d);
- 5 (b) deleting the words "within and outside Nigeria" in paragraph
- 6 (e);
- 7 (c) inserting, after the existing paragraph (t), new paragraphs "(ft)
- 8 to (fg)":
- 9 "(ft) share intelligence with relevant security agencies, on matters
- 10 related to national security; and
- 11 (fg) be the lead agency in matters relating to its functions under this
- 12 Bill, except where the Armed Forces are invited, in which case the Armed
- 13 Forces shall be the lead agency"; and
- 14 (d) inserting, after the existing paragraph (i), new sub-clauses "(2)
- 15 and (3)":
- 16 "(2) Any intelligence obtained and shared under this Clause shall
- 17 not be divulged to any unauthorised person.
- 18 (3) Any person who contravenes the provisions of sub-clause (2),

Amendment of
the Nigeria Police
Act 2020
(The Principal Act)

Amendment of
section 4 of the
Principal Act

	1	commits an offence and shall be liable on conviction to a fine not exceeding
	2	N2,000,000.00 or to a term of imprisonment not exceeding one year or both."
Amendment of section 8 of the Principal Act	3	3. Section 8 of the Principal Act is amended by deleting the words
	4	"but for the purposes of internal security shall remain under the control of a
	5	senior police officer" after the word "Nigeria", in line four.
Amendment of section 60 of the Principal Act	6	4. Section 60 of the Principal Act is amended:
	7	(a) by inserting new "Sub-clause (IA)" after the existing subsection
	8	(1):
	9	"(IA) Any statement taken pursuant to subsection (1), shall be
	10	recorded on camera."; and
	11	(b) in subsection (2), by substituting for the word "may", the word
	12	"shall" after the word "statement" in line one.
Amendment of section 84 of the Principal Act	13	5. Section 84 of the Principal Act is amended by deleting subsection
	14	(2).
Amendment of section 113 of the Principal Act	15	6. Section 113 of the Principal Act is deleted.
Amendment of section 114 of the Principal Act	16	7. Section 114 of the Principal Act is amended by:
	17	(a) substituting for the existing sub- section (1), a new sub-
	18	clause"(1)":
	19	"(1) The objectives of the Community Policing Committee are to:
	20	(a) promote harmony, mutual trust, co-operation in the community to
	21	sustain peace;
	22	(b) maintain a relationship between the community and the Police
	23	force;
	24	(c) promote communication and intelligence sharing between the
	25	Police Force and the community;
	26	(d) promote co-operation for the purpose of combating crime between
	27	the Police and the community;
	28	(e) improve service in the community;
	29	(f) improve transparency and accountability in the provision of police
	30	services to the community; and

1 (g) establish an independent complaint channel to the police
2 service commission."

3 (b) substituting for the existing sub-section (2), a new sub-
4 clause"(2)":

5 "(2) The provisions of this clause does not prevent police liaison
6 with the community by other means, other than the Community Policing
7 Committee.

8 (c) by deleting sub-section (3) of the Principal Act.

9 **8.** Section 115 of the Principal Act is amended by:

Amendment of
section 115 of the
Principal Act

10 (a) substituting for the existing sub-section (1), a new sub-clause
11 "(1)":

12 "(1) For the effective and efficient policing of communities in the
13 States and the Federal Capital Territory, the Commissioner of Police shall
14 establish a Divisional Community Policing Committee (in this Act referred
15 to as "the Community Policing Committee"), in each police division in the
16 states and the Federal Capital Territory, which shall consist of:

17 (a) the divisional police officer;

18 (b) all officers in charge of departments, police stations and post in
19 the division;

20 (c) the traditional rulers in each community within the division;

21 (d) a representatives of the community associations or town unions
22 registered with the Corporate Affairs Commission within the division; and

23 (e) whenever it deems it necessary, co-opt other members, experts,
24 community leaders to the committee in an advisory capacity."

25 (b) substituting for the existing sub-section (2), a new sub- clause
26 "(2):

27 "(2) The Community Policing Committee shall be headed by the
28 Divisional Police Officer as the Chairman."

29 (c) substituting for the existing sub-section (3), a new sub-clause
30 "(3)":

	1	"(3) The Community Policing Committee shall elect from itself, a
	2	vice-chairman to assist the chairman, and in the absence of the Chairman, shall
	3	perform the duties of the Chairman."
Amendment of section 116 of the Principal Act	4	9. Section 116 of the Principal Act is amended by:
	5	(a) substituting for the existing sub-section (1), a new sub-clause
	6	"(1)":
	7	"(1) The functions of the of the Community Policing Committee shall
	8	include assisting the police in:
	9	(a) crime detection and prevention;
	10	(b) conflict resolution;
	11	(c) criminal intelligence gathering and dissemination to the local
	12	police commanders;
	13	(d) maintenance of law and order;
	14	(e) deployment to complement the conventional Police in the patrol of
	15	the public space within their local communities;
	16	(f) reassuring and advising the public on public safety, crime
	17	prevention and security tips;
	18	(g) reporting offences to the police; and
	19	(h) working with groups and organisations in the community control
	20	crime in the community.
	21	(b) deleting sub-section (2)."
Amendment of section 117 of the Principal Act	22	10. Section 117 of the Principal Act is amended by:
	23	(a) substituting for the existing sub-section (1), a new sub-clause
	24	"(1)":
	25	"(1) Members of the Community Policing Committee, shall render
	26	their services on a voluntary basis."
	27	(b) deleting sub-sections (2) and (3)."
Amendment of section 118 of the Principal Act	28	11. Section 118 of the Principal Act is amended by substituting the
	29	existing Section 118 for a new section "118":
	30	"118(1) The Community Policing Committee shall appoint from

1 amongst its members, a civilian to serve as its secretary, and to maintain
2 records of all committee proceedings.

3 (2) The meeting of the Community Policing Committee shall be
4 convened at least, once every calendar month by the Chairman of the
5 Committee, and the records of each meeting kept, and submitted to the
6 commissioner of police after each meeting.

7 (3) The Community Policing Committee shall determine the
8 procedure for its meeting, and the quorum for meetings shall be a simple
9 majority of the members.

10 (4) In the absence of the Chairman and Vice- Chairman, the
11 secretary of the Committee shall act as the chairman, and if the chairman,
12 vice-chairman and secretary are absent, the members present may elect one
13 among them to preside over the meeting."

14 **12.** Section 119 of the Principal Act is amended by:

Amendment of
section 119 of the
Principal Act

15 (a) substituting for the existing sub-section (1), a new sub-clause
16 "(1)":

17 "(1) The Inspector General of Police shall post police officers
18 below the rank of Deputy Superintendent of Police to their local
19 communities to serve for a period of at least 5 years."

20 (b) deleting sub-sections (2) - (4).

21 **13.** Section 141 of the Principal Act is amended by inserting the
22 interpretation of the phrase:

Amendment of
section 141 of the
Principal Act

23 (a) "Community Policing" after the interpretation of the word
24 "Commissioner":

25 ""Community Policing" means a structure where the community
26 provides its personnel to support the police in discharging its functions;" and

27 (b) "Local Community" after the interpretation of the word
28 "Inspector"

29 "Local Community" includes place of primary residence for at least 5
30 years;".

Citation	1	14. This Bill may be cited as the Nigeria Police Act (Amendment)
	2	Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Nigeria Police Act 2020 to regulate the powers of the Police to promote effective collaboration between the Police and other security agencies and to provide for the operational framework for community policing in Nigeria.

A BILL

FOR

AN ACT TO AMEND THE CIVIL DEFENCE CORPS ACT NO.6 OF 2007 TO
INSTITUTIONALISE COLLABORATION BETWEEN THE CORPS AND RELEVANT
SECURITY AGENCIES TO STRENGTHEN ITS COMPLEMENTARY ROLE IN THE
MAINTENANCE OF PUBLIC LAW AND ORDER AND FOR RELATED MATTERS

Sponsors:

Hon. Hasan Abubakar Fulata

Hon. Henry Nwawuba

Hon. Gaza Gbefwi

[] Commencement

ENACTED by the National Assembly of the Federal Republic of
Nigeria:

- | | | |
|----|---|---|
| 1 | 1. The Nigeria Security and Civil Defence Corps Act No. 6 of | Amendment of
the Nigeria Security
and Civil Defence
Corps Act No. 6
of 2007 |
| 2 | 2007 (in this Bill referred to as "the Principal Act") is amended as set out in | |
| 3 | this Bill. | |
| 4 | 2. Section 1 of the Principal Act is amended, by inserting after the | Amendment of
Section 1 of the
Principal Act |
| 5 | existing subclause (3), new sub-clause "(4)": | |
| 6 | "(4) In the exercise of its functions under this Act, the Corps shall | |
| 7 | collaborate and share intelligence with relevant security and intelligence | |
| 8 | agencies". | |
| 9 | 3. This Bill may be cited as the Nigeria Security and Civil Defence | Citation |
| 10 | Corps Act (Amendment) Bill, 2021. | |

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Nigeria Security and Civil Defence Corps Act
No.6 of 2007 to institutionalise collaboration between the Corps and
relevant security agencies to strengthen its complementary role in the
maintenance of public law and order.

A BILL

FOR

AN ACT TO AMEND THE NIGERIA SECURITY AND CIVIL DEFENCE CORPS
ACT OF 2003 TO INSTITUTIONALISE COLLABORATION BETWEEN THE CORPS
AND RELEVANT SECURITY AGENCIES TO STRENGTHEN ITS COMPLEMENTARY
ROLE IN THE MAINTENANCE OF PUBLIC LAW AND ORDER, AND FOR RELATED
MATTERS

Sponsors:

Hon. Henry Nwawuba

Hon. Nasiru Ali Ahmed

[] Commencement

ENACTED by the National Assembly of the Federal Republic of
Nigeria:

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9
1. The Nigeria Security and Civil Defence Corps Act of 2003 (in

this Bill referred to as "the Principal Act") is amended as set out in this Bill.

2. Section 27 of the Principal Act is amended by substituting the

existing Section 27 for a new Section "27":

"27 The Corps shall collaborate and share intelligence with

relevant security and intelligence agencies in the maintenance of public law

and order."

3. This Bill may be cited as the Nigeria Security and Civil Defence

Corps Act (Amendment) Bill, 2021.
- Amendment of
the Nigeria Security
and Civil Defence
Corps Act of 2003

Amendment of
Section 27 of the
Principal Act

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Nigeria Security and Civil Defence Corps Act
of 2003 to institutionalise collaboration between the Corps and relevant
security agencies to strengthen its complementary role in the maintenance
of public law and order.

ECONOMIC AND FINANCIAL CRIMES COMMISSION
(ESTABLISHMENT) ACT, 2004 (AMENDMENT) BILL, 2021

ARRANGEMENT OF CLAUSES

Clause:

1. Amendment of the Economic Financial Crimes Commission
(Establishment) Act 2004
2. Amendment of section 1 of the Principal Act
3. Amendment of section 2 of the Principal Act
4. Amendment of section 4 of the Principal Act
5. Amendment of section 6 of the Principal Act
6. Amendment of section 7 of the Principal Act
7. Amendment of section 11 of the Principal Act
8. Amendment of section 13 of the Principal Act
9. Amendment of section 26 of the Principal Act
10. Amendment of section 33 of the Principal Act
11. Citation

A BILL

FOR

AN ACT TO AMEND THE ECONOMIC AND FINANCIAL CRIMES COMMISSION (ESTABLISHMENT) ACT, 2004 TO ENHANCE EFFECTIVE COLLABORATION WITH RELEVANT LAW ENFORCEMENT AGENCIES AND FOR RELATED MATTERS

Sponsors:

Hon. Ibrahim Dutse Abdullahi

Hon. Henry Nwawuba

Hon. Olaide Akinremi

Hon. Gaza Gbewi

[] Commencement

ENACTED by the National Assembly of the Federal Republic of

Nigeria:

- | | |
|---|--|
| <p>1 1. The Economic and Financial Crimes Commission</p> <p>2 (Establishment) Act 2004 (in this Bill referred to as "the Principal Act") is</p> <p>3 amended as set out in this Bill.</p> <p>4 2. Section 1 (2) (c) of the Principal Act is amended by deleting the</p> <p>5 words "is the designated Financial Intelligence Unit (FIU) in Nigeria".</p> <p>6 3. Section 2(1)(a) of the Principal Act is amended:</p> <p>7 (a) in subparagraph (ii), by substituting the existing sub-paragraph</p> <p>8 (ii) for a new subparagraph "(ii)":</p> <p>9 "(ii) be a Forensic Auditor, CISA certified computer Auditor, a</p> <p>10 Legal Practitioner, a detective, or any other person with technical</p> <p>11 experience in an investigation"; and</p> <p>12 (b) in subparagraph (iii), by substituting figure 15 for the figure"</p> <p>13 10".</p> <p>14 4. Section 4 of the Principal Act is amended by inserting, after the</p> <p>15 existing provision, a new subsection "(2)":</p> <p>16 (2) Where a vacancy occurs in the position of the Chairman, the</p> <p>17 vacancy shall be filled within 3 months and any person appointed to act as</p> <p>18 chairman shall not hold office in acting capacity for a period of, not more</p> <p>19 than, 6 months and no more",</p> | <p>Amendment of
the Economic and
Financial Crimes
Commission
(Establishment)
Act 2004</p> <p>Amendment of
Section 1 of the
Principal Act</p> <p>Amendment of
Section 2 of the
Principal Act</p> <p>Amendment of
Section 4 of the
Principal Act</p> |
|---|--|

Amendment of
Section 6 of the
Principal Act

1 **5.** Section 6 of the Principal Act is amended by substituting the
2 existing paragraph (n) for a new paragraph "(n)":
3 “(n) coordination and collaboration with investigating units of
4 relevant law enforcement agencies”,

Amendment of
Section 7 of the
Principal Act

5 **6.** Section 7 of the Principal Act is amended by:
6 (a) in subsection (1)(b), by substituting the words "if it appears" for
7 the words "where there is evidence"; and
8 (b) by inserting, after the existing paragraph (b), a new paragraph
9 "(c)":
10 "(c) in carrying out the special powers under this section, the
11 Commission shall collaborate and share information with other law
12 enforcement agencies",

Amendment of
Section 11 of the
Principal Act

13 **7.** Section 11 of the Principal Act is amended by inserting, after the
14 existing paragraph (g), a new paragraph "(gg)":
15 "(gg) Fundamental Rights as contained under Chapter IV of the
16 Constitution of the Federal Republic of Nigeria 1999, the African Union
17 Charter on Human and People's Rights and any international convention on
18 Human Rights that is domesticated",

Amendment of
Section 13 of the
Principal Act

19 **8.** Section 13 of the Principal Act is amended:
20 (a) in subsection (1), by inserting, after the existing paragraph (c), a
21 new paragraph "(cc)":
22 "(cc) ensuring that when any person is arrested by the commission,
23 the person shall not be paraded before the public unless if the person is
24 convicted"; and
25 (b) in subsection (2), by inserting, after the existing paragraph (b), a
26 new paragraph "(bb)":
27 "(bb) ensuring that when any person is arrested by the commission,
28 the person shall not be paraded before the public unless if the person is
29 convicted",

- | | | |
|----|--|-------------------|
| 1 | 9. Section 26 of the Principal Act is amended by: | Amendment of |
| 2 | (a) in subsection (2)(a), by inserting, after the word "seal", the | Section 26 of the |
| 3 | words "ensuring the property or asset is not defaced or degraded"; and | Principal Act |
| 4 | (b) in subsection (3)(a), by inserting, after the word "Court", the | |
| 5 | words "the Commission shall cause to be published, quarterly in a public | |
| 6 | medium and its website, a comprehensive report of assets seized or forfeited | |
| 7 | and a list of active and concluded prosecutions by the Commission, the | |
| 8 | report shall also be contained in the commission's annual report to the | |
| 9 | National Assembly". | |
| 10 | 10. Section 33 of the Principal Act is deleted. | Amendment of |
| 11 | 11. This Bill may be cited as the Economic and Financial Crimes | Section 33 of the |
| 12 | Commission Act (Amendment) Bill, 2021. | Principal Act |
| | | Citation |

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Economic and Financial Crimes Commission (Establishment) Act, 2004 to enhance effective collaboration with relevant law enforcement agencies.

A BILL

FOR

AN ACT TO AMEND THE CORRUPT PRACTICES AND OTHER RELATED OFFENCES ACT, CAP NO.5 LAWS OF FEDERATION OF NIGERIA 2004, TO CLEARLY DEFINE THE SCOPE OF POWERS OF THE CHAIRMAN OF THE COMMISSION TO REVOKE ORDER OR NOTICE UNDER THE ACT TO AVOID ARBITRARINESS, AND ENSURE EFFECTIVE COLLABORATION BETWEEN THE COMMISSION AND OTHER AGENCIES AND FOR RELATED MATTERS

Sponsors:

Hon. Dachung Bagos

Hon. Olaide Akinremi

Hon. Emeka Chinedu

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria:

- | | |
|--|--|
| <p>1 1. The Corrupt Practices and Other Related Offences Act No.5</p> <p>2 LFN 2004 (in this Bill referred to as 'the Principal Act') is amended as set out</p> <p>3 under this Bill</p> | <p>Amendment of
the Corrupt Practices
and Other Related
Offences Act No. 5
LFN, 2004</p> |
| <p>4 2. Section 6 of the Principal Act is amended by:</p> <p>5 (a) deleting the words "any other law prohibiting corruption" in</p> <p>6 paragraph (a);</p> <p>7 (b) deleting the word "and" immediately after the words "related</p> <p>8 offences" in paragraph (e);</p> <p>9 (c) inserting, after the existing paragraph (D, new paragraphs "(g) -</p> <p>10 (h)":</p> <p>11 "(g)" Collaborate by referring matters within the jurisdiction of</p> <p>12 other agencies to such agency, and</p> <p>13 "(h)" Collaborate where necessary. with other agencies of the</p> <p>14 government to carry out the functions provided under this Bill.</p> | <p>Amendment of
section 6 of the
Principal Act</p> |
| <p>15 3. Section 51 of the Principal Act is amended by inserting after the</p> <p>16 existing sub-clause (2), a new sub-clause (3):</p> | <p>Amendment of
section 51 of the
Principal Act</p> |

Citation

1 “(3)” “Every order for revocation by the Chairman is subject to
2 review by the Attorney General of the Federation.”
3 **4.** This Bill may be cited as the Corrupt Practices and Other Related
4 Offences (Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Corrupt Practices and Other Related Offences Act, Cap No.5 Laws of Federation of Nigeria 2004, to clearly define the scope of powers of the Chairman of the Commission to revoke order or notice under the Act to avoid arbitrariness, and ensure effective collaboration between the Commission and other agencies.

A BILL

FOR

AN ACT TO AMEND THE CUSTOMS AND EXCISE MANAGEMENT ACT, CAP. C45 LFN 2004, TO FOSTER CO-ORDINATION AND COLLABORATION BETWEEN THE NIGERIA CUSTOMS SERVICE AND RELEVANT SECURITY AND INTELLIGENCE AGENCIES AND FOR RELATED MATTERS

Sponsors:

Hon. Olaide Akinremi

Hon. Nwawuba

Hon. Nasiru Ahmed

[] Commencement

ENACTED by the National Assembly of the Federal Republic of

Nigeria:

- | | |
|--|---|
| <p>1 1. The Customs and Excise Management Act Cap. C45 LFN 2004</p> <p>2 (in this Bill referred to as "the Principal Act") is amended as set out in this</p> <p>3 Bill.</p> | <p>Amendment of
the Customs and
Excise Management
Act Cap. C45
LFN 2004</p> |
| <p>4 2. Section 2 of the Principal Act is amended by inserting, after the</p> <p>5 interpretation of the phrase "Entry points" the interpretation of the word</p> <p>6 "Enactment"-</p> <p>7 "Entry points "includes borders, seaports, and airports".</p> | <p>Amendment of
Section 2 of the
Principal Act</p> |
| <p>8 3. Section 8 of the Principal Act is amended by substituting 3 for</p> <p>9 the existing section 8, new "Section 8":</p> <p>10 "8. For the purpose of carrying out or enforcing the provisions of</p> <p>11 the customs and excise laws:</p> <p>12 (a) the Nigeria Customs Service shall be the lead coordinating and</p> <p>13 enforcement agency in joint operations with other relevant security agencies</p> <p>14 which require the enforcement of customs laws;</p> <p>15 (b) the Nigeria Customs Service shall collaborate with relevant</p> <p>16 security and intelligence agencies in joint operations; and</p> <p>17 (c) all officers at entry points shall have the same powers,</p> <p>18 authorities, and privileges as are given by law to police officers."</p> | <p>Amendment of
Section 8 of the
Principal Act</p> |

Citation

1 **4.** This Bill may be cited as the Customs and Excise Management Act
2 (Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Customs and Excise Management Act, Cap. C45 LFN 2004, to foster co-ordination and collaboration between the Nigeria Customs Service and relevant security and intelligence agencies.

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA CAP. C23 LAWS OF THE FEDERATION OF NIGERIA 2004 TO PROVIDE FOR JUDICIAL REVIEW OF ALL ACTIVITIES OF THE NIGERIA POLICE AND TO STRENGTHEN THE LEGAL FRAMEWORKS LISTED UNDER SECTION 315(5) AND FOR RELATED MATTERS

Sponsors:

Hon. Henry Nwawuba

Hon. Hasan Abubakar Fulata

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria:

- | | | |
|----|--|---|
| 1 | 1. The Constitution of the Federal Republic of Nigeria Cap C23 | Alteration of the Constitution of the Federal Republic of Nigeria Cap. C23 LFN 2004 |
| 2 | Laws of the Federation of Nigeria 2004 (in this Bill referred to as "the | |
| 3 | Principal Act") is altered as set out in this Bill. | |
| 4 | 2. Section 215 of the Principal Act is altered by substituting for the | Alteration of Section 215 of the Principal Act |
| 5 | existing sub-section (5), new a "sub-section (5)": | |
| 6 | "(5) Any compliance with directives by the Nigeria Police Force | |
| 7 | with respect to the maintenance and securing of public safety and public | Alteration of Section 315 of the Principal Act |
| 8 | order under this section shall be subject to judicial review." | |
| 9 | 3. Section 315 of the Principal Act is altered by deleting the | |
| 10 | existing sub-section (5). | Citation |
| 11 | 4. This Bill may be cited as the Constitution of the Federal | |
| 12 | Republic of Nigeria (Alteration) Bill, 2021. | |

EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria Cap. C23 Laws of the Federation of Nigeria 2004 to provide for judicial review of all activities of the Nigeria Police, and to strengthen the legal frameworks listed under section 315(5).

ECOWAS CONVENTION ON SMALL ARMS AND LIGHT WEAPONS, THEIR
AMMUNITION AND OTHER RELATED MATERIALS
(RATIFICATION AND ENFORCEMENT) BILL, 2021
ARRANGEMENT OF CLAUSES

Clause:

1. Enforcement of ECOWAS Convention on Small Arms and Light Weapons, their Ammunition, and Other Related Materials
 2. Establishment of the National Centre for the Control of Small Arms and Light Weapons
 3. Functions of the Centre
 4. Appointment of Director General of the Centre
 5. Staff of the Centre
 6. Interpretation
 7. Citation
- Schedule

A BILL

FOR

AN ACT TO ENABLE EFFECT TO BE GIVEN, IN THE FEDERAL REPUBLIC OF NIGERIA, TO THE ECOWAS CONVENTION ON SMALL ARMS AND LIGHT WEAPONS, THEIR AMMUNITION AND OTHER RELATED MATERIALS MADE IN ABUJA, NIGERIA ON THE 14TH DAY OF JUNE 2006 AND FOR RELATED MATTERS

Sponsors:

Hon. Alhassan Ado Doguwa

Hon. Nkeiruka Onyejeocha

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

- | | |
|---|--|
| <p>1 1. The provisions of the ECOWAS Convention on Small Arms and</p> <p>2 Light Weapons, their Ammunition and Other Related Materials (the</p> <p>3 Convention), which are set out in the Schedule to this Bill, shall have a force</p> <p>4 of law in Nigeria and shall be given full recognition and effect and be applied</p> <p>5 by all authorities and persons exercising legislative, executive or judicial</p> <p>6 powers in Nigeria.</p> | <p>Enforcement of
ECOWAS
Convention on
Small Arms and
Light Weapons
their Ammunition,
and Other Related
Materials</p> |
| <p>7 2.-(1) To give effect to Article 24 of the Convention, there is</p> <p>8 established National Centre for the Control of Small Arms and Light</p> <p>9 Weapons (NCCSALW) (in this Bill referred to as "the Centre").</p> <p>10 (2) The Centre shall:</p> <p>11 (a) be a body corporate with perpetual succession and a common</p> <p>12 seal and shall sue and be sued in its corporate name;</p> <p>13 (b) be domiciled in the office of the National Security Adviser;</p> <p>14 3. The Centre shall:</p> <p>15 (a) set in place programmes of action to prevent, combat, and</p> <p>16 eradicate the illicit trade in small arms and light weapons;</p> <p>17 (b) enhance public safety and security through the control and</p> <p>18 regulation of small arms;</p> | <p>Establishment
of the National
Centre for the
Control of Small
Arms and Light
Weapons</p> <p>Functions of the
Centre</p> |

1 (c) educate and sensitise the public and provide information on the
2 dangers of small arms and light weapons to discourage their acquisition and
3 production;

4 (d) ensure that obligations under the ECOWAS Convention and other
5 International Instruments on SALW to which Nigeria is a party or has acceded
6 to are complied with;

7 (e) coordinate national implementation of the ECOWAS Convention
8 and other International Instruments on SALW and report on Nigeria's
9 compliance;

10 (f) collaborate with Security and intelligence agencies on establishing
11 database on small arms and light weapons, and related materials for policy
12 formulation, analysis and decision-making;

13 (g) advise the President on the formulation of policies and strategies
14 towards the implementation of provisions as contained in the ECOWAS
15 Convention on SALW and any other relevant international conventions on
16 SALW to which Nigeria is a party or has acceded to; and

17 (h) perform any other functions related to the objectives of the Centre.

Appointment of
Director General
of the Centre

18 4.-(1) There shall be for the Centre, a Director General who shall be
19 appointed by the President, on recommendation of the National Security
20 Adviser, and subject to confirmation by the Senate.

21 (2) The Director General shall:

22 (a) be a person with at least fifteen years cognate experience and
23 expertise in security services; and

24 (b) hold office for a period of four years in the first instance and
25 subject to satisfactory performance, renewable for a further term of four years
26 and no more.

27 (3) The Director-General shall be the chief executive of the Centre
28 and shall be responsible for:

29 (a) the execution of the policies and programmes of the centre;

30 (b) the administration, coordination, supervision and management of

1 the day to day activities of the centre;
 2 (c) ensuring that the centre achieves its objectives under this Bill;
 3 (d) keeping the books and proper records of the proceedings of the
 4 centre;
 5 (e) the training, supervision and general direction of all other
 6 employees of the centre; and
 7 (f) the performance of such other duties as the President may, from
 8 time to time, assign.

9 (4) The Director-General may be suspended or be removed from
 10 office by the President, where the Director-General:

11 (a) demonstrates inability to effectively perform the duties of the
 12 office; or
 13 (b) is guilty of serious misconduct in relation to their duties; or
 14 (c) is disqualified or suspended from professional practice; and
 15 (d) in the case of a person in possession of professional
 16 qualifications, is disqualified or suspended from practicing the profession in
 17 any part of the world by an order of a competent Authority.

18 **5.** The Centre shall employ either directly or on transfer or
 19 secondment from any relevant security or intelligence agency in the
 20 Federation such number of employees as may be required to assist the
 21 Director General in the discharge of the functions of the centre under this
 22 Bill.

Staff of the
Centre

23 **6.** In this Bill, unless context otherwise requires:
 24 "Centre" means the National Centre for the Control of Small Arms and Light
 25 Weapons established under Clause 2;
 26 "Convention" means the ECOWAS Convention on Small Arms and Light
 27 Weapons, their Ammunition and Other Related Materials as set out in the
 28 Schedule to this Bill;
 29 "ECOWAS" means Economic Community of West African States;
 30 "President" means President of the Federal Republic of Nigeria; and

Interpretation

Citation

1 "SALW" means Small Arms and Light Weapons.

2 7. This Bill may be cited as the ECOWAS Convention on Small Arms
3 and Light Weapons, their Ammunition and Other Related Materials
4 (Ratification and Enforcement) Bill, 2021.

5 SCHEDULE

6 *Clause 1*

7 ECOWAS CONVENTION ON SMALL ARMS AND LIGHT WEAPONS, THEIR
8 AMMUNITION AND OTHER RELATED MATERIALS

9 PREAMBLE

10 We, the Heads of State and Government of the Member States of the Economic
11 Community of West African States (ECOWAS);
12 Mindful of Articles 7, 8, and 9 of ECOWAS Revised Treaty relating to the
13 creation, composition and function of the Conference of Heads of State and
14 Government:

15 MINDFUL of Article 58 of the revised ECOWAS Treaty relating to Regional
16 Security which stipulates that Member States undertake to work to safeguard
17 and consolidate relations conducive to the maintenance of peace, stability and
18 security within the region and to establish and strengthen appropriate
19 mechanisms for the timely prevention and resolution of conflicts;

20 MINDFUL of Article 77 of the Treaty relating to sanctions applicable in cases
21 where a Member State fails to fulfil its obligations to the Community;

22 MINDFUL of the relevant provisions of the Protocol on the Community Court
23 of Justice adopted on 16 July 1991, the ECOWAS conventions on mutual legal
24 assistance and extradition, signed respectively in Dakar on 29 July 1992 and
25 Abuja on 6 August 1994;

26 MINDFUL of the Protocol on Non-aggression signed in Lagos on 22 April
27 1978 and the Protocol on Mutual Assistance in Defence Matters signed in
28 Freetown on 29 May 1981, and more particularly our determination to provide
29 mutual assistance in defence matters in the event of armed aggression or threat
30 of aggression against a Member State;

1 RECALLING the principles of the Charter of the United Nations,
2 particularly the principle that States shall have the right to defend
3 themselves both individually and collectively, the principle of non-
4 intervention and non-interference in internal affairs of another State, and the
5 principle that each Member shall avoid recourse to the threat or use of force;
6 RECALLING also the relevant provisions of the Constitutive Act of the
7 African Union, including the decision by the Executive Council of the
8 African Union requesting the African Union Commission to take necessary
9 measures to establish a legal instrument to prevent, combat and eradicate
10 illicit trade in small arms and light weapons in Africa;
11 RECALLING equally the ECOWAS Protocol relating to the Conflict
12 Prevention, Management and Resolution, Peace-keeping and Security
13 signed in Lome on 10 December 1999, particularly Articles 3, 50 and 51
14 relating to the control of the proliferation of small arms and light weapons
15 and illegal circulation of such arms;
16 TAKING INTO ACCOUNT resolutions of the United Nations Security
17 Council imposing arms embargos on countries in the West African sub-
18 region;
19 ALSO TAKING INTO ACCOUNT the Bamako Declaration of 1st
20 December 2000 on the common African position on the proliferation,
21 circulation and illicit trade in small arms and light weapons;
22 EQUALLY TAKING INTO ACCOUNT other international, regional and
23 sub-regional initiatives aimed at curtailing the proliferation of small arms
24 and light weapons, and the decision relating to the common African position
25 on the review of the United Nations programme of action on small arms and
26 light weapons adopted in Khartoum in January 2006;
27 CONSIDERING that the proliferation of small arms and light weapons
28 constitutes a major destabilising factor in ECOWAS Member States and
29 poses a serious threat to the peace and stability of our peoples;
30 DEEPLY CONCERNED about the uncontrolled flow of small arms and

1 light weapons into Africa in general and West Africa in particular, and aware of
2 the need to effectively control the transfer of arms by suppliers and arms
3 brokers;

4 AWARE of the need to build peace and prevent conflicts in West Africa, and the
5 disastrous consequences the proliferation of small arms and light weapons has
6 on the prolongation of armed conflicts and illegal exploitation of natural
7 resources;

8 AWARE OF THE NEED to prevent, combat and eradicate the illicit
9 manufacture and excessive accumulation of small arms and light weapons,
10 trafficking, detention and use of such arms, which have been seen to have
11 negative effects on the security of each country in the sub-region, human
12 security, international humanitarian law, sustainable development, and human
13 rights;

14 DETERMINED to achieve the objectives outlined in the Declaration on the
15 Moratorium on the Importation, Exportation and Manufacture of Light
16 Weapons in ECOWAS Member States signed in Abuja on 31 October 1998 and
17 in the Code of Conduct for the implementation of the Moratorium adopted in
18 Lome on 10 December 1999;

19 DETERMINED ALSO to consolidate the gains of the Moratorium on the
20 Importation, Exportation and Manufacture of Light Weapons and its Code of
21 Conduct, and to take into account the shortcomings observed, with a view to
22 taking corrective measures;

23 RECOGNISING in this regard the progress achieved in the implementation of
24 the Moratorium, thanks to contributions by the Plan of Action of the
25 Programme for Coordination and Assistance for Security and Development
26 (PCASED);

27 CONSCIOUS of the need to strengthen the institutional and operational
28 capacity of the ECOWAS Executive Secretariat in order to enable fight more
29 effectively against the proliferation of small arms and light weapons, with a
30 view to obtaining the desired results;

16 BEARING IN MIND the Final Communiqué issued at the end of the
17 Summit of ECOWAS Heads of State and Government held in Dakar on 30
18 January 2003 which directed the ECOWAS Executive Secretariat to
19 examine the possibility of transforming the Moratorium into a Convention;

DEFINITIONS

(c) portable anti-aircraft cannons;

1 (d) portable anti-tank cannons, non-recoil guns;

2 (e) portable anti-tank missile launchers or rocket launchers;

3 (f) portable anti-aircraft missile launchers;

4 (g) mortars with a calibre of less than 100 millimetres;

5 2. SMALL ARMS: Arms used by one person and which include
6 notably: - firearms and other destructive arms or devices such as an exploding
7 bomb, an incendiary bomb or a gas bomb, a grenade, a rocket launcher, a
8 missile, a missile system or landmine; - revolvers and pistols with automatic
9 loading; - rifles and carbines; - machine guns; - assault rifles; - light machine
10 guns.

11 3. AMMUNITION: Devices destined to be shot or projected through
12 the means of firearms including among others:

13 (i) cartridges;

14 (ii) projectiles and missiles for light weapons;

15 (iii) mobile containers with missiles or projectiles for anti-aircraft or
16 anti-tank single action systems;

17 4. OTHER RELATED MATERIALS: All components, parts or spare
18 parts for small arms or light weapons or ammunition necessary for its
19 functioning; or any chemical substance serving as active material used as
20 propelling or explosive agent;

21 5. ILLICIT: Covers all that is carried out in violation of this
22 Convention;

23 6. MARKING: Inscriptions permitting the identification of arms
24 covered by this Convention;

25 7. TRACING: Indicates the systematic monitoring of the movements
26 of small arms and light weapons and their ammunition and other related
27 materials, from the manufacturer until the end user, with a view to helping
28 member States competent authorities to detect illicit manufacture and trading;

29 8. BROKERING: Work carried out as an intermediary between any
30 manufacturer, supplier or distributor of small arms and light weapons and any

1 buyer or user; this includes the provision of financial support and the
2 transportation of small arms and light weapons;

3 9. TRANSFER: Includes import, export, transit, transshipment and
4 transport or any other movement whatsoever of small arms and light
5 weapons, ammunition and other related materials from or through the
6 territory of a State;

7 10. NON-STATE ACTORS: Such as any actor other than State
8 Actors, mercenaries, armed militias, armed rebel groups and private
9 security companies.

10 11. SMALL ARMS AND LIGHT WEAPONS In this Convention
11 this shall be deemed to include ammunition and other related materials.

12 ARTICLE 2

13 OBJECTIVES

14 The objectives of this Convention are:

15 1. To prevent and combat the excessive and destabilising
16 accumulation of small arms and light weapons within ECOWAS;

17 2. To continue the efforts for the control of small arms and light
18 weapons within ECOWAS;

19 3. To consolidate the gains of the Declaration of the Moratorium
20 on the importation, exportation and manufacture of small arms and its Code
21 of Conduct.

22 4. To promote trust between the Member States through concerted
23 and transparent action on the control of small arms and light weapons within
24 ECOWAS;

25 5. To build institutional and operational capacities of the ECOWAS
26 Executive Secretariat and the Member States in the efforts to curb the
27 proliferation of small arms and light weapons, their ammunitions and other
28 related materials;

29 6. To promote the exchange of information and cooperation
30 among the Member States.

1 CHAPTER II

2 TRANSFER OF SMALL ARMS AND LIGHT WEAPONS

3 ARTICLE 3

4 PROHIBITION OF TRANSFER OF SMALL ARMS AND LIGHT WEAPONS

5 1. Member States shall ban the transfer of small arms and light
6 weapons and their manufacturing materials into their national territory or
7 from! through their national territory.

8 2. Member State shall ban, without exception, transfers of small arms
9 and light weapons to Non-State Actors that are not explicitly authorised by the
10 importing Member.

11 3. Small arms and light weapons as defined in this Convention shall
12 not be deemed to be goods for the purpose of Article 45 of ECOWAS Revised
13 Treaty of 1993

14 ARTICLE 4

15 CONDITIONS OF EXEMPTION

16 1. A Member State can request exemption from the provisions of
17 Article 3 (b) in order to meet legitimate national defence and security needs, or
18 to participate in peace support or other operations in accordance with the
19 decisions of the United Nations, African Union, ECOWAS, or other regional or
20 sub-regional body of which it is a member.

21 2. For the purpose of paragraph 1 of this article, Member States shall
22 establish and maintain an effective system of export and import licensing or
23 authorisation, as well as of measures on international transit, for the transfer of
24 small arms and light weapons.

25 3. Each Member State shall take such measures as may be necessary
26 to ensure that licensing or authorisation procedures are secure and that the
27 authenticity of licensing or authorisation of the documents can be verified and
28 validated.

ARTICLE 5

PROCEDURES FOR EXEMPTION

1. The request for exemption for an arms transfer is transmitted for examination to the ECOWAS Executive Secretariat and must contain information on:

(a) Details of the arms to be transferred- the quantity, exact type and kind of arms using ECOWAS classification system, including all serial numbers and other marks;

(b) Details of the supplier - full details (name of company and representative, address, and full contact details) of all companies and individuals involved, including brokers where relevant;

(c) Details of the supply process - the number and period of shipments, the routes including transit locations, the type of transport to be used, all companies involved in importing, freight forwarding and handling, details of the storage and management of the weapons whilst being transferred, the time period covered by the activity for which the exemption is requested;

(d) Details of the final end user - name of individual/company/institution and representative responsible, confirmation from relevant national authority that the end user is authorised to import weapons;

(e) Details of the end use.

2. The ECOWAS Executive Secretary shall apply the criteria for Article 6 of this Convention for exemption requests as well as those of paragraph (a) of this Article.

Reasoned opinion of the ECOWAS Executive Secretary shall be sent confidentially to the Member State in order to confirm or refuse the opinion given. The final decision of Member States shall be taken by consensus. In the absence of a consensus, the exemption request as well as the reasoned opinion of the Executive Secretary shall be submitted for a final decision to

1 the ECOWAS Mediation and Security Council.

2 3. The granting of an exemption shall be transmitted to the Member
3 State concerned by the ECOWAS Executive Secretary through the issuing of
4 an exemption certificate.

5 The exemption certificate once issued must accompany the request for an
6 export licence as well as the End-User-Certificate.

7 4. The ECOWAS Executive Secretary shall forward to the Member
8 States information on exemptions and refusals granted within 90 days. The
9 Executive Secretary shall also compile and publish a comprehensive annual
10 report detailing all international arms transfers granted exemptions, and a list
11 of refusals.

12 ARTICLE 6

13 CASES FOR REFUSAL OF EXEMPTIONS FOR TRANSFERS

14 1. A transfer shall not be authorised if:

15 (a) Authorisation on export, import, transit, transshipment or
16 brokering considered as donation has not been provided by all States directly
17 concerned with the transfer;

18 (b) All the required information has not been supplied to the
19 ECOWAS Executive Secretary;

20 (c) The arms have not been marked according to requirements under
21 this Convention.

22 2. A transfer shall not be authorised if its authorisation violates
23 obligations of the requesting States as well as those of Member States, under
24 international law including:

25 (a) Obligations under the Charter of the United Nations - including:

26 (i) Binding resolutions of the United Nations Security Council such as
27 those imposing arms embargoes;

28 (ii) The prohibition on the use or threat of use of force;

29 (iii) The prohibition on intervention in the internal affairs of another
30 State.

1 (b) Universally accepted principles of international humanitarian
2 law.

3 (c) Any other treaty or decision by which the Member States are
4 bound, including:

5 (i) binding decisions, including embargoes, adopted by relevant
6 international, multilateral, regional and sub-regional bodies, such as the
7 African Union Peace and Security Council, to which a State is party;

8 (ii) Prohibitions of arms transfers that arise in particular treaties
9 which a State is party to, such as OTTAWA Convention on Antipersonnel
10 Mines, the 1980 Convention on Certain Conventional Weapons and its
11 Protocols. 3.

12 3. A transfer shall not be authorised if the arms are destined to be
13 used:

14 (a) for the violation of international humanitarian law or
15 infringement of human and peoples' rights and freedoms, or for the purpose
16 of oppression;

17 (b) for the commission of serious violations of international
18 humanitarian law, genocide or crimes against humanity;

19 (c) to worsen the internal situation in the country of final
20 destination, in terms of provoking or prolonging armed conflicts, or
21 aggravating existing tensions;

22 (d) to carry out terrorist acts or support or encourage terrorism;

23 (e) other than for the legitimate defence and security needs of the
24 beneficiary country;

25 4. A transfer shall not be authorised if it is destined to:

26 (a) be used for or to facilitate the commission of violent or
27 organised crime;

28 (b) adversely affect regional security; endanger peace, contribute
29 to destabilising or uncontrolled accumulations of arms or military
30 capabilities into a region, or otherwise contribute to regional instability;

1 (c) hinder or obstruct sustainable development and unduly divert
2 human and economic resources to armaments of the states involved in the
3 transfer;

4 (d) involve corrupt practices at any stage - from the supplier, through
5 any middlemen or brokers, to the recipient;

6 5. A transfer shall not be authorised if it is likely to be diverted, within
7 the transit or importing country or be re-exported, to unauthorized uses or users
8 or into the illicit trade;

9 6. The Executive Secretary and all Member States shall provide
10 elements of proof to apply the criteria enunciated in paragraphs a, b, c, d and e
11 of the present article and to indicate the refusal of exemption request made by a
12 Member State.

13 CHAPTER III

14 MANUFACTURE OF SMALL ARMS AND LIGHT WEAPONS

15 ARTICLE 7

16 CONTROL OF THE MANUFACTURE OF SMALL ARMS AND LIGHT WEAPONS

17 1. Member States shall undertake to control the manufacture of small
18 arms and light weapons within their national territories;

19 2. Each Member State shall regulate the activities of local small arms
20 and light weapons manufacturers and shall undertake to adopt strategies and
21 policies to the reduction and/or limitation of the manufacture of small arms and
22 light weapons so as to control the local manufacture as well as their marketing
23 in ECOWAS region.

24 3. Member States shall undertake to draft an exhaustive list of local
25 manufacturers of small arms and light weapons and the registration of each of
26 them into the national arms registers;

27 4. Where production and/or assembly capacities of small arms and
28 light weapons exist within the ECOWAS region, Member States shall submit
29 to the Executive Secretary.

1 This data shall include the type of the arms and their quantity on their annual
2 production.

3 ARTICLE 8

4 MEASURES OF CONTROL FOR SMALL ARMS AND LIGHT WEAPONS

5 MANUFACTURE

6 Without prejudice to the other measures that Member States will undertake
7 to ensure the effective control of the manufacturing of small arms and light
8 weapons on their national territory, a request for the manufacture of small
9 arms and light weapons will not be granted if the requesting person has not
10 given information relating to:

11 (a) Details of the arms to be manufactured - the quantity, exact type
12 and kind of arms using ECOWAS classification system, including all serial
13 numbers and other markings;

14 (b) The procedure for marking; the procedure for entering details
15 of each small arm and light weapon into the national small arms and light
16 weapons register; information on the storage and management of the
17 weapons after manufacture.

18 CHAPTER IV

19 TRANSPARENCY AND EXCHANGE OF INFORMATION

20 ARTICLE 9

21 NATIONAL DATABASE AND REGISTERS OF SMALL ARMS AND LIGHT

22 WEAPONS

23 1. Member States shall establish where they do not exist already,
24 national computerised registers and database of small arms and light
25 weapons.

26 2. The following information shall be recorded in the national
27 registry:

28 (a) Description of the product (type or model, calibre) and quantity
29 (if it concerns a batch);

30 (b) the content of the marking;

- 1 (c) the names and addresses of the former and current owners and,
2 when possible, successive owners;
3 (d) the date of registration;
4 (e) information concerning each transaction including:
5 (i) the name and address of the shipper, the intermediary (where
6 applicable), the consignee and the user indicated on the end-user certificate;
7 (ii) the point of departure, transit and destination, as well as the
8 customs references and the dates of departure, transit and delivery to the end-
9 user;
10 (iii) the export, transit and import licence (quantities and batches
11 corresponding to the same licence as well as the validity of the license);
12 (iv) full details concerning the method of transport and transporter(s);
13 (v) the controlling agency or agencies (at point of departure, transit
14 and entry);
15 (vi) the nature of the transaction (commercial, non-commercial,
16 private or public, conversion, repair); vii. where applicable, the insurer and/or
17 the financial institution intervening in the transaction.

18 3. Records shall be permanently kept in the register.

19 ARTICLE 10

20 ECOWAS SMALL ARMS AND LIGHT WEAPONS DATABASE AND REGISTERS

21 1. Member States undertake to establish a sub-regional database and
22 register of small arms and light weapons under the ECOWAS Executive
23 Secretary as a way of promoting confidence.

24 2. The ECOWAS Executive Secretariat shall develop in collaboration
25 with the Member States the procedures for the setting up and management of
26 the database and register as well as the issues to be covered.

27 3. The Member States shall provide the ECOWAS Executive
28 Secretariat with all the necessary information for the operation of the sub-
29 regional database and register of small arms and light weapons. Member States
30 also undertake to transmit an annual report to the ECOWAS Executive

1 Secretary detailing their orders or purchase of small arms and light weapons.

2 4. The ECOWAS Executive Secretary shall present an annual
3 report on the workings of the sub-regional database and register of small
4 arms and light weapons at the Summit of Heads of State and Government.

5 5. Records shall be kept in the register permanently.

6 ARTICLE 11

7 REGISTER OF ARMS FOR PEACE OPERATIONS

8 1. Member States undertake to:

9 (a) Establish a register of small arms and light weapons, their
10 ammunition and other related material destined for use in peacekeeping
11 operations both inside and outside the ECOWAS territory under the
12 ECOWAS Executive Secretary as a way of ensuring the control of
13 movements of small arms and light weapons and their effective withdrawal
14 at the end of peace operations in which Member States are participating;

15 (b) Declare in this regard to the ECOWAS Executive Secretariat all
16 small arms and light weapons used in peace operations;

17 (c) Declare to the ECOWAS Executive Secretary all the small arms
18 and light weapons seized, collected and/or destroyed during peace
19 operations on their territory and in the ECOWAS region.

20 2. The ECOWAS Executive Secretary shall take the necessary
21 measures to ensure the adequate recording of the information transmitted by
22 the Member States participating to peace operations.

23 3. Records shall be permanently kept in the register.

24 ARTICLE 12

25 DIALOGUE WITH MANUFACTURERS AND SUPPLIERS

26 1. The ECOWAS Executive Secretary and each Member State
27 shall strengthen cooperation and dialogue with national and international
28 manufacturers and suppliers of arms as well as with the competent
29 international and regional organisations in order to ensure their support,
30 respect for and compliance with the spirit and the letter of this Convention.

2. The ECOWAS Executive Secretary shall take the necessary measures to take advantage of the information available from Member States of the Wassenaar Arrangement, the European Union and other manufacturers and suppliers of arms, in order to strengthen the effective implementation of this Convention.

ARTICLE 13

PREVENTION OF AND THE FIGHT AGAINST CORRUPTION

8 Member States shall institute appropriate and effective measures for
9 cooperation between administrative departments concerned and law
10 enforcement agencies to curb corruption associated with the illicit
11 manufacturing of, trafficking in, illicit possession and use of small arms and
12 light weapons.

CHAPTER V

OPERATIONAL MECHANISM

ARTICLE 14

CONTROL OF POSSESSION OF SMALL ARMS AND LIGHT

WEAPONS BY CIVILIANS

18 1. Member States shall prohibit the possession, use and sale of light
19 weapons by civilians.

20 2. Member States shall regulate the possession, use and sale of small
21 arms by civilians.

22 3. Authorisations may be granted to permit individual possession of
23 one or more small arms and their ammunition in line with the legislation of
24 each Member State. Applications for such authorisations shall be processed by
25 relevant national authorities. All applicants must the relevant national
26 authority in person. The Executive Secretary shall develop and communicate
27 authorisation procedures to the relevant national authority.

28 4. Member States undertake to implement a strict control regime for
29 civilian possession of the small arms. The authorisation procedure will involve
30 issuing a license from the relevant national authority for each small arm used

1 by a civilian. Member States shall not grant an authorisation if the applicant
2 does not meet the following criteria:

3 (a) The required minimum age;

4 (b) Applicant does not have criminal record and has not been
5 subject to morality investigation;

6 (c) Proof of a legitimate reason to possess, carry or use for each
7 small arms;

8 (d) Proof that the prospective owner has undergone safety training
9 and competency training including training in the relevant laws regarding
10 small arms;

11 (e) Proof that the weapon will be stored in a safe place and
12 separately from its ammunition.

13 5. Member States shall impose a limit on the number of weapons a
14 licence may cover and require a 'cooling off period of at least 21 days before
15 an authorisation is granted for the possession of each weapon. Member
16 States shall include an expiration date on each licence and authorisations
17 shall be subject to periodic review. Contravention of regulations concerning
18 possession of small arms in private hands will allow the small arms to be
19 seized by the authorities, the licence/authorisation revoked, and adequate
20 sanctions including penalties applied.

21 6. Member States shall include information regarding the civilian
22 possession of small arms within the national small arm database and register
23 established under Article 9 of the present Convention;

24 7. Member States undertake to introduce minimum penal sanctions
25 for the illicit possession and use of small arms and light weapons and the
26 carrying of unlicensed small arms.

27 ARTICLE 15

28 VISITORS' CERTIFICATES

29 1. Each Member State shall take the appropriate measures demanding that
30 visitors wanting to import temporarily small arms covered by this

1 Convention for the duration of their temporary stay in the ECOWAS region,
2 prepare in advance an application including information about the purpose,
3 type and marking of small arms to be imported into one of the ECOWAS
4 territories and to declare the arms on their arrival. Such application shall be
5 addressed to the relevant authorities of the Member State concerned for
6 decision.

7 2. ECOWAS Executive Secretary shall issue guidelines on the
8 procedures to be followed and communicate them to the relevant authority.

9 3. If the request is agreed, the competent national authorities shall
10 issue to the visitors an entry certificate and an exit declaration at the visitors'
11 arrival and departure.

12 4. All certificates shall be recorded by the Member States concerned
13 in the national small arms register referred to in compliance with the above
14 mentioned Article 9.

15 ARTICLE 16

16 MANAGEMENT AND SECURITY OF STOCKPILES

17 1. Member States shall take the necessary measures to ensure the safe
18 and effective management, storage and security of their national stocks of
19 small arms and light weapons;

20 2. To this effect, Member States shall establish effective standards and
21 procedures for stockpile management, storage and security. These standards
22 and procedures shall include:

- 23 (a) appropriate site;
- 24 (b) physical security measures of storage facilities;
- 25 (c) inventory management and record keeping;
- 26 (d) staff training;
- 27 (e) security during manufacture and transportation;
- 28 (f) sanctions in case of theft or loss.

29 3. Member States shall ensure that stockpiles of small arms and light
30 weapons by manufacturers, dealers as well as individuals are securely stored in

1 accordance with the appropriate standards and procedures;

2 4. Member States shall undertake to regularly review, in
3 accordance with national laws and standards, the storage facilities and
4 conditions of small arms and light weapons held by their armed and security
5 forces and other authorised bodies in order to identify, for disposal, surplus
6 and obsolete stocks;

7 5. The Executive Secretary shall ensure, in collaboration with
8 Member States, that effective standards and procedures for stockpile
9 management of weapons collected in the context of peace operations are
10 duly observed.

11 ARTICLE 17

12 COLLECTION AND DESTRUCTION OF SMALL ARMS AND LIGHT WEAPONS

13 1. Member States shall undertake to collect and/or destroy:

14 (a) the arms which are surplus to the national needs or have become
15 obsolete;

16 (b) seized weapons;

17 (c) unmarked weapons;

18 (d) illicitly held weapons;

19 (e) arms collected in the implementation of peace accords or
20 programmes for the voluntary handing in of weapons.

21 2. All weapons so collected must be registered and securely stored
22 and or destroyed.

23 3. Member States undertake to promote and/ or carry out
24 programme of voluntary handing in of weapons.

25 ARTICLE 18

26 MARKING

27 1. For identification purposes, all small arms and light weapons,
28 their ammunition and other materials, considered as essential by the
29 supplier, shall be assigned a unique and specific marking upon manufacture;
30 this marking shall include the following elements:

1 2. For small arms and light weapons covered under this Convention,
2 (a) "Classic marking" shall include a unique serial number, the
3 manufacturer's identity, as well as the identification of the country and year of
4 manufacture. Information concerning the purchaser's identity and the country
5 of destination should also be included if known at the time of manufacture. The
6 markings shall be expressed alphanumerically. They must be legible and
7 should be featured on a maximum number of main parts of the weapon, and at
8 the very least 15 on the part designated by the manufacturer as essential as well
9 as on one other important part of the arm;

10 (b) A "Security marking" shall be applied to all weapons produced
11 after the entry into force of this Convention. This will permit the identification
12 of the weapons in the event that classic markings have been destroyed or
13 falsified. Security markings must be undertaken on component parts that are
14 not easily manipulated after the weapon's manufacture, and the falsification of
15 which would render the weapon unusable;

16 (c) Member States that import a small arm that is not marked in
17 accordance with the provisions outlined under paragraph a) and b) above shall:

18 (i) Apply a classic marking if the weapons were manufactured before
19 the entry into force of this Convention;

20 (ii) Apply a classic marking and a security marking if the weapons
21 were manufactured after the entry into force of this Convention; failing this, the
22 weapons cannot be imported or must be destroyed;

23 (iii) If the importing country and the year of import are not known at
24 the time of manufacture, the acronym of the importing State and the year of
25 importation are marked by a competent institution in the importing country.

26 3. For ammunition:

27 (a) The markings shall include a unique lot number, the
28 manufacturer's identity, as well as the country and year of manufacture.
29 Information concerning the purchaser's identity and the country of destination
30 should also be included if known at the time of manufacture. These details must

1 feature at least once on the jacket (i.e. cartridge) containing the powder or
2 liquid used in the ammunition or explosive. The markings shall be expressed
3 alphanumerically.

4 (b) The smallest ammunition packaging shall include information
5 outlined under 2(a).

6 ARTICLE 19

7 TRACING

8 1. Member States shall exchange information on illicit small arms
9 and light weapons and on seized small arms and light weapons, as well as
10 trafficking in weapons that contravene international law or the internal laws
11 of the States in which the operations take place (condemnation of the person
12 or institution implicated, sanctions, disposal, destruction methods,
13 neutralisation).

14 2. In the case of other small arms and light weapons, Member
15 States shall exchange the following data on a regular basis:

16 (a) on manufacture (the marking system and techniques used, and
17 authorized manufacturers);

18 (b) on transfers (exports to and/or imports from all other States,
19 transits, information available concerning national legislation, existing
20 practices and controls, authorised dealers and brokers);

21 (c) on existing stockpiles (management, inventory, security,
22 surplus, losses, theft, destruction).

23 3. The Executive Secretary shall receive request for exemption and
24 shall act in accordance with Article 5 of this Convention.

25 4. A Member State may initiate a tracing request through the
26 ECOWAS Executive Secretary in relation to small arms and light weapons
27 found within its territorial jurisdiction that it considers to be illicit.

28 5. To ensure smooth and effective cooperation in tracing, requests
29 for assistance in tracing illicit small arms or light weapons will contain
30 sufficient information including, inter alia:

1 (a) Information describing the illicit nature of the small arm and light
2 weapon, including the legal justification thereof and circumstances under
3 which the small arm and light weapon was found;

4 (b) Markings, type, calibre and other relevant information;

5 (c) Intended use of the information being sought.

6 6. Member States receiving a tracing request shall acknowledge
7 receipt within a reasonable time frame.

8 7. Member States shall provide reliable responses to tracing requests
9 made by other Member States within one month from the date of receipt of the
10 said request.

11 8. In responding to a tracing request, the requested Member States
12 shall provide all available information sought by the requesting Member States
13 that is relevant for the purpose of tracing illicit small arms and light weapons.

14 9. The requested Member States may seek additional information
15 from the requesting Member States where a tracing request does not contain
16 the information required in Paragraph 3 (b) above.

17 ARTICLE 20

18 BROKERING

19 1. Member States shall register all citizens and all companies
20 incorporated in their territory that are brokering small arms and light weapons,
21 including financial agents and transportation agents on armament and shall
22 make such registration a requirement for their licit operation.

23 2. Member States shall ensure that all registered small arms and light
24 weapons brokering agents obtain an explicit authorization for each individual
25 transaction in which they are involved irrespective of where the arrangements
26 take place.

27 3. Member States shall require that all small arms and light weapons
28 brokering license applications for authorisation provide full disclosure of
29 relevant import and export licences or authorisations and associated relevant
30 documents, the names and locations of all brokering and shipping agents

1 involved in the transaction and the transit routes and points of the small arms
2 and light weapons shipments.

3 4. Member States shall adopt such legislative and other measures
4 to punish and establish as a criminal offence the illicit brokering of small
5 arms and light weapons.

6 5. Brokering activities may be assessed under Article 1 and 6 of the
7 present Convention.

8 ARTICLE 21

9 HARMONIZATION OF LEGISLATIVE PROVISIONS

10 1. Member States shall undertake to revise and update national
11 legislation to ensure that the provisions in this Convention are minimum
12 standards for small arms and light weapons control and their ammunition as
13 well as other related materials.

14 2. Each Member State shall adopt legislative and other necessary
15 measures to establish as criminal offence in the following cases:

16 (a) any activity carried out in violation of the provisions of this
17 Convention;

18 (b) any activity carried out in violation of an arms embargo
19 imposed by the United Nations, the African Union or ECOWAS;

20 3. The Executive Secretary shall elaborate and propose to Member
21 States guidelines for harmonization of legislative provisions.

22 ARTICLE 22

23 STRENGTHENING OF BORDER CONTROLS

24 Member States, in collaboration with the ECOWAS Executive Secretary,
25 shall:

26 (a) Strengthen sub-regional cooperation among defence and
27 security forces, intelligence services, customs and border control officials in
28 combating the illicit circulation of small arms and light weapons.

29 (b) Enhancing the capacity of national defence and security forces,
30 law enforcement and security agencies, including appropriate training in

1 investigative procedures, border control and law enforcement techniques, and
2 upgrading of equipment and resources;

3 ARTICLE 23

4 PUBLIC EDUCATION AND AWARENESS PROGRAMMES

5 1. In the interest of promoting a culture of peace, Member States shall
6 design public/community education and awareness programmes at local,
7 national and regional levels in order to involve the population in the efforts to
8 curb the proliferation of small arms and light weapons.

9 2. Member States in this regard shall undertake to develop and/or
10 strengthen their partnership with civil society organisations at local, national
11 and regional level including women, youth and others, for better information
12 and raise public awareness on the dangers of the proliferation of small arms and
13 light weapons.

14 3. Member States shall encourage civil society organisations to play a
15 leading role in creating awareness and education of the population.

16 CHAPTER VI

17 INSTITUTIONAL AND IMPLEMENTATION ARRANGEMENTS

18 ARTICLE 24

19 MEMBER STATES

20 1. Within the framework of the implementation of this Convention,
21 the States Parties which have not yet done so, shall establish through regulation
22 or legislation a National Commission in accordance with Article 51 of the
23 Protocol on mechanisms for prevention, management, resolution of conflict
24 and keeping peace and security and with the enforcement of the decision of the
25 Conference of Heads of State and Government on December 10th, 1999 on the
26 establishment of National Commissions for the fight against the illicit
27 proliferation and circulation of light weapons.

28 2. The National Commissions shall be established according to the
29 existing ECOWAS guidelines contained in the National Manual prepared by
30 ECOWAS.

3 4. The Member States shall elaborate their National Action Plans
4 on Small Arms and Light Weapons.

10 ARTICLE 25

11 THE ECOWAS EXECUTIVE SECRETARY

15 (a) define and carry out the policy for mobilising the necessary
16 resources for the implementation of this Convention;

19 (c) ensure the monitoring and implementation of this Convention;

(e) if ECOWAS Executive Secretary deems it necessary, refer a specific urgent and/or serious question regarding the application of this Convention to the ECOWAS Mediation and Security Council.

25 2. The Executive Secretary shall develop a Plan of action for the
26 implementation of this Convention and submit it to the appreciation of the
27 Member States for adoption. Such a plan shall outline key activities that
28 need to be implemented (such as Capacity Building, harmonization of
29 national legislation, border control, public awareness raising, information
30 exchange among National Commissions, strengthening the capacity of civil

1 society, organisations, etc).

2 3. Member States shall take the necessary measures to endow the
3 ECOWAS Executive Secretariat with the institutional and operational
4 capacities appropriate to the responsibilities given to the Executive Secretary
5 by this Convention.

6 ARTICLE 26

7 COOPERATION WITHIN AND AMONG STATES

8 1. Member States undertake to promote intra- and inter-state
9 cooperation in the implementation of this Convention. To this effect:

10 (a) the ECOWAS Executive Secretary shall prepare procedures for
11 interstate cooperation between security forces, the services in charge 20 of
12 border controls and all other services concerned, in the spirit of this
13 Convention;

14 (b) The ECOWAS Executive Secretary shall facilitate and seek
15 assistance for the training of officials in intra- and interstate cooperation.

16 ARTICLE 27

17 COMPLAINT PROCEDURE CONCERNING VIOLATION OF THIS CONVENTION

18 1. All concerns relating to the violation of this Convention shall be
19 brought to the attention of the ECOWAS Executive Secretary who would then
20 submit such a complaint to the ECOWAS Mediation and Security Council;

21 2. If the ECOWAS Mediation and Security Council considers that
22 there is a breach of the obligations under this convention, it shall decide on the
23 appropriate measures to be taken such as sanctions, inquiry, study or refer the
24 matter to the ECOWAS Court of Justice;

25 3. This review procedure of complaints shall not mean the
26 impossibility for a State or an individual to refer to the ECOWAS Court of
27 Justice if it notes a failure in the application of this Convention.

28 ARTICLE 28

29 MONITORING THE IMPLEMENTATION OF THIS CONVENTION

30 1. In order to ensure the monitoring of and compliance with the

1 provisions of this Convention, the Executive Secretary shall appoint a
2 Group of Independent Experts who supports him. The Group of
3 Independent Experts shall submit a report to the Executive Secretary.

4 2. Member States, upon the request of the Executive Secretary,
5 shall provide the Group of Independent Experts with all information at their
6 disposal on exemption request.

7 3. The Group of Independent Experts may seek any other
8 information it shall deem useful for its work in relation with Member States
9 and through cooperation with Member States of the Wassenaar
10 Arrangements, the European Union and suppliers of arms.

11 4. Each Member State shall submit an annual report to the
12 ECOWAS Executive Secretary on its activities related to small arms and
13 light weapons as well as other matters in relation with this Convention, in
14 accordance with the format of report developed by the Executive Secretary.

15 5. A Conference of all Parties to the Convention shall be convened
16 by the Depositary as soon as possible after the entry into force of this
17 Convention. The Conference of Heads of State and Government of member
18 States shall review the implementation of this Convention and shall have
19 further mandates as decided by Member States. Other Conferences of
20 Member States shall be held as needed.

21 CHAPTER VII

22 GENERAL AND FINAL PROVISIONS

23 ARTICLE 29

24 INTERPRETATION AND DISPUTE SETTLEMENT

25 1. Any dispute arising out of the interpretation and/or the
26 implementation of the Convention shall be settled by way of negotiation or
27 by recourse to the ECOWAS Mediation and Security Council.

28 2. In the absence of a negotiated settlement, the dispute shall be
29 brought before the ECOWAS Court of Justice.

1 ARTICLE 30

2 SPECIAL PROVISIONS

3 The undertakings ensuing from the provisions of this Convention shall not be
4 interpreted as being in contradiction to the spirit and letter of the Conventions
5 or Accords linking a Member State with a Third State as long as these
6 Conventions and Accords are not in contradiction with the spirit and letter of
7 this Convention.

8 ARTICLE 31

9 SANCTIONS

10 Sanctions mentioned in Article 77 of the ECOWAS Revised Treaty are
11 applicable to all Member States whom the ECOWAS Court of Justice would
12 have found to be in violation of this Convention.

13 ARTICLE 32

14 FINAL PROVISIONS

15 (a) Signature, Ratification, Accession and Entry into Force:

16 1. This Convention shall be open for signature to ECOWAS Member
17 States. It shall be subject to ratification.

18 2. It shall enter into force on the date of deposit of the ninth instrument
19 of ratification.

20 3. For a signatory that ratifies this Convention after the date of the
21 deposit of the ninth instrument of ratification, it shall enter into force for that
22 signatory on the date of deposit of its instrument of ratification.

23 4. Any ECOWAS Member State that has not signed this Convention
24 shall be able to accede to it. In this case, this Convention shall enter into force
25 for that State upon the date of the deposit of the instrument of accession.

26 (b) Amendments:

27 1. Any amendment to this Convention proposed by a Member State
28 shall be submitted to the ECOWAS Executive Secretary who shall notify the
29 Member States.

30 2. Decision on the adoption of such an amendment shall be taken by

1 the Conference of Heads of State and Government by a two- thirds majority
2 of the Member States.

3 3. An amendment so adopted shall enter into force for all Member
4 States who are party to this Convention after receipt by the Depository of the
5 instrument of ratification by the majority of Member States.

6 (c) Withdrawal:

7 1. Each Member State shall, in exercising its national sovereignty,
8 have the right to withdraw from this Convention if it decides that
9 extraordinary events related to the subject-matter of this Convention, have
10 jeopardised its supreme interests.

11 2. Withdrawal shall be effected by a Member State giving notice,
12 which includes a statement of the extraordinary events it regards as having
13 jeopardised its supreme interest, twelve months in advance to the
14 Depository. The Depository shall circulate such notice to all other Member
15 States.

16 3. During the period of twelve months referred to in the preceding
17 paragraph, such Member State shall nevertheless continue to observe the
18 provisions of this Convention.

19 (d) Depository Authority

20 1. This Convention shall be deposited with the Executive
21 Secretary of ECOWAS, who is hereby designated as the Depository of the
22 Convention.

23 2. The Depository shall:

24 (a) Receive instruments of ratification;

25 (b) Register this Convention with the African Union, the United
26 Nations, as well as any other organisation as may be decided by the
27 ECOWAS Mediation and Security Council;

28 (c) Transmit authentic copies of this Convention to all States in the
29 ECOWAS region, and shall notify them of signatures and ratifications and
30 accession of this Convention.

EXPLANATORY MEMORANDUM

This Bill seeks to enable effect to be given, in the Federal Republic of Nigeria, to the ECOWAS Convention on Small Arms and Light Weapons, their Ammunition and Other Related Materials made in Abuja, Nigeria on the 14th day of June 2006.

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF HEALTH AND
MANAGEMENT SCIENCES AMAIGBO, IMO STATE, TO PROVIDE FULL-TIME
COURSES, TEACHING, INSTRUCTIONS AND TRAINING IN HEALTH,
MANAGEMENT SCIENCES, APPLIED SCIENCES AND FOR RELATED MATTERS

Sponsored by Hon. Ozurigbo Ugonna

[] Commencement

BE IT ENACTED by the National Assembly of the Federal
Republic of Nigeria as follows:

PART I

- 1 1.-(1) There is hereby established the Federal College of Health
2 and Management Sciences Amaigbo, Imo State (hereinafter referred to as
3 the "College") which shall have such powers and exercise such functions as
4 are conferred on it by this Act. Establishment
of Federal College
of Health and
Management
Sciences Amaigbo,
Imo State
- 5 (2) The College shall be a body corporate with perpetual
6 succession and a common seal and shall have power to acquire and dispose
7 of interests in movable and immovable property.
- 8 (3) The College may sue and be sued in its corporate name.
- 9 2.-(1) The governance of the College and the direction of its affairs
10 shall vest in the Governing Council of the College (in this Bill referred to as
11 "the Council"). Governing Council
of the College
- 12 (2) It shall be the responsibility of the Council to consider and
13 approve:
- 14 (a) the programme of studies, courses, and research to be
15 undertaken by the College;
- 16 (b) the plan of activities of the College;
- 17 (c) the annual estimates of the College; and
- 18 (d) the investment plans of the College.

	1	(3) The provisions of the Schedule to this Bill shall have effect with
	2	respect to the Council as specified therein.
Membership of the Council in the College	3	3.-(1) The Council of the College shall consist of a chairman and the
	4	following other members, to be appointed by the President:
	5	(a) a representative of the Federal Ministry responsible for education;
	6	(b) a representative of the university to which the college is affiliated
	7	for the purpose of moderation;
	8	(c) two representatives of the Academic Board of the College;
	9	(d) a representative of the National Commission for Colleges of
	10	Education; and
	11	(e) the Provost of the College.
Tenure of office of members of the Council	12	4.-(1) A member of the Council (other than an ex-officio member)
	13	shall hold office for a term of four years and subject to the provisions of
	14	subsection (2) of this section, shall be eligible for re-appointment for a further
	15	period of four years.
	16	(2) The office of a member appointed under sections 3 (1) and 3 (1a, b,
	17	c, d) of this Bill shall become vacant if:
	18	(a) the member resigns his office by notice in writing under his hand,
	19	addressed to the Minister; or
	20	(b) the Minister is satisfied that it is not in the interest of the College
	21	for the person appointed to continue in office and notifies the member in
	22	writing to that effect.
Functions of the College	23	5. The functions of the College shall be:
	24	(a) to provide full-time courses in teaching, instruction and training:
	25	(i) Health, Management Sciences, technology, applied sciences; and
	26	(ii) in such other fields of applied learning relevant to the needs of the
	27	development of Nigeria as the Council may from time to time determine;
	28	(b) to conduct courses in health and management sciences for
	29	qualified teachers;
	30	(c) to arrange conferences, seminars and workshops relative to the

1 functions of the college; and

2 (d) to perform such other functions as in the opinion of the Council
3 may serve to promote the objectives of the College.

4 **6.-(1)** The Council of the college shall have power to:

Powers of the
Council

5 (a) hold examinations and grant National Certificate of Education
6 (NCE), Diplomas, professional certificates and other distinctions to persons
7 who have pursued a course of study approved and accredited by the National
8 Commission for Colleges of Education;

9 (b) hold examinations in Health and Management Sciences for
10 qualified teachers;

11 (c) hold public lectures and undertake printing, publishing and
12 bookselling;

13 (d) recruit staff of the right calibre and determine the career
14 structure of such staff;

15 (e) demand and receive from any student or any other person
16 attending the College for the purpose of instruction such fees as the Council
17 may, with the prior approval of the Minister, from time to time determine;

18 (f) receive and make gifts for any charitable purpose;

19 (g) provide amenities for and make such other provision for the
20 welfare of the staff and students of the College;

21 (h) borrow money within Nigeria in such manner and upon such
22 security as the Minister may from time to time authorise;

23 (i) enter into such contracts as may be necessary or expedient for
24 carrying into effect the objectives of the College;

25 (j) establish and maintain such schools and other teaching units
26 within the College or extramural departments as the Council may, from time
27 to time, decide;

28 (k) institute and award fellowships, medals, prizes and other titles;

29 (l) mount exhibitions and displays designed to foster an
30 appreciation of trends in and the scope and requirements of education;

	1	(m) erect, provide, equip and maintain such educational, recreational
	2	and residential facilities as the College may require;
	3	(n) create lectureships and other academic posts and offices and to
	4	make appointments thereto;
	5	(o) encourage and make provision for research in the College; and
	6	(p) do such acts and things as incidental to the foregoing powers as
	7	may advance the objects of the College.
Visitation	8	7.-(1) The Minister of Education shall be the Visitor of the College.
	9	(2) The Visitor shall, not less than once in every five years, conduct a
	10	visitation of the College or appoint a visitation panel consisting of not less than
	11	five experts to conduct the visitation:
	12	(a) for the purpose of evaluating the academic and administrative
	13	performance of the College; or
	14	(b) for such other purpose or in respect of any other affairs of the
	15	College as the Visitor may deem fit.
The Academic Board and its functions	16	8.-(1) There shall be established for each College a board to be known
	17	as the Academic Board which shall consist of the following members:
	18	(a) the Provost of the College who shall be the chairman;
	19	(b) all heads of departments;
	20	(c) the College Bursar;
	21	(d) the College Librarian; and
	22	(e) not more than two members of the academic staff other than heads
	23	of departments to be appointed by the Council.
	24	(2) The Academic Board shall be responsible for:
	25	(a) the direction and management of academic matters of the College
	26	including the regulation of admission of students, the award of certificates,
	27	scholarships, prizes and other academic distinctions;
	28	(b) making periodic reports on such academic matters to the Council
	29	as the Council may from time to time direct;
	30	(c) discharging any other functions which the Council may from time

1 to time delegate to it.

2 **9.** Subject to the provisions of this Act, the Minister may give to
3 the Council directions of a general character or relating generally to matters
4 of policy with regard to the exercise by the Council of its functions under
5 this Act and it shall be the duty of the Council to comply with such
6 directions.

Power of Minister
to give directions
to the Council

7 **10.-(1)** There shall be a Provost of the College (in this Bill referred
8 to as "the Provost") who shall be appointed by the President, with the
9 recommendations of the Minister.

The Provost of
the College

10 (2) Where a vacancy occurs in the post of Provost, the Council
11 shall:

12 (a) advertise the vacancy in not less than two reputable and widely
13 read daily newspaper in Nigeria specifying:

14 (i) the qualifications and qualities of the person who may apply for
15 the post;

16 (ii) the terms and conditions of service applicable to the post; and
17 thereafter draw up a short list of suitable candidates for consideration by the
18 Minister;

19 (3) The President shall appoint as Provost one of the candidates
20 recommended to him under the provisions of subsection (2) of this section.

21 (4) Subject to this Act and the general control of the Council, the
22 Provost shall be the chief executive of the College and shall be charged with
23 general responsibility for matters relating to the day-to-day management
24 operations of the College

25 (5) The Provost shall hold office for a period of five years only
26 beginning with the effective date of his appointment and on such terms and
27 conditions as may be specified in his letter of appointment.

28 **11.-(1)** There shall be for the college two Deputy Provosts namely;
29 Deputy Provost (Academic) and Deputy Provost (Administration).

Deputy Provosts

30 (2) The Council shall appoint the Deputy Provost from among the

- 1 chief lecturers in the College in one of the following ways, that is:
- 2 (a) from a list of five candidates in order of preference, submitted by
- 3 the Provost;
- 4 (b) on the recommendation of a Selection Board; or
- 5 (c) on the nomination of the Provost.
- 6 (3) The Selection Board referred to in subsection (2 b) of this section
- 7 shall:
- 8 (a) consist of:
- 9 (i) the chairman of the Council;
- 10 (ii) the Provost of the College;
- 11 (iii) two members of the Council not being members of the Academic
- 12 Board;
- 13 (iv) two members of the Academic Board;
- 14 (4a) The Deputy Provost Academics shall:
- 15 (i) assist the Provost in the performance of his functions in the
- 16 academic matters of the College;
- 17 (ii) act in the place of the Provost when the post of Provost is vacant or
- 18 if the Provost is, for any reason, absent or unable to perform his functions as
- 19 Provost; and
- 20 (iii) perform such other functions as the Provost or the Council may,
- 21 from time to time, assign to him.
- 22 (b) The Deputy Provost Administration shall:
- 23 (i) assist the Provost in the performance of his functions in the
- 24 administration matters of the College; and
- 25 (ii) perform such other functions as the Provost or the Council may,
- 26 from time to time, assign to him.
- 27 (5) Each of the Deputy Provost shall hold office for a period of two
- 28 years beginning from the effective date of the appointment and may be
- 29 reappointed for another two years and no more.

Resignation of appointment of Principal Officers	1	14. A principal officer may resign his appointment:
	2	(a) in the case of the Provost, by notice to the Visitor; and
	3	(b) in any other case, by notice to the Council.
Other employees of the College	4	15.-(1) The Council may appoint such other persons to be employees
	5	of the College as the Council may determine to assist the Provost and the
	6	principal officers of the College in the performance of their functions under this
	7	Act.
	8	(2) Subject to the provisions of this Act, the remuneration, tenure of
	9	office and conditions of service of the employees of the Council shall be
	10	determined by the Council in consultation with the Federal Civil Service
	11	Commission.
Selection Board for other Principal Officers	12	16.-(1) There shall be, for the College, a selection Board which shall
	13	consist of:
	14	(a) the chairman of the Council;
	15	(b) the Provost;
	16	(c) four members of the Council not being members of the Academic
	17	Board; and
	18	(d) two members of the Academic Board.
	19	(2) The functions, procedure and other matters relating to the
	20	Selection Board constituted under subsection (1) of this section shall be as the
	21	Council may, from time to time, determine.
Pensions	22	17.-(1) It is hereby declared that service in the College shall be
	23	approved service for the purposes of the Pensions Act and, accordingly,
	24	officers and other persons employed in each College shall in respect of their
	25	service in the College be entitled to pensions, gratuities and other retirement
	26	benefits as are prescribed in their respective letters of appointment, so however
	27	that nothing in this Bill shall prevent the appointment of a person to any office
	28	on terms which preclude the grant of a pension and gratuity in respect of that
	29	office.

PART II

18.-(1) The College shall establish and maintain a fund which shall be applied towards the promotion of the objectives specified in this Bill.

Fund of the College

(2) There shall be paid and credited to the fund established under subsection (1) of this section:

(a) such sums as may from time to time be granted to the College by the Federal Government through the National Commission for Colleges of Education;

(b) all moneys raised for the purposes of the College by way of gifts, grants-in-aid or testamentary disposition; and

(c) all subscriptions, fees and charges for services rendered by the College and all other sums that may accrue to the College from any source.

(3) The Council shall submit to the Minister, through the National Commission for Colleges of Education, not later than three months before the end of each financial year or at such other time as he may direct, an estimate of its revenue and expenditure for the next succeeding financial year.

19.-(1) The College may accept gifts of land, money or other property upon such terms and conditions if any, as may be specified by the person making the gift.

Power to accept gifts

(2) The Council shall not accept any gift if the conditions attached by the person making the gift are inconsistent with the functions of the Council.

20. The Council shall keep proper accounts of its receipts, payments, assets and liabilities and shall in respect of each year cause the accounts to be audited.

Accounts and audit

21. The Council shall as soon as may be after the expiration of each financial year, prepare and submit to the Minister a report of its activities during the immediately preceding financial year and shall include in the report a copy of the audited accounts of the College for that year and of

Annual reports

Discipline of
students

1 the auditor's report on the accounts.

2 PART III - MISCELLANEOUS AND SUPPLEMENT

3 **22.**-(1) The Council may make rules providing for the Provost to
4 conduct enquiries into alleged breaches of discipline (including lack of
5 diligence) by students and such rules may make different provisions for
6 different circumstances.

7 (2) The rules shall provide for the procedure and rules of evidence to
8 be followed at enquiries under this section.

9 (3) Subject to the provisions of subsection (1) of this section, where it
10 is proved during the enquiry that any student of the College has been guilty of
11 misconduct, the Provost may, without prejudice to any other disciplinary
12 powers conferred on him by this Act or any regulations made thereunder,
13 direct:

14 (a) that the student shall not, during such period as may be specified in
15 the direction, participate in such activities of the College, or make use of such
16 facilities of the College, as he may specify;

17 (b) that the activities of the student shall during such period as may be
18 specified in the directions, be restricted in such manner as may be so specified;

19 (c) that the student may be suspended for such period as may be
20 specified in the direction; or

21 (d) that the student be expelled from the College.

22 (4) Where a direction is given under subsection (3) (c) or (d) of this
23 section in respect of any student, the student may, within 21 days from the date
24 of the letter communicating the decision to him, appeal to the Council, and
25 where such an appeal is brought, the Council shall, after causing such inquiry to
26 be made in the matter as the Council considers just, either confirm or set aside
27 the direction or modify it in such manner as the Council may think fit.

28 (5) The fact that an appeal brought in pursuance of subsection (4) of
29 this section is pending shall not affect the operation of the direction.

30 (6) The Provost may delegate his powers of enquiry under this section

1 to a disciplinary committee consisting of such members of the College as he
2 may nominate.

3 (7) In all cases under this section, the decision of the Council shall
4 be final unless reversed by the Minister on appeal by the student.

5 **23.** In this Bill, unless the context otherwise requires: Interpretation

6 "chairman" means the chairman of the Council;

7 "College" means the Federal College of Health and Management Sciences
8 Amaigbo, Imo State.

9 "Council" means the Governing Council of the Colleges established
10 pursuant to section 2 of this Bill;

11 "Provost" means the Provost of the College appointed under section 9 of this
12 Act;

13 "functions" includes powers and duties;

14 "Minister" means the Minister charged with responsibility for matters
15 relating to education;

16 "member" means a member of the Council including the chairman.

17 **24. Citation** Citation

18 This Bill may be cited as the Federal College of Health and Management
19 Sciences, Amaigbo (Establishment) Bill, 2021.

20 SCHEDULE

21 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC

22 *Terms of service*

23 1. There may be paid to the members of the Council or any
24 committee, other than ex-officio members, such remuneration and
25 allowances as may be determined by the President from time to time.

26 2. Where a vacancy occurs in respect of the membership specified
27 in section 3, it shall be filled by the appointment of a successor to hold office
28 for the remainder of the term of office of his predecessor in office and such
29 successor shall represent the same interest as his predecessor.

30 3. The Council may act notwithstanding any vacancy in its

1 membership or any defect in the appointment of a member or the absence of a
2 member.

3 *Proceedings*

4 (4) Where the Council desires to obtain the advice of any person on
5 any particular matter, the Council may co-opt persons who are not members of
6 the Council but persons co-opted shall not be entitled to vote at a meeting of the
7 Council.

8 (5) The quorum of the Council shall be one half of the total members
9 of the Council, at least one of whom shall be a member appointed by the
10 President.

11 (6) Decisions of the Council shall be made on approval by a simple majority of
12 members.

13 *Miscellaneous*

14 5.-(1) The fixing of the seal of the College shall be authenticated by
15 the signature of the chairman, Provost and of some other members of the
16 Council authorised generally or specially by the Council to act for that purpose.

17 (2) Any contract or instrument which, if made or executed by a person
18 other than a body corporate would not be required to be under seal may be made
19 or executed on behalf of the College by any person generally or specially
20 authorised to act for that purpose by the Council

21 (3) Any document purporting to be duly executed under the seal of the
22 College shall be received in evidence and shall, unless the contrary is proved,
23 be presumed to be so executed.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal College of Health and Management Sciences Amaigbo, Imo State as institution to offer full-time courses leading to awarding National Certificate on Health and Management Sciences, Diplomas and other relevant education certificates.

The passage of this Bill will extinguish the existing imbalance in the establishment and citing of educational institutions in Imo State.