

A BILL

FOR

AN ACT TO PROVIDE FOR STATUTORY REGULATION OF PEACE KEEPING OPERATIONS BY MEMBERS OF THE NIGERIAN ARMED FORCES, THE NIGERIAN POLICE, THE NIGERIA SECURITY AND CIVIL DEFENCE CORPS AND OTHER SECURITY ORGANIZATIONS AND FOR RELATED MATTERS

Sponsored by Hon. Oluwole Oke

[] Commencement

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

PART I - SCOPE OF APPLICATION

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1.-(1) Any Member of the Nigerian Armed Forces or the Nigerian Police may participate in military crisis management and peace support (hereinafter peacekeeping activities) based on a decision by the United Nations (UN) or the African Union (AU) of the Economic Community of West African States (ECOWAS) or the two third majority decision of both Houses of the National Assembly that aims at preserving international or regional peace and security or protecting the execution of humanitarian aid and the civilian population.

Peace Keeping
as Missions

(2) This Bill shall apply, as applicable, to the participation of Any Member of the Nigerian Armed Forces or Nigerian Police or the Nigeria Security and Civil Defence Corps (also referred to as Civil Defence) in the execution of humanitarian aid or protection of same on request by a special organization or agency of the UN or AU or ECOWAS. This Act shall not apply to participation in coercive military measures governed by articles 42 and 51 of the Charter of the UN.

(3) Subject to approval of the two third majority of both Houses of the National Assembly, the President of the Federal Republic of Nigeria shall decide on Nigeria's participation in peacekeeping activities and on the

1 termination of participation.

2 (4) Before introducing a proposal to the National Assembly to deploy
3 a peacekeeping force, the President of the Federal Republic of Nigeria shall
4 consult the Foreign Affairs Committee of both Houses of the National
5 Assembly and where major changes are planned in the tasks of the
6 peacekeeping force.

7 (5) If the rules of engagement of the peacekeeping force are planned
8 to be wider than in traditional peacekeeping, the President must consult and
9 secure the consent of the Foreign Affairs Committees and the Defence
10 Committees of both Houses of the National Assembly.

11 (6) The Ministry of Defence may decide upon minor increases or
12 decreases in the peacekeeping activity but any troop increase above one -
13 quarter of the original troop deployment levels shall require the simple
14 majority consent of both Houses of the National Assembly.

Organization,
Chain of Command,
Internal Order
and Authority

15 2.-(1) A Nigerian Peace Keeping Mission may consist of
16 peacekeeping forces, separate units, military observers and individuals.

17 (2) Operationally, the Peace Keeping Mission shall fall within the
18 authority of the arm of the Nigerian Armed Forces or a Department of the
19 Nigerian Police or a Department of the Civil Defence responsible for the
20 peacekeeping operation, and under the purview of the Ministry of Defence.

21 (3) In the practical execution of peacekeeping activities, the Peace
22 Keeping Mission shall form part of the Armed Forces or the Nigerian Police of
23 the Civil Defence (as the case may be) and shall be subordinate to the command
24 of the arm of the Nigerian Armed Forces or a Department of the Nigerian Police
25 or a Department of the Civil Defence responsible for the peacekeeping
26 operation, and under the general purview of the Ministry of Defence.

27 (4) In the case of a Peace Keeping Operation involving the Nigerian
28 Armed Forces, the Ministry of Defence shall confirm the strength and the type
29 of unit and the administrative position and authority of the elements of the
30 Peace Keeping Mission.

1 (5) In the case of a Peace Keeping Operation involving the
2 Nigerian Police Force, the Nigerian Police Force shall confirm the strength
3 and the type of unit and the administrative position and authority of the
4 elements of the Peace Keeping Mission.

5 (6) In the case of a Peace Keeping Operation involving the Civil
6 Defence, the relevant Department of the Civil Defence shall confirm the
7 strength and the type of unit and the administrative position and authority
8 of the elements of the Peace Keeping Mission.

9 3.-(1) Nigeria shall participate in peacekeeping activities within
10 the framework of the appropriations provided for this purpose in the
11 Appropriation Act for the Ministry of Defence or the Nigerian Police or the
12 Civil Defence.

Budgeting for
Peace Keeping
Operations

13 (2) Costs incurred by Nigeria's participation in the peacekeeping
14 activities shall be reimbursed according to the general reimbursement
15 policy of the UN or the AU or the ECOWAS, or as agreed separately. Tenure
16 of office of members of the Council

17 4.-(1) In order to create the readiness required by the peacekeeping
18 activities referred to in this Bill, peacekeeping training may be provided in
19 Nigeria or in any other country, or by the UN, the AU or the ECOWAS or
20 other international organization or arrangement in which Nigeria
21 participates.

Training for
Peace Keeping
Operations

22 (2) The Nigerian Armed Forces, the Nigerian Police and the Civil
23 Defence shall manage peacekeeping training and the readiness,
24 organization and implementation tasks related to peacekeeping activities.

25 (3) Peacekeeping training may also be provided for foreign
26 military units or other security and para/military organizations in Nigeria.

27 PART II - PEACE KEEPING PERSONNEL

28 5. The Peace Keeping Personnel shall consist of members of the
29 Nigerian Armed Forces, the Nigerian Police Force and the Civil Defence,
30 however; a member or members of other security and para/military

Composition of
a Peace Keeping
Mission

	1	organizations in Nigeria may be involved in Peace Keeping Operations but
	2	shall be under the command of either an arm of the Nigerian Armed Forces or
	3	the Nigerian Police or the Civil Defence.
Rights and responsibilities of Peace Keeping personnel	4	6. The rights and responsibilities of the Peace Keeping Personnel
	5	shall be as determined by any Guidelines, Regulations and Rules of
	6	Engagement issued by the Ministry of Defence, the Nigerian Police or the Civil
	7	Defence.
Qualification for participation in a Peace Keeping Mission	8	7. The Ministry of Defence, the Nigerian Police and the Civil
	9	Defence shall determine the qualification for any personnel to participate in a
	10	peacekeeping mission.
Appointment of a Commander of a Peace Keeping Mission	11	8. The Commander of a peacekeeping mission shall be appointed by
	12	the President of the Federal Republic of Nigeria.
Terms of Service	13	9. The term of service of the Commander and other personnel of a
	14	peacekeeping force shall be determined by the President of the Federal
	15	Republic of Nigeria.
Discipline of Personnel	16	10. Discipline of a personnel involved in a Peace Keeping Mission
	17	shall be based on the disciplinary provisions and procedures of laws and
	18	subsidiary legislations applicable to the affected personnel.
Entitlement to Compensation	19	11. A personnel involved in a Peace Keeping Mission shall be entitled
	20	to compensation from the Federal Government of Nigeria for damage or injury
	21	caused to his/her property outside Nigeria while on duty or in circumstances
	22	connected with his/her service, provided that possession of the damaged
	23	property in the mission area of the peacekeeping operation was necessary for
	24	the performance of that person's duties.
Compensation and contribution to cause of injury	25	12. If the injured party has himself/herself contributed to the damage,
	26	or if any circumstance unrelated to the incident causing the damage also
	27	contributed to the damage, the said compensation may be reduced or the right
	28	to compensation revoked. Also, any other compensation that the injured party
	29	may be entitled to under another act or under a voluntary insurance policy may
	30	be deducted from the said compensation. The compensation for damages may

1 cover expenses incurred in repairing the damaged property and any other
2 expenses incurred through the damage, as well as depreciation in value or
3 the full value of property lost or destroyed.

4 13. Compensation paid to an injured party entitled to same under
5 this section must not exceed the equivalent of 5 years net annual wages of
6 the personnel, including any reductions made under Section 12 of this Bill,
7 however, a higher level of compensation may be paid if the damaged
8 property was damaged in the course of its use for a purpose that significantly
9 aided the efforts of the peacekeeping mission or for saving a human life.

Cap on
Compensation

10 14. If a personnel involved in a peacekeeping operation under this
11 Act dies, financial compensation equivalent to that payable under group life
12 insurance shall be paid in accordance with the group life insurance
13 compensation payable for an employee of that rank or status.

Death and
Financial
Compensation

14 15. If a person in service as referred to in this Bill dies and his next
15 of kin is entitled to compensation from the UN or the AU or the ECOWAS on
16 the basis of the same service, the compensation referred to in Section 14 of
17 the Bill shall only be paid insofar as it exceeds the compensation referred to
18 in this Section.

Foreign
Compensation

19 16. Notwithstanding the provisions of the Personal Income Tax
20 Act and the Federal Inland Revenue (Establishment) Act 2007, the salary of
21 any personnel involved in a peace keeping mission shall be subject to
22 personal income tax, however, the daily allowances and fringe benefits
23 enjoyed by peacekeeping personnel shall not be liable to any tax.

Taxation of
Income

24 17. In this Bill, unless the context otherwise requires:

Interpretation

25 "Civil Defence" means the Nigeria Security and Civil Defence Corps;

26 "Armed Forces" means the Nigerian Army, the Nigerian Navy and the
27 Nigerian Air force;

28 "Houses of the National Assembly" means the Senate and House of
29 Representatives of the Federal Republic of Nigeria;

30 "Ministry of Defence" means the Federal Ministry of Defence;

1 "Security and Para-Military Organizations" means the Nigerian intelligence
2 agencies and other Federal Government controlled security organizations;

Short title

3 18. This Bill may be cited as the Nigerian Peace Keeping (Support &
4 Participation) Bill, 2018.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for Statutory Regulation of Peace Keeping Operations by Members of the Nigerian Armed Forces, the Nigerian Police, the Nigeria Security and Civil Defence Corps and other Security Organizations.