

NATIONAL DEFENCE COLLEGE BILL, 2020

ARRANGEMENT OF SECTIONS

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A BILL

FOR

AN ACT TO REPEAL THE NATIONAL WAR COLLEGE ACT CAP N82 LFN 2004 AND ENACT THE NATIONAL DEFENCE COLLEGE BILL, 2020 AND FOR RELATED MATTERS

Sponsored by Hon. Aminu Ashiru Mani

[] Commencement

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

PART I - REPEAL OF NATIONAL WAR COLLEGE ACT AND
ESTABLISHMENT OF THE NATIONAL DEFENCE COLLEGE

1.-(1) The National War College Act Cap N82 LFN 2004 is hereby Repeal
repealed.

(2) There is hereby established a body to be known as the National
Defence College (in this Bill referred to as "The College") which shall have
the powers assigned to it by this Act;

(3) The College:

(a) Shall be a body corporate with perpetual succession;

(b) Shall have a common seal: and

© May sue or be sued in its corporate name;

2.-(1) The administration of the College shall vest in the Board of
Governors of the College (in this Act referred to as "the Board").

Governing Board
of the College

(2) Without prejudice to the generality of the subsection one of this
section and subject to this Act, it shall be the responsibility of the Board to
consider and approve:

(a) The long-term plan of the activities of the College;

(b) The programme of studies, courses and research to be
undertaken by the College;

(c) The annual budget of the College; and,

1 (d) The investment plans of the College.

2 (3) The Board shall have the powers to approve curricula and
3 programmes to be taught in the College;

4 (4) The decisions of the Board on all matters pertaining to training,
5 assessment, certifications, award of fellowships and withdrawal of participants
6 shall be final;

Membership
of the Board

7 3.-(1) the Board shall consist of:

8 (a) A chairman who shall be the Minister of Defence;

9 (b) Representative of the minister of foreign affairs;

10 (c) The Chief of Defence Staff;

11 (d) The Chief of Army Staff;

12 (e) The Chief of Naval Staff;

13 (f) The Chief of Air Staff;

14 (g) The Commandant of the College; and,

15 (h) The Permanent Secretary of the Ministry of Defence shall serve as
16 secretary to the Board;

17 (2) The supplementary provisions set out in the schedule to this Act
18 shall have effect with respect to the proceedings of the Board and other matters
19 mentioned therein;

Objectives and
Functions of the
College

20 4.-(1) To serve as a high-level training and research centre for senior
21 military personnel and selected civilians drawn from related strategic
22 Ministries to reflect and exchange ideas on defence policy, national security,
23 military operations, strategy and geo-politics and national development;

24 (2) For the purposes of carrying out the functions specified in
25 subsection (1) of this section, the College shall have power to:

26 (a) Conduct high level policy making and execution courses for
27 military and selected civilians from related ministries with a view to expanding
28 their knowledge of the strategic studies and democratic governance of the
29 defence sector within which joint operations with allied formations, may be
30 conducted;

1 (b) Award certificate on completion which shall authorise a
2 participant to use the designated words and letters "Fellow Defence
3 College" and "FDC" respectively;

4 (c) Withdraw participants who, by their academic or moral
5 conduct, the College in its judgement considers unworthy of the award of
6 the fellowship of the College;

7 (d) Enter into collaborative ventures, affiliate with and establish
8 linkages with other institutions for the purpose of building capacity in any
9 area of higher national defence management and defence sector reform;

10 (e) Develop and run programmes and all such activities which shall
11 promote excellence in the College;

12 (f) Conduct strategic study tours of strategic formation and critical
13 infrastructure and to make report to relevant government ministries,
14 departments and agencies for necessary actions;

15 (g) Conduct other action oriented programmes whether on a
16 continuing or adhoc basis for one star general and above with a view to
17 promoting understanding and exchange of views, ideas and experience
18 among them, on defence and military matters;

19 (h) Provide related courses and training for defence and security
20 sector reforms, defence and security management and civil - military
21 relationship for national and international stakeholders;

22 (i) Disseminate, by way of publication of books, journals, records,
23 reports or otherwise, information about any part of its activities, to the extent
24 deemed justified by the Board in the interest of Nigeria and generally as
25 contribution towards knowledge and for better national and international
26 understanding;

27 (j) Provide enabling environment for harmonious networking of
28 both national and ECOWAS regional security and democratic governance
29 respectively;

30 (k) Promote or undertake any other activity which in the opinion of

Provision of
Library facilities

1 the Board, is calculated to help achieve the objectives of the College;
2 5. The College shall establish and maintain a library comprising such
3 books, records, reports and other publications as may be directed by the Board
4 for the advancement of knowledge in the areas of work undertaken by it, for
5 research purposes and for other purposes connected with the functions
6 conferred on the College by or in pursuance of this Act;

7 PART II - STAFF OF THE COLLEGE

Appointment
of the Commandant

8 6.-(1) There shall be appointed for the College an officer to be known
9 as the Commandant whose appointment and removal from office shall be in
10 accordance with military posting and who shall be responsible to the Board for:

11 (a) Giving to the board such information as to the activities of the
12 College as the chairman of the Board may require;

13 (b) Organise a quartet seminar or workshop for strategic officers of
14 the military and members of national assembly committees on defence,
15 security and intelligence;

16 (c) Commandant shall make annual presentation of research findings
17 on any national defence issues to the Presidency before the graduation of a
18 course;

19 (d) authorizing programmes and plans to give effect to policies
20 approved by the Board or to any direction of the Board, subject to all or any of
21 the powers in this section as may be delegated to him by the Board.

22 (2) The fact that any power has been delegated to the Commandant
23 pursuant to sub-section (1) of this section shall not preclude the Board from
24 exercising the same power in any special case.

25 (3) The powers referred to in subsection (2) of this section shall
26 include:

27 (a) control over the military and civilian staff of the College;

28 (b) The supervision of the accounts and records of the College;

29 (c) The approval of programmes and plans necessary to carry into
30 effect approved policies or any directives of the Board;

1 (d) The interpretation of such policies to other staff of the College;
2 (e) The making of any staff recommendations to the Board; and
3 (f) the establishment of organizational structures, departments, and
4 definition of duties thereof provided that nothing in this Act shall be deemed
5 to preclude the Armed Forces from exercising any power of command over
6 the Commandant of the College.

7 (4) The Commandant shall be:

8 (a) A three star- general;

9 (b) Appointed by the president after consultation with the Minister
10 of Defence and Chief of Defence staff;

11 (c) The chief executive and accounting officer of the College; and

12 (d) Responsible to the Board for the day - to - day management of
13 the affairs of the College.

14 (5) The Commandant shall hold office for a term of three years
15 from the date indicated in the publication of his appointment;

16 (6) The post of the Commandant shall be reserved for the Nigerian
17 Navy; or in accordance with the arrangements by the three services;

18 7.-(1) There shall be appointed for the College by the Chief of
19 Defence Staff the following officers of the College, a Deputy-Commandant
20 and Director of studies whose appointment and removal from office shall be
21 in accordance with military posting;

Appointment of
the Deputy
Commandant
and Secretary to
the College

22 (2) The Deputy Commandant shall not be less than the position of a
23 two - star general;

24 (3) The Commandant and deputy commandant shall not be
25 appointed from the same service of the Armed Forces;

26 (4) The Deputy Commandant shall hold office for a term of three
27 years from the date indicated in the publication of his appointment;

28 (5) The post of the Deputy Commandant shall be rotated among the
29 three services of the Armed Forces; or in a manner that shall meet the interest
—30 of the services.

1 (6) The Deputy Commandant and Director of Studies in addition to
2 deputizing for the Commandant, be responsible to the Commandant for-

3 (a) Organizing and conducting the courses and studies undertaken by
4 the College and

5 (b) The collation and publication of course materials and other
6 publications relating thereto.

7 (7) There shall be appointed for the College a College Secretary, who
8 shall:

9 (a) Not be less than the rank of a one star - general;

10 (b) Be rotated among the three services of the Armed Forces or as
11 decided by the Defence Headquarters;

12 (c) Be appointed for a maximum term of three years; and,

13 (d) Be responsible to the Commandant for:

14 (i) The administration of the College and

15 (ii) The finances of the College.

16 8.-(1) There shall be appointed for the College by the Board the
17 following departments to be headed by a Director:

18 (a) Department of Higher Military organizations;

19 (b) Department of Academic Research and Analytical Support;

20 (c) Department of National and Military Strategy;

21 (d) Department of National and Geo-political Affairs;

22 (e) Department of Curriculum and Programs development;

23 (f) Department of Information and Communications Technology;

24 (g) Department of Military History Research and Archives;

25 (h) Department of Coordination;

26 (i) Department of Administration;

27 (j) Department of Logistics;

28 (k) Department of Finance and Accounts;

29 (l) Department of Civil-Military Relations.

30 (2) Department of National and geo-political Affairs whose head shall

Appointment
of Directors/
Heads of
Departments of
the College

1 be an adviser to the Commandant on international affairs and foreign policy
2 shall be appointed from among the serving officers of the ministry of
3 Foreign Affairs;

4 (3) The Director of Civil Military Relations Studies shall be headed
5 by a professor of Political Science or Political Sociology;

6 (4) The College shall appoint such other staff as may be required
7 from time to time, for the efficient performance of the functions conferred
8 on the College under this Act;

9 9.-(1) Notwithstanding the provisions of Pension Act, it is hereby
10 declared that service in the College shall be approved service for the purpose
11 of that Act and, accordingly officers and other persons employed in the
12 College shall in respect of their service to the College be entitled to pensions,
13 gratuities and other retirement benefits as are enjoyed by persons holding
14 equivalent grades in the public service of the federation;
15 So nothing in this Act shall prevent the appointment of a person to any office
16 on terms which preclude the grant of pension and gratuity in respect of that
17 office;

Service in the
College to be
pensionable

18 (2) For the purpose of the application of the provisions of the
19 pension Act in accordance with the provisions of this Act, any power
20 excisable thereunder by a Minister or any other authority of the Government
21 of the federation (other than the power to make regulations) is hereby vested
22 in and shall be excisable by the Board and not by any other authority;

23 PART III - FINANCIAL PROVISIONS:

24 10.-(1) the College shall establish and maintain a fund which shall
25 be applied towards the promotion of the objectives specified in this Act;

Funds of the
College

26 (2) there be paid and credited to the Fund established pursuant to
27 subsection one of this section:

28 (a) such sums as may be provided by the government of the
29 federation or state for payment into the fund;

30 (b) Fees charged for services rendered by the College;

1 (c) All sums accruing to the College in form of gifts, testamentary
2 dispositions and endowments or contributions from philanthropic persons or
3 organizations or otherwise howsoever;

Power to accept
gifts

4 11.-(1) The College may accept any gifts of land, money or other
5 property upon such terms and conditions, if any as may be specified by the
6 persons or organizations making the gift;

7 (2) The College shall not accept any gift if the conditions attached by
8 the person or organization making the gift are inconsistent with the aims and
9 objectives of the College or its position as a non - partisan institution free from
10 any undue external influence;

Power to borrow
Funds

11 12.-(1) The Board may with the consent or in accordance with any
12 general authority given by the President borrow by way of loan or overdraft
13 from any source or any specified amount of money required by the College for
14 meeting its obligations and discharging its functions under this Act, so
15 however, that where the sum or aggregate of the sums at any point does not
16 exceed N10,000,000 no such consent or authority shall be required;

17 (2) The Board may, subject to the provisions of this Act and the
18 conditions of any trust created in respect of any property, invest all or any of its
19 funds with the like consent or general authority as are mentioned in subsection
20 (1) of this section;

21 (3) The Board may invest any surplus funds of the College in such
22 securities as may from time to time be approved by the Board;

Annual Estimates,
Accounts and
Audit

23 13.-(1) The Board shall cause to be prepared not later than September
24 30th in each year, an estimate of the expenditure and income of the College
25 during the next succeeding year and when prepared shall be submitted through
26 the minister for approval by the President;

27 (2) The Board shall cause to be kept proper accounts and proper
28 records in relation thereto; and when certified by the Board such accounts shall
29 be audited as provided in subsection (3) of this section;

30 (3) The accounts of the College shall be audited as soon as directed or

1 within six months after the end of each financial year by auditors appointed
2 by from the list of qualified auditors and in accordance with the guidelines
3 supplied by the Auditor - general of the Federation by the Board and the fees
4 of the auditors and expenses for the audit generally shall be paid from the
5 funds of the College;

6 PART IV - MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

7 14.-(1) The Board may subject to the provisions of this Act, employ
8 such number and category of officers and other employees as may be
9 expedient and necessary for the proper and efficient conduct of the functions
10 of the College;

Employment/
Discipline of
Staff

11 (2) The Board may make staff regulations relating generally to the
12 terms and conditions of service of the employees of the College and without
13 prejudice to the generality of the foregoing, such regulations may provide
14 for:

15 (a) The appointment, remuneration, promotion and disciplinary
16 control of employees of the College;

17 (b) The remuneration and tenure of office of employees of the
18 College;

19 (c) Appeal by such employees against dismissal or other
20 disciplinary measures and until such regulations are made, any instrument
21 relating to the conditions of service of officers in the civil service of the
22 federation shall be applicable with such modifications as may be necessary
23 to the employees of the College provide that nothing in this Act shall
24 preclude the application of the Armed Forces as it applies to the service
25 personnel of the College;

26 (3) The Commandant of the College shall have power to convene
27 and constitute a court-martial in matters of discipline affecting service
28 personnel of the College;

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

Interpretation

30 "Board" means the Board of Governors of the College constituted under

1 section 3 of this Act;
2 "Chairman" means the Chairman of the Board,
3 "Commandant" means the Commandant of the College;
4 "College" means the National Defence College established in section 2 of this
5 Act;
6 "Minister" means minister charged with the responsibility of defence matters;
7 "Ministry" can be construed accordingly;

Short title

8 16. This Bill may be cited as the National Defence College Bill,
9 2020.

SCHEDULE

PROCEEDINGS OF THE BOARD

11
12 1.-(1) Subject to this Act and section 27 of the Interpretation Act,
13 which provides for the decisions of a statutory body to be taken by a majority of
14 the members of the body and for the persons presiding to have a second or
15 casting vote) the Board may standing orders regulating the proceedings of the
16 Board or of any committee thereof.

17 (2) The quorum of the Board shall be chairman and four other
18 members, and the quorum of any committee of the Board shall be determined
19 by the Board.

20 2.-(1) The Board shall meet not less than two times in each year, and
21 subject thereto, the Board meet whenever it is summoned by the chairman and
22 if the chairman is required to do so by a notice given to him by not less than
23 three other members, he shall summon a meeting of the Board to be held within
24 seven days on which the notice is given.

25 (2) at any meeting of the Board the chairman shall preside, but if he is
26 absent, the most senior member present at the meeting shall preside.

27 (3) where the Board wishes to obtain the advice of any person on any
28 particular matter, the Board may co-opt him as a member for any period it may
29 deem fit, but a person who is a member by virtue of this sub-paragraph shall not

1 be entitled to vote at any meeting of the Board and shall not count towards
2 a quorum

3 3.-(1) The Board may appoint one or more committees to carry
4 out on behalf of the Board such of its functions as may be determined by
5 the Board;

6 (2) any committee appointed under this paragraph shall consist
7 of such number of persons as may be determined by the Board and not
8 more than one third of those persons may be persons who not members of
9 the Board; a person other than a member of the Board shall hold office on
10 the committee in accordance with the terms of the instruments of his
11 appointment;

12 (3) A decision of a committee of the Board shall have no effect
13 until it is confirmed by the Board;

14 (4) the fixing of the seal of the College shall be authenticated by
15 the signature of the chairman or some other member authorized generally
16 or specifically by the Board for that purpose;

EXPLANATORY MEMORANDUM

This Bill seeks to establish a National Defence College to serve as a centre of excellence for National Defence Policy Makers Forcers to ensure Nigeria develop home grown defence strategies that are at par with international best practises in the defence industry..

