

BUREAU OF MILITARY VETERANS AFFAIRS
(ESTABLISHMENT ETC) BILL, 2017

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A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE BUREAU OF MILITARY VETERANS AFFAIRS AND TO MAKE PROVISION FOR THE BENEFITS AND WELFARE OF MILITARY VETERANS AND THEIR DEPENDENTS AND FOR RELATED MATTERS, 2017

Sponsored by Hon. Akeem Adeniyi Adeyemi

[] Commencement

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

- 1 1.-(1) The fundamental principles relating to Military Veterans
2 Affairs-
- 3 (a) sacrifices made by military veterans in the service of or for their
4 country or their role in the protection of the national boundaries and security
5 integrity of Federal Republic of Nigeria deserve to be honoured;
- 6 (b) compensation to which military veterans may be entitled for
7 disablement constitutes reparation and is not, despite any provision to the
8 contrary contained in any law, a welfare benefit;
- 9 (c) special consideration shall be given to benefit and relieve
10 military veterans who suffer from physical or mental disability arising from
11 military service rendered by them;
- 12 (d) disparities, inequalities or unfair discrimination as regards the
13 benefits of military veterans and their dependents shall be identified and,
14 where possible, remedied; and
- 15 (e) all government agencies involved with military veterans' affairs
16 shall cooperate with the Bureau to ensure the achievement of the objects of
17 this Bill and, within their available resources, take reasonable legislative
18 and other measures to achieve the progressive realisation thereof.

Fundamental
principles of
Military Veterans
Affairs

1 (2) Any policy regarding the affairs of military veterans shall be
2 aimed at:

3 (a) recognizing and honouring military veterans in life and
4 remembering them in death for their sacrifices on behalf of the nation;

5 (b) ensuring a smooth and seamless transition for military veterans
6 from active military service to civilian life;

7 (c) restoring the capability of military veterans with disabilities to the
8 greatest extent possible;

9 (d) improving the quality of life of military veterans and of their
10 dependents;

11 (e) providing a comprehensive delivery system of benefits and
12 services for military veterans;

13 (f) ensuring that military veterans as a resource enhance the national
14 work force and contribute to the prosperity and development of the country;
15 and

16 (g) contributing toward reconciliation and nation building.

Benefits to
military veterans
or dependents

17 2. A military veteran and his dependents shall be entitled to the
18 following benefits-

19 (a) compensation for disabling injuries, psychological trauma or a
20 terminal disease resulting from his participation in military activities;

21 (b) dedicated counselling and treatment for posttraumatic stress
22 disorder or related conditions;

23 (c) honouring and memorialising of fallen military veterans;

24 (d) education, training and skills development;

25 (e) facilitation of employment placement;

26 (f) facilitation of or, advice on business opportunities;

27 (g) pension;

28 (h) access to health care;

29 (i) housing.

30 (3) All government agencies that are responsible for the payment or

1 provision of benefits to military veterans shall cooperate with the Minister
2 and the Bureau in respect of the payment or provisioning of those benefits.

3 3.-(1) The Director-General shall- within three months after the
4 commencement of this Bill and in consultation with the Minister, compile a
5 priority list of needs of military veterans in relation to their benefits in order
6 to plan and structure operations of the Bureau around the fulfilment of those
7 needs.

Hierarchy of
needs

8 (2) The priority list contemplated in subsection (1) may relate to
9 any need of military veterans, but shall at least prioritise the needs in so far as
10 the benefits referred to in Section 2 are concerned.

11 4.-(1) There is established a Bureau to be known as the Bureau of
12 Military Veterans Affairs (in this Bill referred to as "the Bureau") under the
13 supervision of Ministry of Defence;

Establishment of
Bureau of Military
Veterans Affairs

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

16 5. The Bureau shall have the power to-

Powers and duties
of the Bureau

17 (a) provide the required infrastructure to the Appeals Board
18 established in section;

19 (b) investigate any:

20 (i) submission, inquiry or complaint received any individual
21 military veteran or his dependent; or

22 (ii) submission, inquiry or complaint relating to military veterans'
23 benefits or that of their dependents submitted to the Bureau by the Minister
24 or the Council;

25 (c) provide-

26 (i) the Minister, the Council or any individual contemplated in
27 paragraph (b) with a full report and recommendations; and

28 (ii) such individual with appropriate advice or assistance as may be
29 required;

30 (d) develop strategies and programmes in order to facilitate the

1 progressive realisation of the socio-economic rights of military veterans and
2 their dependents;

3 (e) review, develop and coordinate policy regarding military veterans'
4 affairs;

5 (f) report to the Minister on the monitoring of the execution of
6 approved military veterans' policies and the rendering of inputs for required
7 corrective action;

8 (g) research, define, investigate, evaluate and promote military
9 veterans' affairs on an integrated basis;

10 (h) identify legislative or administrative disparities, inequalities or
11 unfair discrimination regarding the benefits and the needs of military veterans
12 and their dependents in order to rectify such disparities, inequalities or unfair
13 discrimination;

14 (i) review existing legislation with a view to making new policy and
15 promoting a consolidation of such legislation in order to provide for an
16 integrated regulation of affairs of military veterans and their dependents;

17 (j) formulate programmes which seek to promote the affairs of
18 military veterans and submit proposals and recommendations to the Minister;

19 (k) consult other government agencies and all other persons,
20 organisations or institutions who or which are concerned with military
21 veterans' affairs, with a view to achieving the objects of this Bill;

22 (l) collect and keep data and information regarding government
23 controlled and privately administered schemes or programmes dealing with
24 any aspect of the affairs of military veterans;

25 (m) collect data and information regarding all existing benefits of
26 military veterans and their dependents, and establish a database on military
27 veterans and military veterans' affairs, which shall be updated regularly;

28 (n) compile data of ascertained disparities, inequalities or unfair
29 discrimination regarding the benefits and needs of military veterans and their
30 dependents which require rectification on a group or individual basis, whether

1 by legislative provision or otherwise;

2 (o) compile a priority list of the programmes, proposals or
3 recommendations, to be dealt with in the interest of military veterans and
4 their dependents;

5 (p) submit programmes which seek to promote the affairs of
6 military veterans to the Minister-

7 (i) for submission to the Minister for approval; or

8 (ii) for his or her approval; and

9 (iii) shall publish all approved programmes in the Gazette for
10 public notification, whereupon such programmes become binding on all
11 persons and bodies to which they refer and shall be implemented according
12 to their terms.

13 (q) forward proposals or recommendations in connection with any
14 aspect of affairs relating to military veterans and their dependents to the
15 Minister or the Advisory Council, or any other person or body, for purposes
16 of obtaining advice, guidance, direction or endorsement;

17 (r) through the Director-General, enter into a memorandum of
18 understanding or conclude a service level agreement with any government
19 agency which is concerned with military veterans' affairs or which
20 administers any law relating to benefits of a military veteran in order to
21 achieve the objects of this Bill; and

22 (s) exercise any power and perform any duty that may be
23 prescribed.

24 6.-(1) There is established for the Bureau, a body to be known as
25 the Advisory Council on Military Veterans Affairs (in this Bill referred to as
26 "the Council") which shall perform the functions provided for in this Bill
27 and advise the Bureau on matters relating to the policy responsible for
28 military veterans;

29 (2) The Advisory Council shall consist of-

30 (a) Chairman;

Establishment
of Advisory
Council

1 (b) representative of each branch of the armed forces of the Federal
2 Republic of Nigeria;

3 (c) a representative of the Federal Ministries of:

4 (i) Defence;

5 (ii) Finance;

6 (iii) Interior;

7 (iv) Justice;

8 (v) Health;

9 (d) a representative of one non-governmental organization providing
10 military veterans support;

11 (e) one military veteran from each of the six geo-political zones; and

12 (f) the Director-General of the Bureau;

13 (3) The Chairman and other members of the Council shall be-

14 (a) be appointed by the President, subject to confirmation of the
15 Senate; and

16 (b) be persons of proven integrity and have relevant knowledge,
17 experience or expertise that would enable the Council to perform its functions
18 effectively and efficiently.

19 (4) The members of the Council referred to in paragraph (a) - (e) of
20 subsection (2) of this Bill shall be part-time members.

21 (5) The supplementary provisions set out in the schedule to this Bill
22 shall have effect with respect to the proceedings of the Council and other
23 matters contained therein.

Tenure of
Office

24 7. Without prejudice to other provisions of this Bill, the members of
25 the Council shall serve for a period not exceeding four years but shall be
26 eligible for reappointment for a further and final term not exceeding four years.

Resignation,
cessation or
removal from
membership of
the Board

27 8.-(1) A member of the Board other than ex-officio member, may
28 resign his appointment by notice in writing to the President. Which resignation
29 shall take effect only upon receipt and approval by the President.

30 (2) A member of the Council may cease membership if the member-

1 (a) becomes of unsound mind, or incapable of carrying out his
2 duties;

3 (b) becomes bankrupt, suspends payment or compounds with his
4 creditors;

5 (c) is convicted of a felony or any offence involving dishonesty or
6 fraud;

7 (d) is guilty of serious misconduct in relation to his duties;

8 (e) in the case of a person possessed of professional qualifications,
9 he is disqualified or suspended, other than at his own request, from
10 practicing his profession in any part of the world by an order of a competent
11 authority made in respect of that member; or

12 (f) resigns his appointment by a letter addressed to the President.

13 9. The members of the Council shall be paid such remuneration
14 and allowances as may be determined by the Minister in consultation with
15 the Revenue Mobilization and Fiscal Allocation Commission.

Allowances of
members

16 10. The Bureau shall have power to-

17 (a) manage and superintend the affairs of the Bureau;

18 (b) make rules and regulations for carrying out the functions of the
19 Bureau;

20 (c) formulate and develop policies, programmes and projects for
21 implementation by the Bureau;

22 (d) enter and inspect premises, projects and such places as may be
23 necessary for the purposes of carrying out its functions under this Bill;

24 (e) do such other things as are necessary and expedient for the
25 efficient performance of the functions of the Commission.

26 11.-(1) There shall be for the Bureau, a Director-General who shall
27 responsible for the day to day administration of the Bureau and shall-

Appointment of
Director-General

28 (a) have such qualification and experience as are appropriate for a
29 person required to perform the functions of that office under this Bill;

30 (b) be the chief executive and accounting officer of the Bureau;

1 (c) be appointed by the President of the Federal Republic of Nigeria
2 upon recommendation of the Minister and confirmed by the Senate;

3 (d) hold office on such terms and conditions as to emolument,
4 conditions of service as may be specified in his letter of appointment.

Appointment of
other staff

5 (2) The Board shall have power to-

6 (a) employ either directly or on secondment from any civil or public
7 service in the Federation such number of employees as may in the opinion of
8 the Council, be required to assist the Bureau in the discharge of any of its
9 function under this bill;

10 (b) pay to persons so employed such remuneration (including
11 allowances) as the Board may determine from time to time after consultation
12 with the Revenue Mobilization and Fiscal Allocation Commission and the
13 Federal Civil Service Commission.

Service is
pensionable

14 12.-(1) Service in the Bureau shall be in compliance with the
15 provisions of Pensions Act;

16 (2) The officers and other persons employed in the Bureau shall be
17 entitled to pensions, gratuities and other retirement benefits as are enjoyed by
18 persons holding equivalent grades in the civil service of the Federation;

19 (3) Nothing in subsections (1) and (2) of this section shall prevent the
20 appointment of a person to any office on terms which preclude the grant of
21 pensions and gratuity in respect of that office;

22 (4) For the purposes of the application of the provisions of the Pension
23 Act, any power exercisable there under by the Minister or other authority of the
24 Government of the Federation, other than the power to make regulations under
25 section 23 thereof, is hereby vested in and shall be exercisable by the Bureau,
26 and not by any other person or authority.

Establishment
of Appeals Board

27 13.-(1) There is established for the Bureau a body known as the
28 Military Veterans Appeals Board (in this Bill referred to as "the Appeals
29 Board");

30 (2) The Appeals Board shall consist of more than seven persons

1 appointed by the Minister in consultation with the Advisory Council.

2 (2) The Minister shall appoint as members of the Appeals Board
3 competent persons who have relevant knowledge, experience or expertise
4 that would enable the Appeals Board to perform its functions effectively and
5 efficiently.

6 (3) At least one of the members of the Appeals Board shall be a
7 Senior Advocate of Nigeria or a retired judge from at least state or federal
8 high court.

9 (4) The Minister shall designate one of the members of the Appeals
10 Board as chairperson:

11 (a) ~~A member of the Appeals Board shall~~ hold office for a period
12 not exceeding four years;

13 (b) may be appointed either on a full-time or a part-time basis;

14 (c) is appointed according to the terms and conditions determined
15 by the Minister; and

16 (d) is eligible for reappointment at the end of his or her term of
17 office, but may not serve for more than two terms consecutively.

18 14. A person shall not be appointed as or remain a member of the
19 Appeals Board if the person is a military veteran; is an unrehabilitated
20 insolvent; or has been convicted of an offence committed, and sentenced to
21 imprisonment without the option of a fine.

Disqualification
as member of
Board

22 15. The Appeals Board shall-

23 (a) consider any Appeal lodged with it by a military veteran against
24 any decision taken by an official in terms of this Bill which adversely affects
25 the rights of that military veteran;

26 (b) consider any question of law relating to military veterans
27 referred to it by the Minister or the Director-General; and

28 (c) advise the Minister or Director-General regarding any legal
29 matter relating to military veterans which the Minister or the Director-
30 General refers to it.

Functions of
the Board

1 (2) The Appeals Board may-

2 (a) confirm, set aside or vary a decision contemplated in subsection

3 (2) (a);

4 (b) substitute any other decision for the decision; or

5 (c) provide the required legal advice.

Powers of the
Board

6 (3) The Appeals Board may for the purposes of subsection (2)-

7 (a) summon any person who, in its opinion, may be able to give
8 information, or who it believes has in his or her possession or custody or under
9 his or her control any document which has any bearing upon the matter under
10 consideration, to appear before it at a time and place specified in the summons
11 to be questioned or to produce that document and retain for examination any
12 document so produced;

13 (b) administer an oath to or accept an affirmation from any person
14 called as a witness; and

15 (c) call any person present at the proceedings as a witness and
16 interrogate such person and require such person that produce any document in
17 his or her possession or custody or under his or her control and such a person is
18 entitled to legal representation at his or her own expense.

19 (4) The Appeals Board shall determine its own procedure.

20 (5) The decision of a majority of the members of the Appeals Board
21 constitute a decision of the Appeals Board.

22 (6) A decision of the Appeals Board shall be in writing and copies
23 shall be made available to persons involved in the matter.

Regulations by
Minister

24 16.-(1) The Minister may, in consultation with the Advisory Council,
25 make regulations generally for the better carrying into effect the provisions of
26 this Bill.

27 (2) Without prejudice to the generality of subsection (1), regulations
28 made under this section may provide to the criteria that shall be met in order to
29 qualify for benefits under this Bill:

1 (a) any matter required or permitted to be prescribed by or in terms
2 of this Bill;

3 (b) any matter ancillary or incidental to the administration or
4 procedures of the Advisory Council or the Appeals Board;

5 (c) generally, any ancillary or incidental administrative or
6 procedural matter that it is necessary to prescribe for the proper
7 implementation or administration of this Bill.

8 (3) Without prejudice to the powers of the Minister, the authority of
9 the Minister to make regulations under this Bill shall be limited to bringing
10 into effect the provisions of this Bill and for the fulfillment of the objectives
11 of this Bill.

12 17.-(1) The Bureau shall establish and maintain a fund from which
13 shall be defrayed all expenditure incurred by the Bureau.

Fund of the
Bureau

14 (2) There shall be paid and credited to the fund established
15 pursuant to subsection (1) of this Bill-

16 (a) 2 per cent of the total annual budget of Federal Ministry of
17 Defence;

18 (b) such monies as may from time to time, be granted or lent to or
19 deposited with the Bureau by the Federal Government, any other body or
20 institution whether local or foreign;

21 (c) all monies raised for the purposes of the Bureau by way of gifts,
22 loans, grants-in-aid, testamentary disposition or otherwise; and

23 (d) proceeds from all other assets that may, from time to time
24 accrue to the Bureau.

25 (3) The fund shall be managed in accordance with the rules made
26 by the Advisory Council, and without prejudice to the generality of the
27 power to make rules under this subsection, the rules shall in particular
28 contain provisions-

29 (a) specifying the manner in which the assets or the fund of the

1 Bureau are to be held, and regulating the making of payments into and out of
2 the fund;

3 (b) requiring the keeping of proper accounts and records for the
4 purpose of the fund in such form as may be specified in the rules.

Expenditure
of the Bureau

5 18. The Commission shall apply the proceeds of the fund established
6 pursuant to section 15 of this Bill to-

7 (a) the cost of administration of the Bureau;

8 (b) the payment of benefits to military veterans

9 (c) the payment of salaries, fees, remuneration, allowances, pensions
10 and gratuities payable to the members of the Board specified in section 6 of
11 this Act or any committee of the Board and the employees of the Bureau.

12 (d) the payment for all contracts, including mobilization, fluctuations,
13 variations, legal fees and cost on contract administration;

14 (e) the payment for all purchases; and

15 (f) undertaking such other activities as are connected with all or any of
16 the functions of the Bureau under this Bill.

Gifts to the
Bureau

17 19.-(1) The Bureau may accept gifts of land, money or other property
18 on such terms and conditions, if any, as may be specified by the person or
19 organisation making the gift.

20 (2) The Bureau shall not accept any gift if the conditions attached by
21 the person or organisation making the gift are inconsistent with the functions of
22 the Bureau under this Bill.

Power to borrow

23 20. The Bureau may, with the consent of the President, borrow, on
24 such terms and conditions as the Bureau may determine, such sums of money
25 as the Bureau may require in the exercise of its functions under this Bill.

Annual estimates
and expenditure

26 21.-(1) The Advisory Council shall, not later than 30th September in
27 each year, submit to the National Assembly through the President, an estimate
28 of the expenditure and income of the Bureau during the next succeeding year
29 for approval.

30 (2) The Advisory Council shall cause to be kept proper accounts of the

1 Bureau in respect of each year and proper records in relation thereto and
2 shall cause the accounts to be audited not later than 6 months after the end of
3 each year by auditors appointed from the list and in accordance with the
4 guidelines supplied by the Auditor-General of the Federation.

5 22.-(1) The Advisory Council shall prepare and submit to the Annual reports
6 President, not later than 30th June in each year, a report in such form as the
7 President, may direct on the activities of the Bureau during the immediately
8 preceding year, and shall include in the report a copy of the audited accounts
9 of the Bureau for that year and the auditor's report thereon.

10 (2) The President shall, upon receipt of the report referred to in
11 subsection (1) of this section, cause a copy of the report and the audited
12 accounts of the Bureau and the auditor's report thereon to be submitted to
13 each House of the National Assembly.

14 23. In this Bill, unless the context otherwise requires- Interpretation
15 "Advisory Council" means the Advisory Council on Military Veterans
16 established by section 6;
17 "Appeals Board" means the Military Veterans Appeals Board established by
18 section 12;
19 "benefit" means any benefit contemplated in section 2;
20 "Minister" means the Minister responsible for matters relating to defence;
21 "Bureau" means the Bureau of Military Veterans Affairs established by
22 section 4;
23 "dependent" means relation to a military veteran, means any person who is
24 dependent on that military veteran for support and maintenance;
25 "Director-General" means the Director-General of the Bureau;
26 "length of service" means the period of time served in the military; and
27 "military veteran" means any Nigerian citizen who-

28 (a) has rendered military service to the Nigerian Armed Forces; and

29 (b) has completed his service in the Nigerian Armed Forces and has
30 not been dishonourably discharged.

Short title

- 1 **24.** This Bill may be cited as the Bureau of Military Veterans Affairs
2 (Establishment etc) Bill, 2017.

EXPLANATORY MEMORANDUM

The objective of this Bill is to provide for the welfare and benefits of military veterans and their dependents. Currently, there is no law which provide for such benefits, and military veterans, after rendering vital service to this nation, are left to fend for themselves once they leave Military service. In most cases, this causes them serious problems socially and economically, and their misery is compounded if they suffer health complications arising from their service in the military. The Bill provides for the establishment of a Bureau of Military Veterans Affairs whose sole responsibility will be to cater for the welfare of military veterans. Similarly, the Bill provides for the establishment of an Advisory Council whose role is to advise on policy and other matters relating to military veterans.