

LEAD DEBATE ON THE BILL FOR AN ACT TO DOMESTICATE AND IMPLEMENT THE CHEMICAL WEAPON CONVENTION IN NIGERIA

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1.0 INTRODUCTION :

1.1 The Federal Government approved the establishment of the Council on National Authority on Chemical Weapons Convention which is to coordinate and oversee the implementation of the Chemical Weapons Convention (CWC) in Nigeria by Circular No. 59752/S.1/3 of 18th March, 1994. The Inter-Ministerial Council is made up of about 25 MDAs/Stakeholders and located in the Political Affairs Office, OSGF with the Permanent Secretary (PEAO) as the Chairman. The Political Affairs Office/National Authority on Chemical & Biological Weapons Convention also serve as the Secretariat of the Council which helps to facilitate Nigeria's fulfillment of its obligation as a State Party to the Chemical Weapons Convention (CWC). Similarly, by October, 2003, the Secretary to the Government of the Federation approved that the Secretary National Authority on CWC should take on the additional responsibility for the implementation of the Bacteriological (Biological) and Toxin Weapons Convention (BTWC) in Nigeria. Since then, the implementation of both the CWC & BTWC are supervised by the Secretariat now designated as the National Authority on Chemical and Biological Weapons Conventions (NAC & BWC) under the Political and Economic Affairs Office (PEAO/OSGF).

2.0 CHEMICAL WEAPONS CONVENTION (CWC):

Nigeria signed the Chemical Weapons Convention on 13th January, 1993 and ratified same on 1st March, 1999. The main objective of the Convention is to prohibit the production, acquisition, stockpiling, retention, transfer and use of chemical weapons as well as providing for their destruction. The Convention also encourages free trade among States Parties as well as provides for international cooperation and exchange of scientific and technical information for purposes not prohibited under the Convention.

3.0 THE CWC NATIONAL IMPLEMENTATION PROCESS:

- 3.1 States Parties to the Chemical Weapon Convention (CWC) are required, as part of their national implementation measures, to establish or designate a National Authority that will serve as the national focal point to ensure effective coordination, of the two Conventions as spelt out in the CWC Bill. In line with this crucial obligation the Federal Government approved the establishment of the National Authority on Chemical & Biological Weapons Convention (NAC & BWC) a unit under the Political Affairs Office of the Secretary to the Government of the Federation, Abuja (OSGF). The Secretary to the National Authority of the rank of Deputy Director, who reports directly to the Permanent Secretary (Political and Economic Affairs Office/Chairman (NAC & BWC).

4.0 THE MANDATE OF NAC & BWC:

- 4.1 The National Authority on Chemical and Biological Weapons Conventions (NAC & BWC) is a Unit under the Political and Economic Affairs of the OSGF. NAC & BWC is responsible for the implementation of the two Conventions i.e. Chemical Weapons (CWC) and the Bacteriological (Biological) and Toxin Weapons Convention (BTWC). The broad mandate of NAC & BWC is to prohibit the production, acquisition, stockpiling, retention, transfer of Chemical and Biological Weapons; to provide for their destruction and as such it is expected to perform series of other activities/obligations under the convention geared towards universal disarmament in the actualization of its mandate as follows:

- i. To ensure the Domestication of the CWC and BTWC, which Nigeria had signed and ratified
- ii. To host Stakeholders Meetings on Chemical/Biological Weapons quarterly;
- iii. Industrial Visitation/Inspection of Chemical Industries hold twice a year (for Annual Declaration to the OPCW);
- iv. CWC Technical/Experts Meetings to hold quarterly;
- v. Training of Personnel of the National Authority (NAC & BWC);
- vi. Attendance of the OPCW Executive Council Meetings and Annual Meetings in the Hague, Netherlands and also the Regional level meeting in Africa;

- vii. To attend the United Nations General of Assembly (UNGA) on issues of CWC and BTWC under General Disarmament;
- viii. Payments of Annual Contributions and Subventions to OPCW & BTWC.

5.0 **CHALLENGES:**

5.1 **Legislation/Domestication of the CWC & BWC:**

One major challenge faced by the NAC & BWC is the inability of the 6th National Assembly to conclude the CWC and BWC Laws before the expiration of that Assembly. The Bill on domestication of the CWC has been reviewed and is currently before the National Assembly. It is pertinent to indicate that Bill had been presented to the National Assembly previously, but, it was never concluded before the expiration of the Assembly. The importance of the CWC Bill presently before the National Assembly cannot be over emphasized in view of current security challenges in the Country. It is hoped that the two Chambers will conclude the passage of the CWC Bill in the year 2014, while the Federal Ministry of Justice is about to conclude the draft Bill on BTWC. The inability to complete the process of enactment of CWC and BWC is adversely affecting Nigeria's rating as a State Party to the two Conventions.

5.2 **FUNDING OF THE NATIONAL AUTHORITY:**

Presently the funding of the National Authority (NAC & BWC) through the Political Affairs Office of the Secretary to the Government of the Federation (OSGF) has made it almost impossible to fulfill its obligation as a state party to the CWC and BWC. The payment of its annual contribution is usually through the Ministry of Finance (until the recent directive for MDAs to budget for the annual subscription to International Organizations they belong to). Other numerous obligations to the OPCW by the states parties to CWC have been impossible for the past two years because of almost zero allocation to the Unit despite the submission of annual work plan and budget proposal. The need for adequate annual budgetary provisions is well articulated in the CWC draft Bill before the National Assembly. The assistance of the two Honorable Chambers is being respectively solicited.

6.0 **THE ADVANTAGES OF NATIONAL LEGISLATION ON CWC :**

- 6.1 Enacting laws penalizing activities prohibited by the CWC prevents persons from exploiting gaps in the states parties (in Nigeria) legal and law enforcement framework.

- 6.2 National implementation legislation gives domestic law enforcement authorities a tool to combat and prosecute criminal/terrorists and crime relating to chemical weapons.
- 6.3 National implantation legislation makes it easier for state party to CWC to enjoy provisions of assistance and protection against chemical weapons threats from the Organization for the Prohibition of Chemical Weapons (OPCW) a UN Agency based in the Hague, Netherlands.
- 6.4 It makes the State Party/Countries to enjoy rare privileges of being a member of the OPCW.

7.0 **GAINS & BENEFITS TO NIGERIA:**

- 7.1 Since Nigeria signed and ratified the Convention in 1993 and 1999 respectively, she has been a regular member of the OPCW Executive Council (only 41 countries are members of Executive Council out of a total of 190 States Parties that have signed and ratified the CWC).
- 7.2 Nigeria is the present chair of open headed working Group on Terrorism. A Nigerian is presently the Legal Adviser of the Organization for the Prohibition of Chemical Weapons (OPCW).
- 7.3 Numerous Nigerian scientists enjoyed Technical Assistance/Training from the OPCW capacity training e.g. The Nigerian Customs, NAFDAC, Universities and Research Institutes.
- 7.4 A Nigerian was a member of the OPCW Scientific Advisory Board for seven (7) years.

8.0 **JUSTIFICATION:**

In view of the numerous advantages and gains derivable from implementation of the National/Domestic Legislation of CWC especially the access to any form of protection and assistance from International community/donor Agencies in the possible event of threat of Chemical Weapons. It is honorable and wise for Nigeria to expedite the process of passing into law of the Chemical Weapons Convention Bill (Ditto, the Biological Weapons Convention which Bill is still been updated by the Legal Office of the Attorney General and Minister of Justice).