

NATIONAL BOUNDARY COMMISSION TASK FORCE
(ESTABLISHMENT) BILL, 2019
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A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL BOUNDARY TASK FORCE FOR 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 I - ESTABLISHMENT, COMPOSITION OF THE NATIONAL
2 BOUNDARY COMMISSION TASK FORCE

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

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

7 3. The Task Force shall consist of a: Membership of Task Force

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

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

13 (c) Members of the Nigerian Peace Corp;

14 (d) Representative of the office of the Honorable Attorney-General
15 of the federation;

16 (e) Representative of the surveyor-General of the Federation;

17 (f) Representative of the Statistician General of the Federation;

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

1 (h) Representative of the Ministers of Internal Affairs

Regimen of the
Task Force to be
drawn from
military agencies

2 4. The regimen of the 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
de-commission
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 B II 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 II - OBJECTIVE, ETC. OF THE TASK FORCE

Objectives of
the Task Force

10 6. The objective of the Task Force shall be to co-ordinate and
11 implement the National Communal Clash Contingency Plan for Nigeria (in
12 this Bill referred to as lithe 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
20 resources to save lives, protect threatened environment, and up to the best
21 practical extent 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 clash;

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

1 ensure readiness to communal clash preparedness to response and th :
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 th :
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 and 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 th :
25 entire plan; and

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

28 7. The Task Force:

29 (a) Be responsible for surveillance and ensure compliance with
30 existing boundary delimiting legislation and directives of the National

- 1 Boundary Commission on conflict zone;
- 2 (b) Receive reports of potential tension and conflict zones and
3 demilitarized non-conflict zones and activities throughout Nigeria;
- 4 (c) Co-ordinate the implementation of the Plan as may be formulated,
5 from time to time, by Commission and Federal Government;
- 6 (d) Co-ordinate the implementation of the Plan for the prevention and
7 clean-up of conflict zones as may be issued by the Federal Government; and
- 8 (e) Perform such functions as may be required to achieve the aims and
9 objectives of the Task Force under this Bill or any plans as may be formulated
10 by the National Boundary Commission and Federal Government under this
11 Bill.

Special functions
of the Task Force

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

1 PART III - ESTABLISHMENT OF NATIONAL CONTROL AND

2 RESPONSE CENTRE

3 9.-(1) There is established purpose of this Bill, a National Control
4 and Response Centre (in this Bill referred to as the Centre") which shall:

Establishment
of National
Control and
Response Centre

5 (a) act as a report processing and response co-ordinating centre for
6 all communal conflict incident in Nigeria;

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

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

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

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

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

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

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

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

26 10.-(1) The Task Force shall:

Activities of the
Task Force

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

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

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

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

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

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

12 (g) advise and guide in response efforts as to ensure the protection of
13 highly sensitive areas, habitats, heritage sites, government institutions,
14 vegetation and environment; and

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

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

20 (3) The Task Force shall:

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

24 (b) expeditiously consider any proposal made for response effort by
25 the communities;

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

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

1 such procedure must Comply with the rules of natural justice, equity and good
2 conscience and fairness:

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

Task Force to
rehabilitate
internally
displaced
persons

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

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

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

The Commission
to proceed against
persons who cause
communal clash

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

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

19 (4) The Commission shall administer such funds 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 e 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 in this Bill or any other enactment (including th
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, b
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 such 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 thi
29 section, every authority, court and other public body which immediate
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 the 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 person.

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 any communal clash

17 (2) The paramount ruler, youth leader, community development association or
18 other authority who violates the provisions of Subsection (1) of this Section
19 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, Kidnaping,
22 hostage taking, grievous bodily harm, arson, destruction of Property, criminal
23 trespass and the like.

24 (4) It shall be defense 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.

Willful defacing
of boundary marks

27 27. A person who willfully and unlawfully, and with intent to defraud,
28 removes or defaces any object or mark which has 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 unde-
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 boundar-
7 mark made or erected as aforesaid, neglect or refuses to repair the same; or

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.

Local Government
Chairman to notify
Task Force of the
communal clash

16 (2) A Local Government Chairman or chairman of a caretake-
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.

Commission to
prosecute in the
Federal High Court
summarily

27 31. In this Bill:

Interpretation

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

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

3 "commission" means the 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) Bill, 2019.

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 also creates offences and penalties for matters involving communal clashes.