

# A BILL

## FOR

AN ACT TO PROHIBIT CHEMICAL AND BIOLOGICAL WEAPONS AND ESTABLISH THE NATIONAL AUTHORITY FOR THE EFFECTIVE IMPLEMENTATION OF THE CHEMICAL AND BIOLOGICAL WEAPONS CONVENTIONS IN NIGERIA; AND FOR RELATED MATTERS

*Sponsored by Hon. Namdas Abdulrazak Sa'ad*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows-

1 PART I - ESTABLISHMENT OF THE NATIONAL AUTHORITY ON  
2 CHEMICAL & BIOLOGICAL WEAPONS CONVENTION

3 1.-(1) There is established the National Authority on Chemical and  
4 Biological Weapons (in this Bill referred to as "the Authority").

Establishment of the National Authority on Chemical Weapons Convention, etc.

5 (2) The Authority shall be domiciled in the Office of the Secretary  
6 to the Government of the Federation.

7 2. The Authority shall consist of the-

Structure of the National Authority

8 (a) Council;

9 (b) The Technical Advisory Committee; and

10 (c) The Secretariat.

11 3. The Council shall consist of a-

Composition of the Council

12 (1) Chairman, who shall be the Permanent Secretary (Political  
13 Affairs), Office of the Secretary to the Government of the Federation; and

14 (2) representative each not below the rank of a Director from the  
15 following Ministries:

16 (i) Agriculture,

17 (ii) Foreign affairs,

18 (iii) Defence,

19 (iv) Interior,

- 1 (v) Trade and Investment,  
2 (vi) Justice,  
3 (vii) Environment,  
4 (viii) Science and Technology,  
5 (ix) Health,  
6 (x) Mines and Steel,  
7 (xi) National Intelligence Agency,  
8 (xii) Office of the National Security Adviser,  
9 (xiii) Water Resources, and  
10 (xiv) Manufacturing Associate of Nigeria.
- 11 (3) representatives of each of the Sub-committees of the Technical  
12 Advisory Committee.
- 13 (4) The Technical Advisory Committee shall comprise the following  
14 Sub-committees:
- 15 (a) Defence and Security;  
16 (b) Science, Technology and Health;  
17 (c) Technical Cooperation;  
18 (d) Sensitization and Publicity;  
19 (e) Emergency, Preparedness and Response; and  
20 (f) Education and Outreach.
- 21 (5) The Defence and Security Sub-Committee shall consist of-
- 22 (a) the National Security Adviser; and  
23 (b) a representative each of the following bodies-
- 24 (i) Office of the National Security Adviser,  
25 (ii) Defence Headquarters,  
26 (iii) Nigerian Army,  
27 (iv) Nigerian Navy,  
28 (v) Nigerian Air Force,  
29 (vi) Nigeria Police,  
30 (vii) Nigeria Custom Service;

- 1 (viii) Nigeria Immigration Service,  
2 (ix) National Intelligence Agency,  
3 (x) Department of State Security,  
4 (xi) Defence Intelligence Agency, and  
5 (xii) Nigeria Security and Civil Defence Corps.
- 6 (6) The Science, Technology and Health Sub- Committee shall  
7 comprise representatives of-
- 8 (a) the Federal Ministry of Science and Technology;  
9 (b) the National Agency for Food and Drug; Administration and  
10 Control;  
11 (c) the National Research Institute for Chemical Technology;  
12 (d) the Standard Organization of Nigeria;  
13 (e) Institute of Chartered Chemist of Nigeria (ICCON);  
14 (f) the National Atomic Energy Commission;  
15 (g) the Federal Ministry of Health;  
16 (h) the Sheda Science and Technology Complex;  
17 (i) the Federal Ministry of Environment;  
18 (j) the National Biotechnology Development Agency;  
19 (k) the Federal Ministry of Agriculture;  
20 (l) the Federal Ministry of Water Resources;  
21 (m) the National Biosafety Management Agency; and  
22 (n) any other ministry, department or agency as the need arises.
- 23 (7) Technical Cooperation Sub-Committee shall comprise  
24 representatives of-
- 25 (a) the Federal Ministry of Foreign Affairs;  
26 (b) the Sheda Science and Technology Complex;  
27 (c) the National Emergency Management Agency;  
28 (d) the Nigerian Nuclear Regulatory Authority;  
29 (e) the Nigeria National Petroleum Corporation;  
30 (f) the Department of Petroleum Resources;

- 1 (g) the Nigeria Atomic Energy Commission;
- 2 (h) the National Biotechnology Development Agency;
- 3 (i) the Federal Ministry of Environment; and
- 4 (j) any other ministry, department or agency as the need arises.
- 5 (8) The Sensitization and Publicity Sub-Committee shall comprise
- 6 representatives of-
- 7 (a) the Federal Ministry of Information and Culture;
- 8 (b) the Federal Ministry of Education;
- 9 (c) the Federal Ministry of Communication;
- 10 (d) the Nigeria Universities to be nominated by National Universities
- 11 Commission;
- 12 (e) the Nigeria Association of Chambers of Commerce, Industry,
- 13 Mines and Agriculture;
- 14 (f) the Manufacturers Association of Nigeria; and
- 15 (g) any other ministry, department or agency as the need arises.
- 16 (6) The Education and Outreach Sub-Committee shall comprise
- 17 representatives of-
- 18 (a) the Federal Ministry of Education;
- 19 (b) the Federal Ministry of Information and Culture;
- 20 (c) the Federal Ministry of Communication;
- 21 (d) the Federal Ministry of Health;
- 22 (e) the Nigeria Customs Service;
- 23 (f) the National Universities Commission;
- 24 (g) the Nigeria Association of Chambers of Commerce, Industry,
- 25 Mines and Agriculture;
- 26 (h) the Manufacturers Association of Nigeria; and
- 27 (i) any other ministry, department or agency as the need arises.
- 28 (9) Emergency Preparedness and Response Sub-Committee shall
- 29 comprise representatives of-
- 30 (a) National Emergency Management Agency;

- 1 (b) Office of the National Security Adviser;  
2 (c) Nigeria National Petroleum Corporation;  
3 (d) Department of State Security Services;  
4 (e) National Intelligence Agency;  
5 (f) Federal Ministry of Health;  
6 (g) Federal Ministry of Environment;  
7 (h) Federal Ministry of Justice;  
8 (i) Federal Ministry of Solid Minerals;  
9 (j) Federal Ministry of Agriculture;  
10 (k) Federal Ministry of Water Resources;  
11 (l) National Agency for Food and Drug Administration and  
12 Control;  
13 (m) Federal Fire Service;  
14 (n) Nigeria Police Force;  
15 (o) Nigeria Security and Civil Defence Corps;  
16 (p) Nigerian Nuclear Regulatory Authority;  
17 (q) Federal Road Safety Commission;  
18 (r) National Biosafety Management Agency;  
19 (s) National Biotechnology Development Agency; and  
20 (t) any other ministry, department and agency as the need arises.

21 **4.-(1)** The functions of the Authority shall be to serve as the focal  
22 point for-

- 23 (a) effective liaison with the Organisation for the Prohibition of  
24 Chemical Weapons and other states parties to the convention and to fulfill  
25 Nigeria's obligations under the convention;  
26 (b) effective liaison with the Department Office of the United  
27 Nations(Department Office) and other states parties to the Biological  
28 Weapon Convention to fulfill Nigeria's obligations under the convention;  
29 (c) coordination of the activities of the various organisations in the

Functions of the  
National Authority

1 different sectors of the country that are executing various aspects of the  
2 Conventions;

3 (d) developing and maintaining relevant institutional policy and  
4 infrastructural frameworks for effective national implementation of the  
5 Chemical and Biological Weapons Conventions;

6 (e) fostering enduring partnerships for purpose of building relevant  
7 national capacities with intent to meet Chemicals and Biological Conventions  
8 obligations;

9 (f) advising the Government on matters relevant to the-

10 (i) making of regulations under the Bill,

11 (ii) monitoring the implementation of regulations made under the  
12 Bill,

13 (iii) formulating procedures and systems to improve the  
14 administration and operation of the Bill,

15 (iv) coordination of the activities of all agencies involved in the  
16 implementation and enforcement of the requirements under the Bill or  
17 regulations made thereunder, and

18 (v) other functions as are conferred on the Authority by this Bill or any  
19 other extant law.

20 (2)The Technical Advisory committee shall provide technical advice  
21 to the National Authority on matters pertaining to the Convention.

22 (3) The secretariat shall be responsible for the day to day  
23 administration of the National Authority.

Funds for the  
National Authority

24 **5.**-(1) There shall be for the National Authority a fund from which all  
25 expenses incurred by the Authority for the execution of its functions under this  
26 act shall be paid.

27 (2) There shall be credited to the fund under subsection (1) of this  
28 section:

29 (a)Take off grants and annual subventions received from the  
30 Government of the Federation;

1 (b) Budgetary allocations approved by the National Assembly for  
2 the purpose of the National Authority;

3 (c) Grants, gifts or donations from the international organizations  
4 and donor agencies; and

5 (d) All other funds which may, from time to time, accrue to the  
6 National Authority.

7 6. The National Authority shall not later than 30th September in Annual Report  
8 each year, submit to the President through the Secretary to the Government  
9 of the Federation, a report of its activities during the immediate preceding  
10 year and shall include in such report the audited accounts of the National  
11 Authority.

12 PART II - OFFENCES AND PENALTIES

13 7.-(1) a person shall not-

14 (a) develop, produce, import, acquire, stockpile, conceal or retain  
15 any chemical or biological agent or toxin for hostile purposes, or in armed  
16 conflict, or retain a chemical or biological weapon;

17 (b) transfer, directly or indirectly a chemical or biological weapon  
18 to any other person;

19 (c) use a chemical or biological weapon; or

20 (d) engage in any preparations to use a chemical or biological  
21 weapon for purposes other than prophylactic, protective or other peaceful  
22 purposes;

23 (e) assist, encourage or induce in any way, a person to engage in  
24 any activity prohibited to a State Party under the Conventions;

25 (f) use a riot control agent as a method of warfare; or

26 (g) engage in any other activity prohibited to a State Party under  
27 the Convention.

28 (2) A person who contravenes the provision of this section commits  
29 an offence and is liable on conviction in a case of a-

30 (a) natural person to a term of not less than 10 years imprisonment

Offences and  
penalties relating  
to Chemical and  
Biological Weapons

1 or life imprisonment or a fine of not less than N10,000,000; and

2 (b) corporate body to liquidation and confiscation of its assets  
3 including all of the company's facilities used in the commission of the offence  
4 and a fine of not less than N100,000,000.

5 (3) Where any chemical or biological weapon is developed,  
6 produced, or otherwise acquired, stockpiled, retained or transferred in  
7 contravention of this section, the weapon-

8 (a) shall be forfeited to the Federal Government ;

9 (b) may be seized without warrant by any authorized officer of the  
10 Federal Government; and

11 (c) shall be stored pending disposal, and disposed of, in accordance  
12 with the Convention.

Offences and  
penalties relating  
to Schedule 1 -  
Chemicals

13 **8.-(1)** A person shall not-

14 (a) produce, acquire, retain, or use of chemicals provided in the First  
15 Schedule outside the territory of Nigeria unless such production acquisition,  
16 retention, or use takes place within the territory of another State Party;

17 (b) produce, acquire, retain, transfer, or use of chemicals provided in  
18 the First Schedule, unless the chemicals are exclusively applied to research,  
19 medical, pharmaceutical or protective purposes and the types and quantities of  
20 chemicals are strictly limited to those which can be justified for such purposes;

21 (c) transfer chemicals outside the territory of Nigeria to a State not  
22 party to the Convention;

23 (d) transfer chemicals to another State Party without notifying the  
24 Authority not less, than 60 days before the transfer; and

25 (e) re-transfer to a third state, chemicals transferred to Nigeria.

26 (1) Where the transfer is for medical or diagnostic purposes and the  
27 quantity is five milligrams or less; the notification of the transfer of saxitoxin  
28 shall be made not less than 24 hours before the time of transfer.

29 (2) A person who contravenes the provision of this section commits an  
30 offence and is liable on conviction in the case of a-



1 (a) natural person to life imprisonment or a term of not less than 10  
2 years imprisonment or a fine of not less than N10,000,000; and

3 (b) corporate body to liquidation and confiscation of its assets  
4 including all of the company's facilities used in the commission of the  
5 offence or a fine of not less than N100,000,000.

6 **9.**-(1) A person shall not transfer to or receive from a State not  
7 party to the Convention the chemicals or products containing such  
8 chemicals, except as stipulated in subsection (2).

Offences and  
penalties relating  
to Schedule 2-  
Chemicals

9 (2) Subsection (1) shall not apply to products containing the  
10 chemicals in which the product:

11 (a) contains one percent or less of the chemical;

12 (b) contains 10% or less of the chemical; or

13 (c) is identified as a consumer good packaged for retail sale for  
14 personal use or packaged for individual use.

15 (3) A person who contravenes the provision of this section  
16 commits an offence and is liable on conviction, in the case of a-

17 (a) natural person to a term of life imprisonment or not less than 10  
18 years or and a fine of not less than N10,000,000; and

19 (b) corporate body to liquidation and confiscation of assets  
20 including all of the corporate facilities used in the commission of the offence  
21 and a fine of not less than N100,000,000.

22 **10.**-(1) A person shall not transfer to a State not party to the  
23 Convention, chemical, or mixtures containing such chemicals in excess of  
24 30% in weight, without first receiving an end-user certificate from the  
25 competent authority of the State not party to the Convention.

Offences and  
penalties relating  
to Schedule 3-  
Chemicals

26 (2) An end-user certificate shall contain at a minimum-

27 (a) a statement that the chemicals will only be used for purposes not  
28 prohibited under the Convention;

29 (b) a statement that the chemicals will not be re- transferred;

30 (c) the types and quantities of the chemicals to be transferred;

1 (d) the end user of the chemicals to be transferred; and

2 (e) the names and addresses of the chemicals end users.

3 (3) Subject to subsections (2)(d) and (e), where the chemical transfer  
4 is to an importer in a State not party to the Convention, and such an importer is  
5 not the actual end-user, the importer shall be obliged to specify the names and  
6 addresses of the end-users for the purposes of subsection (1) and (2).

7 (4) A person who contravenes the provision of this section shall be  
8 liable on conviction in the case of a-

9 (a) natural person to a term of life imprisonment or not less than 10  
10 years or and a fine of not less than N10,000,000; and

11 (b) corporates body to liquidation and confiscation of the assets  
12 including all of the corporate facilities used in the commission of the offence  
13 and a fine of not less than N100,000,000.

Offences and  
penalties relating  
to category A-  
Biological Agents  
and Toxins

14 **11.**-(1) A person shall not-

15 (a) produce, acquire, retain or use Category A biological agents and  
16 toxins outside the territory of Nigeria unless such production, acquisition,  
17 retention or use takes place within the territory of another State Party;

18 (b) produce, acquire, retain, transfer or use Category A biological  
19 agents and toxins, unless the biological agents and toxins are exclusively  
20 applied to research, medical, pharmaceutical or protective purposes and the  
21 types and quantities of biological agents and toxins are strictly limited to those  
22 which can be justified for such purposes;

23 (c) transfer Category A biological agents and toxins outside the  
24 territory of Nigeria to a State not party to the Convention;

25 (d) transfer Category A biological agents and toxins to another State  
26 Party without notifying the Authority not less than 60 days before the transfer;  
27 and

28 (e) re-transfer to a third State, Category A biological agents and toxins  
29 transferred to Nigeria.

30 (2) Where the transfer is for medical or diagnostic purposes and the

1 quantity is five milligrams or less the notification of the transfer shall be  
2 made not less than 24 hours before the time of transfer.

3 (3) A person who contravenes the provision of this section commits  
4 an offence and is liable on conviction in the case of a-

5 (a) natural person life imprisonment to a term of not less than 10  
6 years and a fine of not less than N10,000,000; and

7 (b) corporate body to liquidation and confiscation of its assets  
8 including all of the company's facilities used in the commission of the  
9 offence and a fine of not less than N100,000,000.

10 12.-(1) A person shall not transfer to, or receive from a State not  
11 party to the Convention, Category B biological agents and toxins or  
12 products containing such biological toxins.

Offences and  
penalties relating  
to category A-  
Biological Agents  
and Toxins

13 (2) Subsection (1) shall not apply to products containing Category  
14 B biological agents and toxins in which the product -

15 (a) contains one percent or less of a Category 2A or 2A\* biological  
16 agents and toxins;

17 (b) contains 10% or less of a Category 2B biological agents and  
18 toxins; or

19 (c) the product is identified as a consumer good packaged for retail  
20 sale for personal use or packaged for individual use.

21 (3) A person who contravenes the provision of this section commits  
22 an offence and is liable on conviction, in the case of a-

23 (a) natural person to life imprisonment or a term of imprisonment  
24 of not less than 10 years and a fine of not less than N10,000,000; and

25 (b) corporate body to liquidation and confiscation of the assets  
26 including all of the corporate facilities used in the commission of the offence  
27 and a fine of not less than N100,000,000.

28 13.-(1) A person shall not transfer to a State not party to the  
29 Convention, Category C biological agents and toxins, or mixtures  
30 containing such biological agents and toxins in excess of 30% in weight,

Offences and  
penalties relating  
to category C-  
Biological Agents  
and Toxins

1 without first receiving an end-user certificate from the competent authority of  
2 the State not party to the Convention.

3 (2) An end-user certificate shall contain, at a minimum-

4 (a) a statement that the Category C biological agents and toxins will  
5 only be used for purposes not prohibited under the Convention;

6 (b) a statement that the Category C biological agents and toxins will  
7 not be re-transferred;

8 (c) the types and quantities of the Category C biological agents and  
9 toxins to be transferred;

10 (d) the end-use of the Category C biological agents and toxins to be  
11 transferred; and

12 (e) the name and address of the Category C biological agents and  
13 toxins end-user.

14 (3) Subject to subsections (2) (d) and (e), where the Category C  
15 biological agents and toxins transfer is to an importer in a State not party to the  
16 Convention, and such importer is not the actual end-user, the importer is  
17 obliged to specify the name and address of the end-user for the purposes of  
18 subsections (1) and (2).

19 (4) A person who contravenes the provision of this section commits  
20 an offence and is liable on conviction in the case of a-

21 (a) natural person to a term of imprisonment of not less than 10 years  
22 or life imprisonment and a fine of not less than N10,000,000; and

23 (b) corporate body to liquidation and confiscation of the assets  
24 including all of the corporates facilities used in the commission of the offence  
25 and a fine of not less than N100,000,000.

26 (5) A person who fails to ensure that adequate measures are taken for  
27 the safety and security of any biological agent or toxin manufactured, stored,  
28 kept or used in any building, laboratory, place, vessel, aircraft, carriage, box,  
29 motor vehicle, or any other conveyance in accordance with BWC, commits an  
30 offence and is liable on conviction, in the case of a-

1 (a) natural person, to a term of imprisonment of not less than 10  
2 years or to life imprisonment and a fine of not less than N10,000,000; and

3 (b) corporate body to liquidation and confiscation of the assets  
4 including all of the corporats facilities used in the commission of the offence  
5 and a fine of not less than N100,000,000.

6 (6) Where an offence is committed under this Bill by a corporate  
7 body and is proved to have been done with the consent, connivance or aiding  
8 and abeting of a director, manager, corporate secretary or other similar  
9 officer of the corporate body or any other person purporting to operate in  
10 such capacity, that person commits an offence and is liable on conviction to  
11 life imprisonment or a term of imprisonment of not less than 10 years or and  
12 a fine of not less than N10,000,000.

13 PART III - PERMITS FOR SCHEDULED AND UNSCHEDULED CHEMICALS

14 RELATED ACTIVITIES

15 14.-(1) A person shall not produce, acquire, retain, transfer or use  
16 chemicals for a permitted purpose except in accordance with the conditions  
17 of a permit granted by the Authority under subsection (6).

Permits for  
Scheduled and  
unscheduled  
chemicals related  
activities

18 (2) Except in accordance with the conditions of a permit granted by  
19 the Authority under subsection (6), a person shall not-

20 (a) Produce, process or consume more than 1 kilogram of a  
21 Schedule 2A\* chemical per year for any permitted purpose; or

22 (b) Produce, process or consume more than 100 kilograms of any  
23 other Schedule 2A chemical per year for a permitted purpose; or

24 (c) subject to the provisions of subsection (4)-

25 (i) Produce, process or consume more than 1 ton of a Schedule 2B  
26 chemical per year for a permitted purpose,

27 (ii) Produce more than 30 tons of a Schedule 3 chemical per year  
28 for a permitted purpose, or

29 (iii) Produce by synthesis more than 200 tons of unscheduled  
30 discrete organic chemicals or more than 30 tons of an unscheduled discrete

1 organic chemical containing the elements phosphorous, sulphur or fluorine.

2 (3) A permit, granted by the Authority under subsection (6), is  
3 required for any person to produce, process or consume a Schedule 2 chemical  
4 for a permitted purpose above the following thresholds per year-

5 (a) one kilogram of a Schedule 2A\* chemical;

6 (b) 100 kilograms of any other Schedule 2A chemical; and

7 (c) one ton of a Schedule 2B chemical

8 (4) A permit is not required for the production, processing or  
9 consumption of mixtures of chemicals containing 30% or less of a Schedule 2A  
10 or 2B chemical, a Schedule 3 chemical or an unscheduled discrete organic  
11 chemical.

12 (5) A person shall not import or export a Schedule 2 chemical or  
13 Schedule 3 chemical except as prescribed by a permit granted by the Authority  
14 under subsection (6).

15 (6) An application for a permit to do any of the activities referred to in  
16 subsections (1),(2),(3) and (5) shall be made to the Authority in such manner or  
17 form as the Authority may determine and shall be accompanied by the  
18 prescribed fee.

19 (7) The Authority may make regulations to prescribe the manner of  
20 application for a permit, the form and duration of a permit, the terms and  
21 conditions upon which, and the circumstances in which a permit may be  
22 granted, held, suspended, cancelled, extended, renewed or replaced, and the  
23 fees payable.

24 (8) A person shall not-

25 (a) produce, acquire, retain, transfer or use Schedule 1 chemicals for a  
26 purpose other than a permitted purpose, or

27 (b) contravene subsection (1).

28 (9) A person shall not-

29 (a) produce, process or consume Schedules 2 or 3 chemicals, or

1       unscheduled discrete organic chemicals, for a purpose other than a  
2       permitted purpose; or

3               (b) contravene subsections (2), (3) and (5).

4               (10) A person who contravenes the provision of this section  
5       commits an offence and is liable on conviction in case of a-

6               (a) natural person to life imprisonment or a term of imprisonment  
7       of not less than 10 years and a fine of not less than N10,000,000; and

8               (b) corporate body to liquidation and confiscation of the assets  
9       including all the corporates facilities used in the commission of the offence  
10      and a fine of not less than N100,000,000.

11              **15.**-(1) A person shall not import or procure the import of any  
12      biological agents and toxins unless the import of the biological agents and  
13      toxins is authorized by and is carried out in accordance with the conditions  
14      of a permit granted by the Authority.

Permits for  
Biological Agents  
and Toxins

15              (2) A person shall not transship any biological agents and toxins  
16      unless the transshipment of the biological agents and toxins is authorised by  
17      and is carried out in accordance with the conditions of a permit granted by  
18      the Director.

19              (3) For the purposes of subsection (1), a permit to import a  
20      biological agents and toxins shall not be granted to any person unless he has  
21      already been granted an approval to possess the biological agents and toxins  
22      as referred to in section 6.

23              (4) Every permit to import or transship a biological agents and  
24      toxins shall be valid only in respect of one consignment of the biological  
25      agents and toxins for which an application for the permit has been made.

26              (5) Any person who contravenes subsection (1) commits an  
27      offence and is liable on conviction in the case of a-

28              (a) biological agents and toxins, to life imprisonment or a term of  
29      imprisonment of not less than 10 years and a fine of not less than  
30      N10,000,000; and

1 (b) biological agents and toxins, to a fine not exceeding \$100,000 or  
2 to imprisonment for a term not exceeding 10 years, or both.

3 PART IV - INFORMATION AND DOCUMENTS

Information and  
Documents

4 **16.**-(1) A person who-

5 (a) develops, produces or otherwise acquires, retains, transfers or uses  
6 toxic chemicals or their precursors to which any provision in Parts VI to IX of  
7 the Verification Annex of the Convention applies shall comply with the  
8 provisions of this section;

9 (b) develops, produces or otherwise acquires, retains, transfers or  
10 uses biological agents and toxins or their precursors to which any provision of  
11 the BWTC applies shall comply with the provisions of this section.

12 (2) The Authority may by written notice, require a person to, in  
13 writing and duly signed, give any information to the Authority in a manner and  
14 within such period as may be specified.

15 (3) The Authority may, by written notice, require a person to give the  
16 Authority any document or documents of a particular kind, within such  
17 reasonable period as is specified in the notice.

18 (4) A person, who fails to comply with a notice under this section,  
19 commits an offence and is liable on conviction to imprisonment for a term of  
20 not less than one year or, in the case of a corporate body, to a fine of not less than  
21 N10,000,000.

22 (5) The power of the Authority under this section to require a person to  
23 give information or documents to the Authority is in addition to any obligation  
24 to give information or documents that the person may have under this Bill.

False or misleading  
statements and  
documents

25 **17.** A person who in any document prepared under this Part of this  
26 Bill, makes a statement or omits any matter knowing that, or being reckless as  
27 to whether the statement or omission makes the document false or misleading,  
28 commits an offence and is liable on conviction to imprisonment for a term of  
29 not less than one year.



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PART V - INSPECTIONS

**18.**-(1) All authorised officers shall be national inspectors for the purposes of this Bill and any regulations made under.

National  
Inspections

(2) The Authority may, from time to time appoint in writing other persons to be national inspectors.

(3) A national inspector may-

(a) with the consent of the person in control of any premises; or

(b) under a warrant issued under section 19 of this Bill, in respect of any premises, enter the premises in exercise of his inspection powers for compliance purpose.

**19.** An international inspector may-

International  
Inspections

(a) with the consent of the person in control of any premises-

(i) in respect of which any provision of Parts VI to IX of the Verification Annex to the CWC applies,

(ii) that is subject to an on-site challenge referred to in Article IX(8) of the Convention, or

(iii) in respect of which an investigation under Article X(9) of the CWC has been initiated,

(b) under a warrant issued under section 20 of this Bill in respect of the premises; enter and inspect the premises under the provisions of the Convention, and in the case of any facility, in accordance with any applicable facility agreement between Nigeria and the organisation.

**20.**-(1) An international inspector shall be accompanied by one or more national inspectors, in order to facilitate an inspection.

Persons who  
shall accompany  
international  
inspectors

(2) For the purpose of this section, a national inspector may exercise any inspection power for the purposes of facilitating an inspection referred to in section 14 of this Bill.

**21.**-(1) The National Authority may by notice in writing, issue directions to any person for the purpose of facilitating any inspection under this section.

Written Directions

1 (2) A person who fails to comply with any direction given by the  
2 Authority commits an offence and is liable on conviction, in the case of a-

3 (a) natural person to a term of imprisonment not exceeding six  
4 months; and

5 (b) corporate body, a seal off of the premises until compliance with  
6 the direction

Identification  
Certificates

7 **22.** The National Authority shall issue a certificate of identity to every  
8 international or national inspector as the case may be.

Warrant for  
National  
Inspections

9 **23.**-(1) A national inspector may apply for a warrant to enter premises  
10 to exercise any inspection power for a compliance purpose where the consent  
11 of the person in control of any premises cannot be obtained or where the person  
12 refuses to give such consent.

13 (2) Subject to subsection(3) of this section, a Magistrate who is  
14 satisfied that there are reasonable grounds for believing that-

15 (a) Entry to the premises is necessary to exercise any inspection  
16 power of a compliance purpose, and

17 (b) the consent of the person who is in control of the premises cannot  
18 be obtained or such consent is refused, may, unconditionally or subject to  
19 conditions, issue a warrant authorising the entry of the premises, at any time  
20 during working hours and within 14 days of the issue of such warrant, or within  
21 such time as may be specified in the warrant, by the national inspector for the  
22 purpose of exercising any inspection power for a compliance purpose.

23 (3) The national inspector applying for a warrant shall-

24 (a) make reasonable inquiries as to whether any other applications for  
25 such a warrant have been made in respect of the premises concerned, and, if so,  
26 as to-

27 (i) the offence or offences, if any, alleged in respect of each  
28 application,

29 (ii) the results of each application; and

1 (b) disclose on the application for the warrant, the results of the  
2 inquiries.

3 24.-(1) The Authority may apply for a warrant on behalf of an  
4 international inspector or national inspector to enter premises for the  
5 purposes referred to in section 15 of this Bill, where the consent of the  
6 person in control of any premises cannot be obtained or where the person  
7 refuses to give such consent.

Warrant for  
international  
inspections

8 (2) Subject to subsection(3) of this section, a Magistrate who is  
9 satisfied that there are reasonable grounds for believing that-

10 (a) the premises meets the conditions for entry described in section  
11 15 of this Bill;

12 (b) entry to the premises is necessary for the purposes referred to in  
13 section 15 of this Bill; and

14 (c) the consent of the person who is in control of the premises  
15 cannot be obtained or such consent is refused, may issue, unconditionally or  
16 subject to conditions, a warrant authorising the entry of the premises, at any  
17 time during working hours and within 14 days of the issue of the warrant, or  
18 within such further time as may be specified in the warrant, by the  
19 international inspector or national inspector for the purposes referred to in  
20 subsection (2) (b).

21 (3) The Authority shall-

22 (a) Before applying for a warrant, make reasonable inquiries as to  
23 whether any other applications for such a warrant have been made in respect  
24 of the premises concerned, and, if so, as to the following matters-

25 (i) The offence or offences, if any, alleged in respect of each  
26 application, and

27 (ii) The results of each application, and

28 (b) Disclose on the application for the warrant, the results of the  
29 inquiries.

Obligations of persons carrying out inspections	1	<b>25.</b> -(1) Every national or international inspector shall-
	2	(a) Carry his identification certificate; and
	3	(b) Produce it to any person appearing to be in control of the premises
	4	entered-
	5	(i) On entering the premises, if such a person is then present, and
	6	(ii) At any reasonable time thereafter, if asked to do so by the person.
	7	(2) Every national inspector shall-
	8	(a) as soon as is practicable after completing the inspection, give the
	9	occupier or person in control of the premises a written notice stating that the
	10	premises has been entered, if, at any time between the time of entry of any
	11	premises to be inspected and the time the inspection is completed, there is no
	12	person appearing to be in control of the premises, and specify the following
	13	matters-
	14	(i) The time and date of entry;
	15	(ii) The circumstances and purpose of the entry, and
	16	(iii) The name of every person entering;
	17	(b) Where applicable, have a warrant with him and produce it if
	18	required to do so; and
	19	(c) Where anything is seized, give the occupier or person in control of
	20	the premises a written inventory of all things seized.
Obstruction of National or International Inspectors	21	<b>26.</b> -(1) A person shall not obstruct, hinder, resist, or deceive any
	22	national inspector or international inspector who is exercising any function
	23	contemplated, or any power provided for, in this Bill or in the Convention or in
	24	any applicable facility agreement.
	25	(2) A person who contravenes any of the provision of this section
	26	commits an offence and is liable on conviction to a term of not less than one
	27	year imprisonment for a natural person and for a corporate body, a seal off of
	28	the place until it complies.
Use of Force	29	<b>27.</b> Where force is required to enter and inspect any premises
	30	specified in a warrant issued under sections 19 or 20 of this Bill (whether by

1 breaking down a door or otherwise), or in breaking open anything in the  
2 premises, the person executing the warrant may use such force as is  
3 reasonable in the circumstances.

4 **28.**-(1) Members of inspection teams shall enjoy the privileges  
5 and immunities as stated in Part 11B of the Verification Annex to the CWC.

Privileges and  
Immunities for  
International  
Inspectors

6 (2) No provision of this Part shall be interpreted as forbidding the  
7 adoption of necessary security measures, particularly in case of emergency  
8 in the Federal Republic of Nigeria which shall be mutually determined  
9 between the Authority and the Organisation aimed at hindering or avoiding  
10 the abuse of immunities, exceptions, and privileges stipulated under this  
11 Bill.

12 (3) Samples and approved equipment carried by members of an  
13 inspection team shall be inviolable and exempt from custom duties and  
14 hazardous samples shall be transported in accordance with relevant  
15 regulations.

16 (4) The privileges and immunities accorded to the members of  
17 inspection teams and observers by virtue of this section shall be enjoyed by  
18 them at any time-

19 (a) When they are in Nigeria-

20 (i) In connection with the carrying out of a routine inspection, a  
21 challenge inspection or an assistance inspection, or

22 (ii) While in transit to or from the territory of another State Party in  
23 connection with the carrying out of such an inspection there, or

24 (b) After an inspection under subsection (4)(a)(i) of this section,  
25 with respect to acts previously performed in the exercise of their official  
26 duty.

27 (5) The provisions of this section shall not apply where-

28 (a) Immunity from jurisdiction of a member of an inspection team  
29 is expressly waived in accordance with part 11(B)(14) of the Verification  
30 Annex to the Convention; and

1 (b) A notice made by the National Authority and informing the  
2 member of the waiver is delivered to him or her in person.

3 (6) If in any proceedings any questions arise whether a person is  
4 entitled or not entitled to any privilege or immunity by virtue of this section, a  
5 certificate issued by or under the National Authority stating any fact relating to  
6 that question shall be conclusive evidence of that fact.

7 (7) Members of inspection team and observers are prohibited from  
8 engaging in any professional or commercial activity for personal profit in  
9 Nigeria.

10 (8) Observers shall be accorded the same privileges and immunities  
11 accorded to inspectors under this section, except for those accorded under  
12 subsection (3).

13 PART VI - MISCELLANEOUS

Extra territorial  
application

14 **29.-** (1) This Bill applies to acts or omissions prohibited under the  
15 Convention, which are committed -

16 (a) by a Nigerian citizen outside Nigeria; or

17 (b) on board Nigerian sea vessel or aircraft.

18 (2) For the purposes of subsection (1) (b), Nigerian "sea vessels or  
19 aircraft" means sea vessels and aircraft registered in Nigeria or belonging to  
20 Nigeria.

Confidentiality

21 **30.-**(1) A person shall keep confidential any information that is given  
22 under this Bill or the Convention concerning the affairs of another person.

23 (2) Such information may be disclosed only with the consent of the  
24 person whose affairs it relates to for the purpose of-

25 (a) Enabling Nigeria to fulfill its obligations under the Conventions;

26 (b) The enforcement of this Bill; or

27 (c) Dealing with an emergency involving public safety.

28 (3) Any person who contravenes any of the provisions of this section  
29 commits an offence and is liable on conviction to a term not less than one year  
30 imprisonment or a fine of not less than N10,000,000.00 or both.

1                   31.-(1) Where a Magistrate is satisfied, on information on oath,  
2                   that there is reasonable ground for suspecting that an offence under this Bill  
3                   is being, has been or is about to be committed on any premises or that  
4                   evidence of the commission of such an offence is to be found there, the  
5                   Magistrate may issue a warrant in writing to an authorised officer to enter the  
6                   premises, if necessary by force, at any time within one month from the time  
7                   of the issue of the warrant and to search the premises.

Warrant for search  
and seizure

8                   (2) An authorized officer who enters the premises under the  
9                   authority of the warrant may-

10                  (a) Take with him such other person and such equipment as appear  
11                  to him necessary;

12                  (b) inspect any document found on the premises which he has  
13                  reasonable cause to believe may be required as evidence for the purposes of  
14                  proceedings in respect of an offence under this Bill;

15                  (c) Take copies of, or seize and remove, any document;

16                  (d) Inspect, seize and remove any device or equipment found on  
17                  the premises which he had reasonable cause to believe may be required as  
18                  evidence;

19                  (e) Inspect, sample, seize and remove any substance found on the  
20                  premises which he has reasonable cause to believe may be required as  
21                  evidence;

22                  (f) Search or cause to be searched any person found on the premises  
23                  whom he has reasonable cause to believe to be in possession of any  
24                  document, device, equipment or substance provided that no woman or girl  
25                  shall be searched except by a woman.

26                  (3) A person who willfully obstructs, hinders, resists, or deceives  
27                  any authorised officer in entering the premises concerned commits an  
28                  offence and is liable on conviction to a fine not exceeding N1,000,000.00 or  
29                  to a term not exceeding 12 months imprisonment or both.

Offence by a corporate body	1	<b>32.</b> Where an offence under this Bill or any regulations made under is
	2	committed by a body corporate, and it is proved to have been committed with
	3	the consent or connivance of, or to be attributable to any act or default on the
	4	part of, any chief executive officer, director, manager, secretary or other similar
	5	officer of the corporate body, or any person who was purporting to act in any
	6	such capacity, he, as well as the body corporate, commits an offence and are
	7	liable on conviction to life imprisonment or a term of imprisonment of not less
	8	than 10 years or and a fine of not less than N100,000,000.
Forfeiture	9	<b>33.</b> -(1) If any chemical or biological weapon, old or abandoned is
	10	found in any place under the jurisdiction of Nigeria, the chemical or biological
	11	weapon-
	12	(a) shall be forfeited to the State;
	13	(b) may be seized without warrant by any competent officer of the
	14	State; and
	15	(c) shall be stored pending disposal and disposed in a manner
	16	determined by the Authority in accordance with the Conventions.
	17	(2) Any chemical or biological weapon discovered on the territory of
	18	Nigeria shall be reported to the Organisation or Disarmament Office by the
	19	Authority in accordance with the Conventions.
	20	(3) Any chemical or biological agent and toxins that is being used in
	21	the development or production of a weapon may be seized by the Federal
	22	Government of Nigeria.
Delegation of powers	23	<b>34.</b> The Authority may, for the purpose of efficient discharge of its
	24	functions and duties under this Bill , delegate to a Ministry, Agency or an
	25	officer of the Federal Government, subject to such conditions and limitations
	26	as may be specified, such functions and duties under this Bill as it may deem fit.
Rules and Regulations	27	<b>35.</b> The Authority may make rules and regulations for any matter that
	28	is necessary or desirable for the purposes of implementing this Bill or the
	29	Conventions, or any agreement that is concluded between Nigeria and other
	30	States Parties and between Nigeria and the Organisation or Disarmament



1 Office under the Conventions.

2 **36.**-(1) The Federal High Court shall have exclusive jurisdiction to Jurisdiction  
3 hear and determine all prosecutions for offences under this Bill or any  
4 regulations made under.

5 (2) Notwithstanding anything to the contrary in any other  
6 enactment, the Federal High Court shall have jurisdictions to impose the  
7 penalty or punishment provided for under this Bill or any regulation under.

8 (3) The Federal High Court shall in its determination of any matter  
9 under this Bill conduct speedy hearing of the matters.

10 (4) No suit against the Authority including its officers, staff and  
11 agents shall lie unless it is commenced within 12 months next of the act  
12 complained of and upon one-month commencement notice explicitly  
13 stating the-

14 (a) cause of action;

15 (b) particulars of the claim;

16 (c) relief sought; and

17 (d) names and addresses of the intending plaintiffs.

18 (5) The notice in subsection (4), shall be served by delivering same  
19 to the Authority.

20 (6) No execution against the property of the Authority shall be  
21 made to the Authority but any sums of money, which by the judgment of any  
22 court, has been awarded against the Authority shall, subject to any direction  
23 given by the court, where no notice of appeal against the judgment has been  
24 given, be paid from the Fund of the National Authority.

25 (7) Nothing in this Bill shall be construed to make Nigeria or the  
26 Authority liable for any act or omission on the part of the Organisation or  
27 Disarmament Office, or of an international inspector, in implementing the  
28 Conventions in Nigeria.

29 (8) Nothing in this Bill shall be construed to prohibit research on  
30 defenses against chemical and biological weapons, or foreclose the right for

1 Nigeria to participate in the fullest possible exchange of equipment, materials  
2 and scientific and technological information for the use of chemical and  
3 bacteriological (biological) agents and toxins for peaceful purposes.

4 (9) Nothing in this Bill shall be construed to foreclose the economic or  
5 technological development of Nigeria or her international partner in the field of  
6 peaceful bacteriological (biological) activities, including the international  
7 exchange of bacteriological (biological) and toxins and equipment for the  
8 processing, use or production of bacteriological (biological) agents and toxins  
9 for peaceful purposes in accordance with the provisions of the Biological  
10 Weapons Convention.

Interpretation

11 37. In this Bill- unless the context otherwise requires-

12 "authorized officer" means :

- 13 (a) the Chairman;
- 14 (b) any law enforcement officer; and
- 15 (c) a person appointed as an authorised officer by the Authority;

16 "Biological Agent" means-

- 17 (a) any micro-organism (including any bacterium, virus, fungus,  
18 rickettsia and parasite);
- 19 (b) any infectious substance (including any prion); or
- 20 (c) any component of a micro-organism or an infectious substance  
21 (but not including any toxin), that is capable of causing death, disease or other  
22 biological malfunction in a human;

23 "Biological Convention" means the 1972 Convention on the Prohibition of the  
24 Development, Production and Stockpiling of Bacteriological (Biological) and  
25 Toxin Weapons and on their Destruction as set out in the First Schedule;

26 "chairman" means the chairman of the Authority appointed under section 3 (1)  
27 and includes any person appointed to act in the place of the Chairman during  
28 the temporary absence of the Chairman;

29 "Chemical Weapons" means the following, together or separately-

- 30 (a) Toxic chemicals and their precursors except where intended for

1 purposes not prohibited by the Convention, as long as the types and  
2 quantities are consistent with such purposes;

3 (b) Munitions and devices, specifically designed to cause death or  
4 other harm through the toxic properties of those toxic chemicals specified in  
5 subparagraph (a), which would be released as a result of the employment of  
6 such munitions and devices; and

7 (c) Any equipment specifically designed for use directly in  
8 connection with the employment of such munitions and devices specified in  
9 subparagraph(b);

10 "compliance purpose" means:

11 (a) determining whether or not the provisions of this Bill and any  
12 regulations made under it have been or are being complied with at any  
13 premises;

14 (b) Determining whether the conditions applicable to a permit have  
15 been or are being complied with by the holder of a permit, or

16 (c) Ensuring the proper functioning at any premises of any  
17 monitoring equipment installed in the course of an international compliance  
18 inspection or under a facility agreement between Nigeria and the  
19 Organization.

20 "convention" means the Convention on the Prohibition of the Development,  
21 Production, Stockpiling, and use of Chemical Weapons and on their  
22 Destruction concluded at Paris on the 13th January 1993 and includes the  
23 Annexes or Amendments of the Convention or the Annexes that are binding  
24 in Nigeria;

25 "conveyance" includes any vessels, train, vehicle, aircraft, or other mode of  
26 transport;

27 "Disarmament Office" means United Nations Office for Disarmament  
28 Affairs;

29 "export", with its grammatical variations and cognate expressions, means to  
30 take or cause to be taken out of Nigeria by land, water, or air and includes the

1 placing of anything in a conveyance for the purpose of being taken out of  
2 Nigeria but does not include the taking out of Nigeria of that thing on the same  
3 conveyance on which it was brought into Nigeria unless that thing after being  
4 brought into Nigeria has been landed in Nigeria;

5 "import", with its grammatical variations, means to bring to cause to be  
6 brought into Nigeria by land, water or air from any place which is outside  
7 Nigeria but does not include the bringing into Nigeria of anything which is to  
8 be taken out of Nigeria on the same conveyance on which it was brought into  
9 Nigeria without any landing in Nigeria;

10 "inspection power" means a power to-

11 (a) search any premises;

12 (b) inspect or examine a matter or thing;

13 (c) take samples of a matter or thing;

14 (d) measure a thing or matter;

15 (e) examine a document, including a record kept in accordance with  
16 the requirements of this Act, any regulations made thereunder it, or the  
17 conditions of a license;

18 (f) take extracts from, or make copies of, a document, including a  
19 record of a kind referred to in (e);

20 (g) interview any person working on the premises, including making  
21 sound recordings of such interviews;

22 (h) have operated any equipment, including electronic equipment,  
23 located at the premises;

24 (i) operate any photographic or video-recording equipment  
25 anywhere in or around the premises provided safety regulations in force at  
26 location permit doing so; or

27 (j) do anything that is necessary or expedient for the carrying out of  
28 any of the acts referred to in subparagraphs (a)-(i), including restricting or  
29 prohibiting the access of persons and vehicles to or from the premises,

30 A power referred to in paragraphs (a), (b), (c), (d), or (i) may only be exercised

1 in a manner that the person authorised believes on reasonable grounds, to be  
2 in accordance with safety procedures applicable at the premises;

3 "International inspector" means an individual designated by the Technical  
4 Secretariat of the Organization according to the procedures set forth in part  
5 II(A) of the Verification Annex to the Convention to carry out an inspection  
6 or visit in accordance with the Convention, and includes any inspection  
7 assistant defined in the Convention;

8 "National Inspector" means any person who is a national inspector by virtue  
9 of, or appointed under, section 14;

10 "Organization" means the Organization for the Prohibition of Chemical  
11 Weapons;

12 "permit" means a permit granted under section 11;

13 "permitted purpose" means-

14 (a) In the case of a schedule 1- chemical, research, medical,  
15 pharmaceutical or protective purposes, or

16 (b) In the case of any other toxic chemical or precursor:

17 (i) Industrial, agricultural, research, medical, pharmaceutical or  
18 other peaceful purposes,

19 (ii) protective purposes, namely those purposes directly related to  
20 protection against toxic chemicals and to protection against chemical  
21 weapons,

22 (iii) military purposes not connected with the use of chemical  
23 weapons and not dependent on the use of toxic properties of chemicals as a  
24 method of welfare, or

25 (iv) law enforcement purposes including domestic riot control  
26 purposes;

27 "precursor" for the purposes of this Bill means-

28 (a) any chemical reactant which takes part at any stage in the  
29 production by whatever method of a toxic chemical, and includes any key  
30 component of a binary or multi component chemical system;

1 (b) precursors which have been identified for the application of  
2 verification measures by the Organization are listed in Schedules contained in  
3 the Annex on Chemicals in this Bill;

4 "premises" includes any land, building, structure or conveyance;

5 "purposes" not prohibited under this Convention" means:

6 (a) Industrial, agricultural, research, medical, pharmaceutical or other  
7 peaceful purposes;

8 (b) Protective purposes, namely those purposes directly related to  
9 protection against toxic Chemical Weapons;

10 (c) Military purposes not connected with the use of Chemical  
11 Weapons and not dependent on the use of toxic properties of chemicals as a  
12 method of warfare; or

13 (d) Law enforcement purposes including domestic riot control  
14 purpose;

15 "toxin" means any poisonous substance that is produced and extracted from  
16 any microorganism;

Meaning of  
words not defined

17 **38.** Any word or expression used and not defined in this Act but  
18 defined in the Convention shall, unless the context otherwise requires, have the  
19 same meaning as in the Convention.

Citation

20 **39.** This Bill may be cited as the Chemical and Biological Weapons  
21 (Prohibition) Bill, 2020.

22 SCHEDULES

23 SCHEDULE 1

24 *SCHEDULES 1, 2, & 3 CHEMICALS*

25 "Schedule 1 Chemical" means a schedule 1 chemical listed in the Annex on  
26 chemicals to the Convention and this Bill;

27 "Schedule 2 chemical" means a Schedule 2 chemical listed in the Annex on  
28 Chemicals to the Convention and this Bill;

29 "Schedule 3 Chemical" means a Schedule 3 Chemical listed in the Annex on  
30 Chemicals to the Convention and this Bill;

1 "Scheduled chemical" means a Schedule 1,2,or 3 chemical;  
2 "toxic chemical" means any chemical which through its chemical action on  
3 life processes can cause death, temporary incapacitation or permanent harm  
4 to humans or animals-

5 (a) This includes all such chemicals therein, regardless of their  
6 origin or their method of production, and regardless of whether they are  
7 produced in facilities in munitions or else.

8 (b) Toxic Chemicals which have been identified for the application  
9 of verification measures by the organization are listed in the Schedules  
10 contained in the Annex on Chemicals to this Bill;

11 "Verification Annex" means the Annex on implantation and Verification and  
12 the Convention.

#### 13 SCHEDULE 2

##### 14 CATEGORIES A, B, & C BIO-AGENTS AND TOXINS

15 "Category A Bioagents (Highest Priority)": Can be easily disseminated or  
16 transmitted from person to person. Result in high mortality rates and have  
17 the potential for major public health impact. Might cause public panic and  
18 social disruption. Require special action for public health preparedness.

19 "Category A Agents": variolamajor (smallpox); Bacillus anthracis (anthrax);  
20 Yersinia pestis (plague); „Clostridium botulinum toxin (botulism);  
21 Francisella tularensis (tularemia); filoviruses, Ebola hemorrhagic fever,  
22 ?Marburg hemorrhagic fever; and arenaviruses, Lassa (Lassa fever),  
23 ?Junin (Argentine hemorrhagic fever) and related viruses. Most of the  
24 Category A agents are considered especially dangerous due to the potential  
25 for airborne transmission.

26 "Category A food-or waterborne Transmission": „A category A agent of  
27 concern for food or waterborne transmission is the Clostridium botulinum  
28 neurotoxin „This toxin is one of the most lethal natural substances known  
29 LD50 estimated at 0.001 ug/kg, Naturally arising foodborne botulism is  
30 caused by ingestion of preformed toxin.

1 "Category B Bioagents (Second Highest Priority Agents)": "Moderately easy  
2 to disseminate "Result in moderate morbidity and low mortality "Require  
3 CDC's diagnostic capacity and enhanced disease surveillance.  
4 "Category B Agents": "Coxiella burnetti (Q fever); "Brucella species  
5 (brucellosis); "Burkholderiamallei (glanders); "Rickettsia prowazekii (Typhus  
6 fever) "alpha viruses, "Venezuelan encephalomyelitis, eastern and western  
7 equine encephalomyelitis; "Ricinustoxicogenes (ricintoxin from castor beans);  
8 "epsilon toxin of Clostridium perfringens; and "Staphylococcus enterotoxin B.  
9 "Category B food-or waterborne pathogens": Salmonella species  
10 "Shigelladysenteriae, Escherichia coli O157:H7 Vibrio cholerae  
11 "Cryptosporidium Noroviruses  
12 "Category C Bioagents (Third Highest Priority Agents)": "Emerging  
13 pathogens that could be engineered for mass dissemination because of:  
14 Availability. Ease of production and dissemination. Potential for high  
15 morbidity and mortality and major health impact;  
16 "Category C Agents": "nipahvirus, "hantaviruses, "tickborne hemorrhagic  
17 fever viruses, "tickborne encephalitis viruses, "yellow fever, and "multidrug-  
18 resistant tuberculosis.

#### EXPLANATORY MEMORANDUM

The Bill seeks to prohibit the development, production, transfer and use of chemical, biological and toxin weapons in Nigeria, establish a National Authority for the effective implementation of the Chemical and Biological Weapons Conventions in Nigeria.



SCHEDULES OF CHEMICALSSchedule 1 (CAS registry number)

## A. Toxic Chemicals:

(1) O-Alkyl ( $\leq C_{10}$ , incl. cycloalkyl) alkyl	
(Me, Et n-Pr or i-Pr)-Phosphonofluoridates	
e.g. Sarin: O-Isopropyl methylphosphonofluoridate	(107-44-8)
Soman: O-Pinacolyl methylphosphonofluoridate	(96-64-0)

(2) O-Alkyl ( $\leq C_{10}$ , incl. cycloalkyl) N, N-dialkyl	
(Me, Et, n-Pr or i-Pr) phosphoramidocyanidates	
e.g Tabun: O-Ethyl N,N-dimethyl phosphoramidocyanidate	(77-81-6)

(3) O-Alkyl (H or $\leq C_{10}$ , incl. cycloalkyl) S-2-dialkyl	
(Me, Et, n-Pr or i-Pr)-aminoethyl alkyl	
(Me, Et, n-Pr or i-Pr) phosphonothiolates and Corresponding alkylated or protonated salts e.g. VX: O-Ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate	(50782-69-9)

(4)	Sulfur mustards:	
	2-Chloroethylchloromethylsulfide	(2625-76-5)
	Mustard gas: Bis(2-chloroethyl)sulfide	(505-60-2)
	Bis(2-chloroethylthio)methane	(63869-13-6)
	Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane	(3563-36-8)
	1,3-Bis(2-chloroethylthio)-n-propane	(63905-10-2)
	1,4-Bis(2-chloroethylthio)-n-butane	(142868-93-7)
	1,5-Bis(2-chloroethylthio)-n-pentane	(142868-94-8)
	Bis(2-Chloroethylthiomethyl)ether	(63918-90-1)
	O-Mustard: Bis (2-chloroethylthioethyl) ether	(63918-89-8)

## (5) Lewisites

	Lewisite 1:	2-chlorovinylchloroarsine	(541-25-3)
	Lewisite 2:	Bis(2-chlorovinyl)chloroarsine	(40334-69-8)
	Lewisite 3:	Tris(2-chlorovinyl)arsine	(40334-70-1)

## (6) Nitrogen mustards:

	HN1: Bis(2-chloroethyl)ethylamine	(538-07-8)
	HN2: Bis(2-chloroethyl)methylamine	(51-75-2)
	HN3: Tris(2-chloroethyl)amine	(555-77-1)
(7)	Saxitoxin	(35523-89-8)
(8)	Ricin	(9009-86-3)
<b>B. Precursors</b>		
(9)	Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides e.g DF: Methylphosphonyldifluoride	(676-99-3)
(10)	O-Alkyl (H or $\leq C_{10}$ , incl. cycloalkyl) O-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonites and corresponding Alkylated or protonated salts	
	e.g QL: O-Ethyl O-2-diispropylaminoethyl methylphosphonite	(57856-11-8)
(11)	Chlorosarin: O-Isopropyl methylphosphonochloridate	(1445-76-7)
(12)	Chlorosoman: O-Pinacolyl methylphosphonochloride	(7040-57-5)

Schedule 2

A.	Toxic chemicals:	
(1)	Amiton: O,O-Diethyl S-[2-diethylamino]ethyl]	
	Phosphorothiolate and corresponding alkylated or protonated salts	(78-53-5)
(2)	PFIB: 1,1,3,3,3 -Pentafluoro-2-(trifluoromethyl)-1-propene	(382-21-8)
(3)	BZ: 3-Quinuclidinyl benzilate (*)	(6581-06-2)
B.	Precursors:	
(4)	Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms,	
	e.g Methylphosphonyl dichloride	(676-97-1)
	Dimethyl methylphosphonate	(756-79-6)

Exemption: Fonofos: O-Ethyl S-phenyl

Ethylphosphonothiolothionate

(944-22-9)

(5)	N,N-Dialkyl (Me, et, n -Pr or i -Pr) phosphoramidic dihalides	
(6)	Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates	
(7)	Arsenic trichloride	(7784-34-1)
(8)	2,2-Diphenyl-2-hydroxyacetic acid	(76-93-7)
(9)	Quinuclidin-3-ol	(1619-34-7)

(10)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts	
(11)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr)aminoethane-2-ols and corresponding protonated salts	
	Exemptions: N,N-Dimethylaminoethanol and corresponding protonated salts N,N-Diethylaminoethanol	(108-01-0) (100-37-8)
	and corresponding protonated salts	
(12)	N,N-Dialky (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts	
(13)	Thiodiglycol: Bis(2-hydroxyethyl)sulfide	(111-48-8)
(14)	Pinacolyl alcohol: 3,3-Dimethylbutan-2-ol	(464-07-3)

### Schedule 3

#### A. Toxic Chemicals

(1)	Phosgene: Carbonyl dichloride	(75-44-5)
(2)	Cyanogen chloride	(506-77-4)
(3)	Hydrogen cyanide	(74-90-8)
(4)	Chloropicrin: Trichloronitromethane	(76-06-2)

#### B. Precursors

(5)	Phosphorus oxychloride	(10025-87-3)
(6)	Phosphorus trichloride	(7719-12-2)
(7)	Phosphorus pentachloride	(10026-13-8)
(8)	Trimethyl phosphite	(121-45-9)
(9)	Triethyl phosphite	(122-52-1)
(10)	Dimethyl phosphite	(868-85-9)
(11)	Diethyl phosphite	(762-04-9)
(12)	Sulphur monochloride	(10025-67-9)
(13)	Sulfur dichloride	(10545-99-0)
(14)	Thionyl chloride	(7719-09-7)
(15)	Ethyldiethanolamine	(139-87-7)
(16)	Methyldiethanolamine	(105-59-9)
(17)	Triethanolamine	(102-71-6)