

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL COMMISSION FOR PEACE, RECONCILIATION AND MEDIATION; TO IDENTIFY CONFLICTS; AND FOR THE SUPERVISION, COORDINATION AND MONITORING OF ALL PEACEFUL RESOLUTIONS BETWEEN GOVERNMENTS, ORGANISATIONS, ETC. IN NIGERIA AND FOR RELATED MATTERS

Sponsored by Hon. Umar Buba Jibril

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE NATIONAL COMMISSION FOR PEACE,
2 RECONCILIATION AND MEDIATION (ESTABLISHMENT, ETC.) COMMISSION

3 1.-(1) There is hereby established, a body to be known as the
4 National Commission for Peace, Reconciliation and Mediation of Nigeria
5 (in this Act referred to as "the Commission").

Establishment of
the Commission

6 (2) The Commission:

7 (a) shall be a body corporate with perpetual succession and a
8 common seal;

9 (b) may sue and be sued in its corporate name;

10 (c) may acquire, hold or dispose of any property, movable and
11 immovable for the purposes of carrying out its functions under this Act.

12 (3) The Commission shall have its corporate headquarters in
13 Abuja.

14 2.-(1) There is hereby established a Governing Board (in this Act
15 referred to as "the Board" for the management of the Commission and it
16 shall consist of the following:

Establishment of
the Governing
Board

17 (a) a Chairman;

18 (b) one representative each of the following, who shall not be

- 1 below the rank of a Director or its equivalent:
- 2 (i) Ministry of Interior;
- 3 (ii) Ministry of Justice;
- 4 (iii) Ministry of Youth Development;
- 5 (iv) Ministry of Defence;
- 6 (v) The Nigerian Army; Navy and Air Force;
- 7 (vi) The Nigerian Police;
- 8 (vii) Department of State Security Services;
- 9 (viii) a representative of the National Youth Council of Nigeria
- 10 (NYCN);
- 11 (ix) Director-General Institute for Peace and Conflict Resolutions;
- 12 (x) one representative of the Non-Governmental Organisations who
- 13 shall be nominated by the National Council of Voluntary Agencies;
- 14 (xi) Six persons of proven integrity, one from each of the six geo-
- 15 political zones; and
- 16 (c) the Executive Secretary of the Commission who shall be
- 17 appointed by the President on the recommendation of the Minister.
- 18 (2) The Chairman and Members of the Board of the Commission shall
- 19 be:
- 20 (a) appointed by the President, Commander-in-Chief of the Armed
- 21 Forces of the Federation, on the recommendation of the Minister subject to the
- 22 confirmation of the Senate;
- 23 (b) be persons of proven integrity, honour and ability; and
- 24 (c) part-time Members except the Executive Secretary who shall be a
- 25 full time member.
- 26 (3) The supplementary provisions set out in the Schedule to this Bill
- 27 shall have effect with respect to the proceedings of the Board and other matters
- 28 contained therein.
- 29 3. The Chairman and Members of the Board, shall each hold office:
- 30 (a) for a term of 4 years -and may be reappointed for a further term of 4

1 years and no more; and

2 (b) on such terms and conditions as may be specified in their letters
3 of appointment.

4 4.-(1) A person shall cease to hold office as a Member of the Board
5 on the occurrence of any of the following:

Cessation of
Membership

6 (a) he/she becomes bankrupt, suspends payment or compounds
7 with his creditors;

8 (b) he/she is convicted of a felony or any offence involving
9 dishonesty or fraud;

10 (c) he/she becomes of unsound mind or is capable of carrying out
11 his duties;

12 (d) he/she is guilty of a serious misconduct in relation to his duties;

13 (e) he/she resigns his appointment by a letter under his hand to the
14 President.

15 (2) Where a member of the Board ceases to hold office for any
16 reason whatsoever, before the expiration of the term for which he is
17 appointed, another person representing the same interest as that member
18 shall be appointed to the Board for the un-expired term.

19 (3) A member of the Board may be removed by the President on the
20 recommendation of the Minister if he is satisfied that it is not in the interest
21 of the commission or the public that the member continues in office.

22 5. Members of the Board shall be paid such salaries and
23 allowances in accordance with such rates as the Revenue Mobilisation,
24 Allocation and Fiscal Commission may from time to time approve.

Remuneration of
Members

25 6. The Board shall have power to:

Powers of the
Board

26 (a) manage and superintend over the affairs of the Commission;

27 (b) make rules and regulations for the effective running of the
28 Commission;

29 (c) employ and pay the staff of the Commission such remuneration
30 and allowances as the Revenue Mobilisation, Allocation and Fiscal

1 Commission may from time to time. approve;

2 (d) enter into such contract as may be necessary or expedient for the
3 discharge of its functions and ensure the efficient performance of the functions
4 of the Commission; and

5 (e) receive, disburse and account for funds of the Commission.

6 **PART 11 - OBJECTS, FUNCTIONS AND POWERS OF THE COMMISSION**

Objectives of
the Commission

7 **7. The Commission shall have the following objectives:**

8 (a) to identify, assess and mediate in all conflicts nationwide;

9 (b) to coordinate all intervention efforts and provision of relief
10 materials to affected people and communities;

11 (c) to coordinate and implement the National Peace Policy which
12 provides a framework for building peace, preventing, managing and resolving
13 dysfunctional conflicts in Nigeria; and

14 (d) to supervise Institute for Peace and Conflict Resolution (IPCR).

Functions of the
Commission

15 **8. The functions of the Board shall be:**

16 (a) to create high quality field-based analysis, create policy
17 prescriptions and engage in advocacy work in collaboration with Non-
18 Governmental Organisations in Nigeria;

19 (b) to maintain the register of national and international conflicts in
20 Nigeria, with the precise sectors, affiliations and locations;

21 (c) to receive and discuss the annual reports on conflicts, mediation
22 and reconciliation;

23 (d) to develop the knowledge and skills to help manage conflicts
24 effectively and professionally while fostering relationships an successfully
25 moving parties to agreement;

26 (e) to create awareness by way of citizen education on the need for
27 peaceful co-existence;

28 (f) to provide policy guidelines for pre and post conflict
29 reconciliation;

30 (g) to work closely with Government and local partners to find

1 commonalities between conflicting parties through mediation and
2 facilitation, capacity strengthening, diplomacy, media and the arts;

3 (h) to encourage/provide a fertile ground for positive relationship
4 building that paves the way for peace and reconciliation;

5 (i) to mobilize genuine community, political and religious support
6 towards prevention and exabation of conflicts; and

7 (j) doing all such things incidental to the foregoing functions
8 which, in the opinion of the Board are calculated to facilitate the carrying on
9 of the duties of the Commission under this Act for sustainable peace in the
10 country.

11 **9. The Board shall have power:**

Powers of the
Commission

12 (a) to establish such subsidiary organs as may be necessary for the
13 performance of its functions under this Act; and

14 (b) subject to this Act, to appoint such officers as may be necessary
15 for the performance of its functions.

16 **10. The Board shall establish and maintain a documentation centre**
17 **on conflicts in Nigeria and such other information as may be necessary for**
18 **the understanding and promotion of peace and reconciliation.**

19 **PART III -APPOINTMENT OF THE EXECUTIVE SECRETARY AND OTHER**

20 **STAFF OF THE COMMISSION**

21 **11.-(1) There shall be an Executive Secretary for the Commission,**
22 **who shall, be appointed by the President and in the exercise of his functions**
23 **under this Act, and be responsible to the Commission.**

Appointment of
the Executive
Secretary

24 (2) the Executive Secretary shall be:

Duties of
Executive Secretary

25 (a) the Chief Executive and Accounting Officer of the
26 Commission;

27 (b) responsible to the Board for the execution of the policies and
28 administration of the daily affairs of the Commission;

29 (3) The Executive Secretary may, subject to the provisions of this
30 Act and to any special or general directions of the Commission, delegate any

1 of his functions to any employee of the Commission.

Tenure of Office
of the Executive
Secretary

2 **12.**-(1) The Executive Secretary shall be appointed for a term of 5
3 years in the first instance and may be reappointed for a further term of 5 years
4 and no more.

5 (2) The Executive Secretary shall:

6 (a) be paid such remuneration as may be prescribed in his letter of
7 appointment; and

8 (b) ensure compliance with the provisions of this Act.

Other Staff of
the Commission

9 **13.**-(1) The Board shall appoint for the Commission, such other
10 officers and other staff as it may from time to time deem necessary for the
11 purposes of the Commission;

12 (2) The terms and conditions of service (including terms and
13 conditions as to remuneration, allowances, retiring benefits and discipline) of
14 the Executive Secretary and other staff of the Commission shall be such as may
15 be determine from time to time, by the Commission.

16 (3) The Commission shall determine the remuneration and tenure of
17 office of its employees.

18 (4) The Commission may accept any member of staff by way of
19 transfer, secondment or deployment from any public service of the Federal,
20 State or Local Government approved establishments.

Appointment
and Secondment
from Public Service

21 **14.** Notwithstanding the provisions to Section 29, the Board shall
22 have power to appoint for the Commission either directly or on secondment
23 from any Public Service in the Federation, such number of employees (as may,
24 in the opinion of the Board) be required to assist the Commission in the
25 discharge of any of its functions under this Act.

Pensions Reforms
Act, 2004

26 **15.** Service in the Commission shall be approved service for the
27 purpose or the Pension Reform Act, 2004 and accordingly, officers employed
28 in the Commission shall in respect of their service in the Commission be
29 entitled to pension, gratuity and other retirement benefits.

1 (2) the Commission may accept gifts of land, money or other property
2 on such terms and conditions, if any, as may be prescribed by the person or
3 organization making the gift.

4 (3) the Commission shall not accept any gifts if the conditions
5 attached are inconsistent with the objectives of the Commission.

Annual Estimates
and Expenditure

6 **19.**-(1) The Council shall, not later than 39th September of each year,
7 submit to the National Assembly through the Minister an estimate of the
8 expenditure of the Commission during the next succeeding year.

9 (2) The Council shall approve all expenditure of the Commission.

Accounts

10 **20.** The Commission shall:

11 (a) cause to be kept proper Commission; accounts and records of the
12 transactions of the Commission;

13 (b) maintain effective control over its assets and liabilities incurred in
14 the discharge of its functions; and

15 (c) prepare in respect of each financial year a statement of account in
16 such form as the Auditor-General of the Federation may direct.

Audit

17 **21.**-(1) The Commission shall cause the accounts to be audited not
18 later than six months after the end of each year by the Auditor-General of the
19 Federation.

20 (2) The Auditor-General of the Federation or any officer authorized
21 by him is entitled at all reasonable times to full and free access to all accounts,
22 records, documents and papers of the Commission relating directly or
23 indirectly to the receipt or payment of money by the Commission or to the
24 acquisition, receipt, custody or disposal of assets by the Commission.

Annual Report

25 **22.** The Commission shall submit to the President through the
26 Minister not later than 30th June, of each financial year, a report of its activities
27 during the preceding financial year, and it shall include a copy of the audited
28 accounts of the Commission for that year and a copy of the auditor's report on
29 it.

PART V - MISCELLANEOUS PROVISIONS

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23.-(1) The provisions of the Public Protection Act shall apply in relation to any suit instituted against any officer or employee of the Commission.

Limitation of Suit against the Commission

(2) No suit shall be commenced against a member of the Board, the Executive Secretary, officer or employee of the Commission before the written notice of intention to commence the suit shall be served upon the Commission by the intending plaintiff or his agent.

(3) The notice referred to in Subsection (2) of this Section shall state the cause of action, the particulars of the claims, the name and place of abode of the intending plaintiff and the relief which he claims.

24. A notice of summons or any other documents required or authorised to be served upon the Commission under the provisions of this Act or any other law or enactment may be served by delivering it to the Executive Secretary of the Commission.

Service of Documents

25.-(1) No execution or attachment of process shall be issued against the Commission in any action or suit without the consent of the Attorney-General of the Federation.

Restriction on Execution against property of the Commission

(2) Any sum of money which may be the judgment of any court be awarded against the Commission shall, subject to any direction given, be paid from the general reserve fund of the Commission.

26. A member of the Board, the Executive Secretary, any officer or employee of the Commission shall be indemnified out of the assets of the Commission against any proceeding, whether civil or criminal in which judgment is given in his favour, or in which he is acquitted, if any such proceedings is brought against him in his capacity as member of the Board, the Executive Secretary, officer, employee of the Commission.

Indemnity of Officers

27. The Executive Secretary may with the approval of the Board engage persons with knowledge or experience in matters relevant to the functions of the Commission to assist otherwise than on basis of full time

Engagement of Professionals other than Staff

1 employment.

Power of the
Minister to give
direction to the
Commission

2 **28.** The Minister may give to the Commission directives of a general
3 nature with respect to any of its functions.

Interpretation

4 **29.** In this Act, unless the context otherwise requires:

5 "Chairman" means the Chairman of the Commission;

6 "Board" means the Governing Board of the National Commission for Peace,
7 Reconciliation and Mediation (NCPRM);

8 "Register" means the register of conflicts maintained by the Board.

9 "Member" means a member of the Commission;

10 "Minister" means the Federal Minister for the time being in charge of Ministry
11 of Interior;

12 "President" means the President, Commander-in-Chief of the Armed Forces of
13 the Federation;

Citation

14 **30.** This Bill may be cited as the National Commission for Peace,
15 Reconciliation and Mediation (NCPRM) (Establishment, Etc.) Bill, 2016.

16 **SCHEDULE**

17 *Section 3 (4)*

18 **SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION, ETC.**

19 *Proceedings of the Commission*

20 **1.** Subject to this Act and Section 27 of the Interpretation Act the
21 Commission may make standing orders regulating its proceedings or those of
22 its Committees.

23 **2.** Every meeting of the Commission shall be presided over by the
24 Chairman or if the Chairman is unable to attend a particular meeting, the
25 members present at the meeting shall elect one of their numbers to preside at
26 that meeting.

27 **3.** The quorum at a meeting of the Commission shall consist of the
28 Chairman (or, in an appropriate case, the person presiding at the meeting
29 pursuant to paragraph 2 of this Schedule) and six other members.

30 **4.** Where, upon any special occasion, the Commission desires to

1 obtain the advice of any person on any particular matter, the Commission
2 may co-opt that person to be member for as many meetings as may be
3 necessary and that person while so co-opted shall have all the rights and
4 privileges of a member, except that he shall not be entitled to vote or count
5 towards a quorum.

6 *Committees*

7 5.-(1) Subject to its standing orders, the Commission may appoint
8 such number of standing and ad-hoc Committees as it thinks fit to consider
9 and report on any matter with which the Commission is concerned.

10 (2) Every Committee appointed under the provisions of
11 subparagraph (1) of this paragraph, shall be presided over by a member of
12 the Commission and shall be made up of such number of persons, not
13 necessarily members of the Commission, as the Commission may
14 determine in each cases.

15 6. The decision of a Committee shall be of no effect until it is
16 confirmed by the Commission.

17 *Miscellaneous*

18 7. The fixing of the seal of the Commission shall be authenticated
19 by the signature of the Chairman and of the Executive Secretary of the
20 Commission or such other member authorized generally or specially by the
21 Commission to act for that purpose

22 8. Any contract or instrument which, if made by a person not
23 being a body corporate, would not be required to be under seal, may be made
24 or executed on behalf of the Commission by the Chairman or by any other
25 person generally or specifically authorized by the Commission to act for that
26 purpose.

27 9. Any document purporting to be a contract, instrument or other
28 document signed or sealed on behalf of the Commission shall be received in
29 evidence and, unless the contrary is proved, be presumed, without further
30 proof, to have been so signed or sealed.

1 **10.** The validity of any proceedings of the Commission or a
2 committee thereof shall not be adversely affected:

3 (a) by any vacancy in the membership of the Commission or
4 Committee; or

5 (b) by any defect in the appointment of a member of the Commission
6 or Committee; or

7 (c) by reason that a person not entitled to do so took part in the
8 proceedings.

9 **11.** Any member of the Commission or a Committee thereof who has
10 a personal interest in any contract or arrangement entered into or proposed to be
11 considered by the Commission or Committee shall forthwith disclose his
12 interest to the Commission or Committee and shall not vote on any question
13 relating to the contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for among other things the establishment of the National Commission for Peace, Reconciliation and Mediation (NCPRM); to identify conflicts; and for the supervision, coordination and monitoring of all peaceful resolutions between governments, organisations, etc. in Nigeria and for Matters Incidental Thereto.