

NATIONAL BOUNDARY COMMISSION TASK FORCE

(ESTABLISHMENT) BILL, 2016

ARRANGEMENT OF CLAUSES

PART I- ESTABLISHMENT, COMPOSITION OF THE NATIONAL

BOUNDARY COMMISSION TASK FORCE

1. Establishment of the Task Force
2. Emergency response unit
3. Membership of the Task Force
4. Regimen of the Task Force to be drawn from the military agencies
5. Commission and de-commission of a Task Force.

PART II- OBJECTIVES, ETC. OF THE TASK FORCE

6. Objectives of the Task Force
7. Functions of the Task Force
8. Special function of the Task Force.

PART III- ESTABLISHMENT OF THE NATIONAL CONTROL

AND RESPONSE CENTRE

9. Establishment of the National Control and Response Centre

PART IV- ACTIVITIES OF THE TASK FORCE, ETC.

10. Activities of the Task Force

PART V - PROCEDURE FOR DEALING WITH COMMUNAL CLASHES

11. Provision of this Bill to apply to communal clashes
12. The Task Force to tackle other types of communal disputes
13. Duty to report potential land dispute
14. Task Force to report potential land disputes to the Director-General
15. Task Force to cordon affected area of dispute
16. Task Force to take immediate action to forestall boundary dispute
17. The Commission to resolve boundary disputes
18. No action to lie in court where Commission opts for alternative dispute resolution

19. Commission to have prerogative to adopt alternative dispute resolution
20. Task Force to rehabilitate internally displaced persons
21. Task Force to ensure that persons in rehabilitation camps get basic amenities etc.
22. The commission to proceed against persons who cause communal clash
23. The Commission to adjust state boundaries
24. The Commission to survey and delineate boundaries in collaboration with the Federal Director of surveys
25. Laws of States to be applicable to adjusted area.

PART VI - OFFENCES

26. Duty of paramount ruler and other authority to prevent communal clash
27. Fraudulent defacing of boundary marks
28. Willful defacing of boundary marks
29. Local Government Chairman to notify Task Force of the communal clash
30. Commission to prosecute in the Federal High Court Summarily
31. Interpretation
32. Short title.

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL BOUNDARY TASK FORCE OR THE PROTECTION OF PERSONS AND PREVENTION OF COMMUNAL CLASHES AND OTHER CRIMINAL ACTS; AND FOR RELATED MATTERS

Sponsored by Hon. Henry Nwawuba

[] Commencement

ENACTED by the National Assembly of the federal republic of Nigeria:

1 PART 1- ESTABLISHMENT, COMPOSITION OF THE NATIONAL BOUNDARY
2 COMMISSION TASK FORCE

3 1. There is established the National Boundary Commission Task
4 Force for the protection, prevention of communal clashes and prosecution of
5 criminal offences (in the "Task Force"). Establishment of
the Task Force

6 2. The Task Force shall be an emergency response unit of the
7 National Boundary Commission (in this Bill referred as "Commission"). Emergency
response unit

8 3. The Task Force shall consist of a: Membership of
the Task Force

9 (a) Member of the Nigeria Police Force not below the rank and
10 office of a commissioner of police;

11 (b) Member each of the Nigerian Army, Navy, Air Force and Civil
12 Defense Corps not below the rank of and office of Major and commandant of
13 a battalion-

14 (a) Members of the Nigerian Peace Corp;

15 (b) Representative of the office of the Honorable Attorney-General
16 of the federation;

17 (c) Representative of the surveyor-General of the Federation;

18 (d) Representative of the Statistician General of the Federation;

19 (e) Representative of the Nigerian Emergency Management
20 Commission; and

1 (f) Representative of the Ministers of Internal Affairs

Regiment of the
Task Force to be
drawn from
military agencies

2 4. The regimen of Task Force shall be drawn from all Para military
3 and military agencies in Nigeria and shall be of such number as shall be
4 determined by the Commission

Commission and
decommission of
a Task Force

5 5. The Director-General of the Commission shall set up, commission
6 and de-commission the Task Force in accordance with this Bill provided that
7 there shall be a Task Force in existence for a period of one month after a
8 decommission of a prior Task Force.

9 PART 11- OBJECTIVE, ETC. OF THE TASK FORCE

Objectives of the
Task Force

10 6. The objective of the Task Force shall be to co-ordinate an
11 implement the National Communal Clash Contingency Plan for Nigeria (in
12 this Bill referred to as "the Plan") as follows:

13 (a) establish a national operational organization that ensures a safe
14 timely, effective and appropriate response to major or disastrous communal
15 clash;

16 (b) Identify high- risk areas as well as priority areas for protection and
17 cordon;

18 (c) establish the mechanism to monitor and assist or where expedient
19 direct the response including the capability to mobilize the necessary resources
20 to save lives, protect threatened environment, and up to the best practical extent
21 of the impacted land and community;

22 (d) maximize the effective use of the available facilities and resources
23 of corporate bodies, their international connections and humanitarian co-
24 operatives, in implementing appropriate emergency response to communal
25 clashes;

26 (e) ensure funding and appropriate combating equipment and
27 materials for effective response to major communal clash;

28 (f) provide functional communication network system required for
29 effective response to major communal crash:

30 (g) provide a program of activation, training and drill exercises to

1 ensure readiness to communal clash preparedness to response and the
2 management and operational personnel;

3 (h) co-operate and provide advisory services, technical support
4 and equipment for purpose of responding to major communal clash incident
5 in the West African sub-region upon request by any neighboring country,
6 particularly where a part of the Nigerian territory may be threatened;

7 (i) provide support for research and development (R&D) in the
8 local development of methods, materials and equipment for areas of tension
9 and possible conflict;

10 (j) co-operate with International Humanitarian Organization and
11 other national, regional and International organization in the promotion and
12 exchange of research results and development program relating to the
13 enhancement of the state-of-the art of the communal clash preparedness and
14 response, including technologies, techniques for surveillance, containment,
15 recovery, disposal and rehabilitation to the best practical extent;

16 (k) establish agreements with neighboring countries regarding the
17 rapid movement of equipment, personal supplies into and out of the
18 countries for emergency conflict response activities;

19 (l) determine prepositional vital combat equipment at most
20 strategic areas for rapid response;

21 (m) establish procedures by which the Nigerian Customs Service
22 and the Nigerian Immigration Services shall ensure rapid importation of
23 extra support response equipment and personnel;

24 (n) develop and implement an appropriate audit system for the
25 entire plan;

26 (o) carry out such other activities as are necessary or expedient for
27 the full discharge of its functions and the execution of the Plan under this Bill
28 and the execution of Plan under Bill.

29 (p) carry out such other activities as are necessary or expedient for
30 the full discharge of its functions and the execution of Plan under Bill.

Functions of the
Task Force

- 1 7. The Task Force:
- 2 (a) Be responsible for surveillance and ensure compliance with
- 3 existing boundary delimiting legislation and directives of the National
- 4 Boundary Commission on conflict zone;
- 5 (b) Receive reports of potential tension and conflict zones and
- 6 demilitarized non-conflict zones and activities throughout Nigeria;
- 7 (c) Co-ordinate the implementation of the Plan as may be formulated,
- 8 from time to time, by Commission and Federal Government;
- 9 (d) Co-ordinate the implementation of the Plan for the prevention and
- 10 clean-up of conflict zones as may be issued by the Federal Government; and
- 11 (e) perform such functions as may be required to achieve the aims and
- 12 objectives of the Task Force under this Bill or any plans as may be formulated
- 13 by the National Boundary Commission and Federal Government under this
- 14 Bill.

Special functions
of the Task Force

- 15 8. The Task Force:
- 16 (a) Ensure the co-ordination and implementation of the Plan within
- 17 Nigeria including within 200 nautical miles from the baseline for which the
- 18 breath of the territorial waters of Nigeria is measured;
- 19 (b) Undertake surveillance, reporting, and other response activities as
- 20 the relate to communal clash;
- 21 (c) Strengthen the national capacity and regional action to prevent,
- 22 control, combat and mitigate conflicts and war torn zone;
- 23 (d) promote technical co-operation between Nigeria and State of the
- 24 West Africa sub-region;
- 25 (e) facilities:
- 26 (g) arrival and utilization in, and departure of Nigerian ships, aircraft
- 27 and other modes of transport engaged in responding to communal clash
- 28 incidents or transporting personnel, cargo, materials and equipment required to
- 29 deal with such an incident; and
- 30 (ii) expeditious movement into and out of Nigeria personnel, cargoes,

1 materials and equipment

2 PART III- ESTABLISHMENT OF NATIONAL CONTROL AND

3 RESPONSE CENTRE

4 9.-(1) There is established purpose of this Bill, a National Control
5 and Response Centre (in this Bill referred to as "the Centre") which shall:

Establishment of
National Control
and Response
Centre

6 (a) act as a report processing and response co-coordinating Centre
7 for all communal conflict incident on Nigeria;

8 (b) receive all reports of communal clashes from zonal offices and
9 control units of the Task Force;

10 (c) serve as command and control Centre for compliance
11 monitoring of all existing legislation on boundary disputes, crime control
12 and surveillance for communal clashes and, monitoring and co-
13 coordinating responses in required in the plan activations;

14 (d) formulate a national communal clash contingency plan for
15 potential tension areas; and

16 (e) formulate rules of engagement with regard to specific conflict
17 zones, demilitarized areas and cordoned areas.

18 (1) The Centre shall be headed by such officer of the Task Force as
19 may be designated from time to time by the commission on recommendation
20 from the Chief of Defense Staff.

21 (2) The officer so designated under subsection (2) of this section
22 shall report to the Director- General of the commission on the activities of
23 the center.

24 (3) The operational base of the center shall be such place as are
25 designated by the Commission from time to time.

26 PART IV - ACTIVITIES OF THE TASK FORCE, ETC.

27 10. -(1) Task Force shall:

Activities of the
Task Force

28 (a) in event of a major or disastrous communal clash or war,
29 collaborate with other Agencies and undertake, supervise, any person,
30 group, government Agency or parastatal for the purpose of the carrying out

1 its assignment effectively;

2 (b) assess the extent of damage to the ecology by matching conditions
3 following the conflicts against what existed before (reference baseline data and
4 ESI maps);

5 (c) undertake a post-conflict impact assessment to determine the
6 extent and intensity of the damage and long term effects;

7 (d) advise the Federal and State Government on possible impacts of
8 conflict on the health and well-being of the people and ensure that appropriate
9 remedial action is taken restoration and rehabilitation of the community;

10 (e) the response effort during an emergency. with view to ensuring
11 compliance with existing legislation on such matters;

12 (f) assessing any damage caused by a communal clash;

13 (g) advise and guide in response efforts as to ensure the protection of
14 highly sensitive areas, habitat, heritage sited. government institutions.
15 vegetation and environment; and

16 (h) maintain and enforce curfew and other regulations as may be
17 imposed from time on the affected region until the is resolved and abated.

18 (2) The Task Force shall act as the lead Task Force for all matters
19 relating to communal clash response management and liase with the other
20 agencies for the implementation of Plan.

21 (3) The Task Force shall:

22 (a) co-operate with local and host communities in the determination
23 of appropriate measures to prevent excessive damage and hardship to the
24 environment and the communities;

25 (b) Expeditiously consider any proposal made for response effort by
26 the communities;

27 (c) mobilize internal resource and also assist to obtain any outside
28 human and financial resources that may be required to combat any communal
29 clash; and

30 (d) Assist in the assessment of damage caused by a communal clash.

1 PART V - PROCEDURE FOR DEALING WITH COMMUNAL CLASHES

- 2 **11.** The provision of this Bill shall apply only to communal clashes Provisions of this
3 arising from land and boundary disputes between communities. Bill to apply to
communal clashes
- 4 **12.** The Task Force may be drafted to prevent communal clashes The Task Force
5 which may arise from other causes like, violence arising from reprisal to tackle other
6 attacks, domestic violence, inter-marital disputes. types of
communal disputes
- 7 **13.** The use land or member of a community directly affected by a Duty to report
8 potential land Dispute which likely cause conflict of ownership between potential land
9 communities must Report to the Task Force for immediate intervention. disputes
- 10 **14.** The Task Force shall within 7 days inspect and access the level Task Force to
11 of danger and conflict the dispute may likely have and make report potential
12 recommendations to the Director-General for Immediate action. land dispute to
the Director-
General
- 13 **15.** Notwithstanding the provisions of section 14 above, the Task Task Force to
14 Force may after its assessment, cordon off the affected areas and cordon affected
15 demilitarize the community for continuous period of not more than 2 years area of dispute
- 16 until the conflict is resolved by Commission.
- 17 **16.** The Task Force shall ensure its immediate mobilization to the Task Force to take
18 community to forestall any conflict or tension until the boundary is adjusted. immediate action
to forestall
boundary dispute
- 19 **17.** The Commission shall resolve dispute relating to boundaries The Commission
20 of communities, encourage negotiated settlement of boundary disputes and to resolve boundary
21 delimit the boundaries of communities by making appropriate disputes
22 recommendations to the National Assembly.
- 23 **18.** Where the Commission desires to resolve the dispute by No action to lie
24 negotiated settlement or alternative dispute resolution, no action shall lie to in court where
25 any court in relation to the said dispute and ownership of the said land but Commission opts
26 negotiated settlement or alternative dispute resolution may be enforced by for alternative
27 the court as if it were the decision of the said court. dispute resolution
- 28 **19.** The Commission shall have the prerogative to adopt any Commission to
29 procedure for alternative dispute resolution or negotiation settlement and have prerogative
30 such procedure must comply with the rules of natural justice, equity and to adopt mode of
alternative dispute
resolution

1 good conscience and fairness.
 2 Provided such alternative dispute resolution mechanism and all possible
 3 dispute arising from the said communal land resolved within 1 year.

Task Force to
 rehabilitate
 internally displaced
 persons

4 **20.** The Task Force shall rehabilitate internally displaced persons in
 5 conjunction with the Nigeria Emergency Management Commission the
 6 Nigerian Red Cross Society and any other public or private humanitarian
 7 organization in areas affected by the Communal

Task Force to
 ensure that response
 in rehabilitation
 camp get basic
 amenities, etc.

8 **21.** The Task Force shall ensure that persons who are in rehabilitation
 9 camps are provided with Education, health and sanitary services to such extent
 10 as to avoid any breach, gap or delay in providing such services as if they were
 11 not displaced

The Commission
 to proceed against
 persons who cause
 communal clash

12 **22.**-(1) A person who is directly involved in a communal clash, or
 13 whose action or inaction caused a communal clash to be proceeded against by
 14 the commission.

15 (2) The Commission shall use proceeds from the proceeds from the
 16 prosecution of such persons to repair, compensate or renovate and rehabilitate
 17 victims of communal clash in such areas.

18 (4) The Commission shall administer such funds for the benefit of the
 19 administer such fund for the benefit of the

20 (5) persons affected by the communal clash.

The Commission
 to adjust state
 boundaries

21 **23.**-(1) notwithstanding the provisions of any other enactment, where
 22 the Boundaries of any area lying in any of the States affected by this Bill are
 23 adjusted to include lands lying within the other State so affected ,the area so
 24 altered or adjusted shall cease to be a portion of the State of which it had hereto
 25 formed a part and shall henceforth become apportion of the State to which it has
 26 been added by this Bill.

27 (2) According, any area, the boundaries of which have been adjusted
 28 as specified in subsection (1) of this section shall, as from the Commencement
 29 of this Bill, to the exclusion of any other Government, authority or person, be
 30 governed and administered by or under the control of the Government of State

1 into which it is hereby adjusted and the lands comprised in the area
 2 concerned shall likewise vest in the Government aforesaid in accordance
 3 with the Land Use

4 (3) Any reference this Bill or any other enactment (including the
 5 constitution of the Federal Republic of Nigeria) to area adjusted by pursuant
 6 to this Bill shall, in application of this Bill or such other enactment, be
 7 constructed as a reference to that area as altered or adjusted by this Bill.

8 **24.-(1)** From the commencement of this Bill, the commission shall
 9 embark on the survey delineation and demarcation of the boundaries of area
 10 adjusted according to the provisions of this Bill and the commission shall
 11 require the Federal Director of survey to:

The Commission
 to survey and
 delineate
 boundaries in
 collaboration with
 the Federal Director
 of Surveys

12 (a) install prominent and clearly visible and identifiable beacons,
 13 pillars and other survey marks on both sides of the boundaries of the survey
 14 line of the area affected;

15 (b) embark on the planting, tending and proper maintenance of
 16 trees or shrubs or similar vegetation which will in due course blossom into a
 17 well groomed tree line boundary corridor;

18 (c) ensure that the survey line or boundary corridor is free of all
 19 impediments trees or shrubs other than those to which paragraph (a) and (b)
 20 of this subsection relate.

21 (2) For the purpose of this section, the Commission shall ensure
 22 that any survey mark used in the affected area shall be of such size, protrude
 23 for couch height above the ground surface, and carry such notice or elevated
 24 signals as the Commission may direct, in order to render them easily
 25 distinguishable from other survey signals.

26 **25.-(1)** The laws in force in the State of which an adjusted area
 27 forms a part shall have effect in the adjusted area.

Laws of States
 to be applicable
 to adjusted area

28 (2) Without prejudice to the provisions of subsection (1) of this
 29 section, every authority, court and other public body which immediately
 30 before the commencement of this Bill exercised its functions within an area

1 of which an area affected by this Bill now forms an administrative part, shall
2 also exercise those functions relative to adjusted area.

3 (3) A person who immediately before the commencement of this Bill
4 held office as a member of the civil service of the State and exercised his office
5 at or from a place in the area included in a State by virtue of this Bill shall, from
6 the commencement of this Bill, unless at any time he is transferred, removed
7 from or resigns his office in the manner approved by law, continue to hold and
8 exercise that office in the State to which the area is hereby adjusted.

9 (4) A body corporate or person who continues to exercise any office or
10 function by virtue of this section shall exercise that office or function in
11 accordance with the direction, if any of the appropriate Governor of the
12 Federation, in the case of a Federal body corporate or personnel.

13 PART VI - OFFENCES

Duty of paramount
ruler and other
authority to prevent
communal clash

14 **26.**-(1) The paramount ruler, youth leader, community development
15 association or other authority who in the aggressor community shall prevent
16 any aggression or confrontation which may lead to an communal clash

17 (2) The paramount ruler, youth leader, community development
18 association or other authority who violates the provisions of Subsection (1) of
19 this Section commits an offence.

20 (3) For the purpose of section 26(2), offences which may arise from a
21 communal clash include, breach of peace, murder, manslaughter, Kidnapping,
22 hostage taking, grievous bodily harm, arson, destruction of property, criminal
23 trespass and the like.

24 (4) It shall be defence to any leader if he promptly alerted the Task
25 Force or the Commission on any possible tension or communal conflict before
26 the conflict arose.

27 **27.** A person who willfully and unlawfully, and with intent to defraud,
28 removes or defaces any object or mark which have been lawfully erected or
29 made as an indication of the boundary of any land commits an offence, and is
30 liable on conviction to imprisonment for 3 years.

1 **28.** A person who:

2 (1) Willfully removes, defaces or injures any survey mark or
3 boundary mark or vegetation which have been made or erected by or under
4 the direction of any Government department or for the purposes of a
5 Government survey.

6 (2) Being under an obligation to maintain and repair any boundary
7 mark made or erected as aforesaid, neglect or refuses to repair the same.

8 (3) Commits an offence and is liable on conviction to
9 imprisonment for 3 years or to a fine of N40,000 or to both, and may further
10 be ordered by the court to pay the cost of repairing or replacing the survey
11 mark or boundary mark.

12 **29.**-(1) A local Government Chairman or chairman of a caretaker
13 committee of a local government shall report any communal clash to the
14 Task Force in writing not later than 24 hours after the occurrence of a
15 communal clash.

16 (2) A Local Government Chairman or chairman of a caretaker
17 committee of a local government who violate the provision of subsection (1)
18 of this section commits an offence and is liable on conviction to a fine of not
19 less than N5,000,000 for each day of failure to report the occurrence.

20 (3) Such notice in writing is deemed to have been made, if
21 delivered at the nearest zonal office closer to the impacted site, and of the
22 Task Force, the National Control and Response Centre within the stipulate
23 time is subsection (2) of this section.

24 **30.** For purposes of offences under this Bill, the Commission shall
25 have the power to prosecute any offender before the Federal High Court
26 summarily.

27 **31.** In this Bill:

28 "area" means the dispute land comprised in the geographical location of any
29 of the States affected by Act and adjusted area shall be construed
30 accordingly;

Willful defacing
or boundary marks

Local Government
Chairman to notify
Task Force of the
communal clash

Commission to
prosecute in the
Federal High
Court summarily

Interpretation

1 "aggressor community " means any community who resorts to self -help in a
2 bid to assert its right to use of any lane;

3 "commission "means "(he National Boundary Commission;

4 "Director General "means Director -General of the National Boundary
5 Commission.

Short Title

6 **32.** This Bill may be cited as the National Boundary Commission
7 Task Force (Establishment,) Act, 2016.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Boundary Commission Task Force for the protection of persons and prevention of communal clashes and other criminal acts. [This Bill creates offences and penalties for matters involving communal clashes]