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**THE SENATE
FEDERAL REPUBLIC OF NIGERIA**

COMMITTEE ON SPECIAL DUTIES

REPORT

ON

**THE NATIONAL COMMISSION FOR REFUGEES, MIGRANTS
AND INTERNALLY DISPLACED PERSONS (REPEAL AND RE-
ENACTMENT) BILL, 2018 (SB. 335)**

JUNE, 2018

REPORT OF THE SENATE COMMITTEE ON SPECIAL DUTIES ON A BILL FOR ACT TO REPEAL THE NATIONAL COMMISSION FOR REFUGEES ACT, CAP. N21 LFN, 2004 AND ENACT THE NATIONAL COMMISSION FOR REFUGEES, MIGRANTS AND INTERNALLY DISPLACED PERSONS TO PROVIDE A FRAMEWORK FOR MANAGEMENT, REHABILITATION, RETURN RE-INTEGRATION AND RESETTLEMENT OF VICTIMS OF DISPLACEMENT, REFUGEE, MIGRATION AND FOR RELATED MATTERS (SB. 335)

1.0 Preamble

The Senate at its Plenary Sitting on Wednesday 27th September, 2017, deliberated on the National Commission for Refugees, Migrants and Internally Displaced Persons Bill, 2017 (SB. 491). After painstaking and extensive deliberations on the general principles of the Bill, it was read for the *Second Time*, and referred to the Senate Committee on Special Duties, for further legislative action vide (*Senate Order of Referral dated Thursday 28th September, 2017*), and to report back with its recommendations.

The Bill was sponsored by ***Distinguished Senator Muhammad Ubali Shitu (Jigawa North-East Senatorial District)***, and was read for the *First Time* on Tuesday 22nd November, 2016.

2.0 Objectives of the Bill

The Bill, in the Committee's view, seeks to repeal the extant Act and re-enact it in order to safeguard the interest of refugees, migrants and internally displaced persons in line with international

best practices. This legislative step is timely in view of the plethora of Internally Displaced Persons (IDPs) crisis as a result of the insurgency in the North East Zone and ethno-religious and communal conflicts across the Country. The main objectives of the Bill are to –

1. Broaden the mandate of the Commission to accommodate internally displaced persons (IDPs) in Nigeria by empowering it to act as the centre coordinating body for effective management and administration of refugees, migrants and IDP related matters in the Country;
2. Effectively utilise the National Policy on IDPs and Migration in the Country;
3. Create a platform for interaction and dialogue on Refugees, IDPs and Migrant related matters in the Nigeria;
4. Avoid the establishment of a new institution with similar mandate as that of the Commission, thereby reducing the cost of governance in Nigeria; and
5. Facilitate effective management and accountable utilisation of funds both from the Government and international donor agencies on refugees, IDPs and migrants in Nigeria, etc.

3.0 Committee's Legislative Actions

Mr. President, Distinguished colleagues, after the referral of the Bill, the Committee met to further deliberate on the provisions of the Bill and to adopt the appropriate legislative framework in handling the referral. The Committee also considered in detail, the views expressed by Distinguished Senators during debates on the general principles of the Bill at its *Second Reading* stage. After extensive deliberations, the Committee resolved to embark on wide consultations with relevant stakeholders on the Bill and to crown it up with a Committee Hearing, which is intended to provide a platform for interactions, geared towards providing further inputs on the merits/justifications for the passage of the Bill or otherwise by the National Assembly.

The Committee in a bid to sensitize stakeholders ahead of the Hearing, placed advertisements in the prints and electronic media and invited memoranda on the provisions of the Bill. The following stakeholders responded to our call for submission of memoranda: the National Commission for Refugees, Migrants and Internally Displaced Persons; Social Transformation Empowerment and Program Centre (Step - C); Civil Society Network on Migration and Development, Nigeria; Foundation for Charity & Community Health, Nigeria; Mavinta Tender Heart Foundation; Morolake Babayeju, CSOnetMADE; among others.

It is pertinent to state here that apart from memoranda submissions, oral presentations were also made at the Committee Hearing by some stakeholders and members of CSOs/NGOs.

4.0 Highlights of Presentations by stakeholders

Mr. President, Distinguished Colleagues, it is important to stress here that stakeholders at the Hearing, made far-reaching and in-depth contributions on the provisions of the Bill. In their unanimous presentations, they supported the passage of the Bill by the National Assembly. Highlighted below, are some of their presentations in support of the Bill:

Firstly, stakeholders submitted that the insurgency in the North-East Zone of the country as well as communal unrests and violent conflicts across the country, have exacerbated migration and internally displaced persons situations in Nigeria in recent years. Over the years, Nigeria has not developed a functional framework to handle these emerging situations. As a result, whenever there is crisis, various statutory bodies usually come up to play their different and conflicting roles without proper and effective control structure. This has resulted in mismanagement of resources with little or no result to show for the national and international efforts geared towards handling the situation. Therefore, the Bill under consideration, has been developed to address all these issues as a national response in handling this seeming *lacuna* in our framework on the subject matter.

Secondly, they stated that the enactment of this Bill would ensure that migration, which is a multifaceted and complex dynamics, is properly and effectively managed in the country and that Nigeria would take the lead in the regional and global efforts towards better migration administration as the issue of coordination is key to effective management of migration related matters. They posited that the enactment of this Bill would further strengthen the National Commission for Refugees to lead and control all rapid response efforts in dealing with refugees, migrants and internally displaced persons, thereby curtailing waste and duplicity of functions.

Thirdly, they canvassed that for the Bill to achieve what it is designed to achieve, there is need to domesticate the African Union Convention on the Protection and Assistance to Internally Displaced Persons in Africa otherwise known as the Kampala Convention, and the United Nations Convention on the Protection of the Rights of all Migrants Workers and their Families to which Nigeria is a party and signatory to. The domestication of these international obligations by Nigeria will have direct impact on the lives and well-being of the affected persons.

Fourthly, they maintained that since the mandate of the National Refugees Commission was expanded, through a Federal Government policy to include migration management and resettlement and rehabilitation of internally displaced persons, the Commission has steered the affairs of the Nigerian migration management mechanism in an all-inclusive manner through

technical working groups that includes relevant MDAs and civil society organisations. However, not very much has been achieved due to the absence of the legal and institutional frame, which this Bill seeks to confer on the Commission.

Finally, stakeholders contended that the passage of this Bill would ensure consolidation of the successes recorded so far and will no doubt, provide the needed empowerment for the Commission to explore new frontiers by making migration within and outside Nigeria, safe and orderly in a manner that will guarantee the protection of human rights of all migrants and security of our national territory and sovereignty.

5.0 Legislative Summary

Mr. President, Distinguished colleagues, at this juncture, I wish to state that the Committee have critically scrutinised the provisions of the Bill vis-à-vis the presentations made by stakeholders and the further inputs suggested by them to form part of the Bill. In a bid to have a law that would stand the test of time, we strived to infuse new clauses into the Bill as set out in the table with the aim of bringing on board, the relevant provisions of the Kampala Convention and the United Nations Convention on the Protection of the Rights of all Migrants Workers and their Families. This legislative initiative is in line with the provision of section 12 (1) of the Constitution of the Federal Republic of Nigeria 1999, as amended and with the Federal Government policy on migration and internally displaced persons in 2002 and 2009, respectively.

The Committee also carried out various amendments on the provisions of the Bill. The amendment ranges from editorial corrections, redraft of some provisions for elegance and introduction of new provisions to conform to modern drafting styles. The modification carried out by the Committee, are as set out in the table for ease of understanding and clarity.

6.0 Observations/Findings

From the views canvassed by stakeholders during the Committee Hearing and our subsequent analysis of the presentations vis-à-vis the provisions of the Bill in the course of the Committee's meetings, we hereby make the following observations/findings:

1. That stakeholders were unanimous in the support for the passage of the Bill by the National Assembly;
2. That the extant Act is a product of Decree No. 52 of 1989, which is the legal instrument that incorporated the 1951 United Nations Convention relating to status of Refugees, particularly its Protocol in 1967 and 1969 from the Organisation of African Unity Convention, governing specific aspect of Refugees problems in Africa;
3. That the above-mentioned framework (Decree) provided the needed guide and procedure to be adopted in the protection and management of asylum seekers and refugees in Nigeria at that time;

4. That since the promulgation of the Decree, no attempt has been made to either amend or repeal it in order to accommodate or encompass emerging trends, hence the need for this legislative bold step that seeks to broaden the scope of the Commission in line with global best practices;
5. That the extant Act in its present form is spent, obsolete and cannot stand the test of time. This accounts for the reasons why the Federal Government in 2002 and 2009 respectively, through a policy, mandated the Commission to coordinate national action for the protection and assistance of Refugees, Asylum Seekers, Returnees, Stateless Persons, Internally Displaced Persons (IDPs) and Migrants. But this is just a mere policy that has no statutory backing of the law. The passage of this Bill therefore, will strengthen the Commission statutorily to perform these functions effectively;
6. That the passage of the Bill will streamline all national and international efforts towards effective management of migration and internally displaced persons issues in the country; and
7. That the passage of the Bill will safeguard the interest of Refugees, Migrants and Internally Displaced Persons (IDPs) in line with international best practices. This legislative step is timely and could be seen as an interventionist step towards addressing the plethora of IDPs and other related matters in the country and should receive the support of this distinguished Senate.

7.0 Recommendation

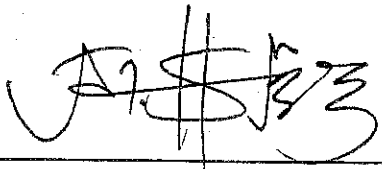
The Senate Committee on Special Duties, to which this Bill was referred, having critically and painstakingly considered same, recommends as follows:

"That the Senate do consider and pass the National Commission for Refugees, Migrants and Internally Displaced Persons (Repeal and Re-Enactment) Bill, 2018, as amended".

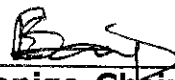
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8.0 Conclusion

In conclusion, I wish to use this opportunity to thank His Excellency, **Senator (Dr.) Abubakar Bukola Saraki, CON**, the President of the Senate and our esteemed Distinguished Colleagues, for the opportunity to serve in this capacity and to humbly request the Senate to pass this Bill.



Senator Abdul-Aziz Murtala Nyako
Chairman



Lilian Banigo-Gbeinzi
Committee Clerk

COMMITTEE MEMBERS

Senator Abdul-Aziz M. Nyako ----- Chairman

Senator Sunny O. Ogbuoji-----Vice Chairman

Senator Godswill Akpabio -----Member

Senator Kabiru I. Gaya-----Member

Senator Faitimat Raji Rasaki -----Member

Lilian Banigo-Gbeinzi -----Committee Clerk