



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 23rd February, 2021

1. The Senate met at 10:52 a.m. The President of the Senate read prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Thursday, 18th February, 2021.
Question was put and the Votes and Proceedings were approved.
3. **Message from Mr. President:**
The President of the Senate announced that he had received a letter from Mr. President, Commander-in-Chief of the Armed Forces of the Federation, which he read as follows:

Confirmation of Appointment:



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

22nd February, 2021

*Distinguished Senator Ahmad Ibrahim Lawan
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Senate President,

**REQUEST FOR CONFIRMATION OF APPOINTMENT OF
CONTROLLER-GENERAL, NIGERIAN CORRECTIONAL
SERVICE (NCoS)**

In compliance with Section 3 (1) (b) of Nigerian Correctional Service (NCoS) Act, 2019, I am pleased to present for confirmation by the Senate, the appointment of Haliru Nababa as Controller-General, Nigerian Correctional Service, (NCoS).

It is my hope that the Senate will consider this request in the usual expeditious manner.

Please accept, Distinguished Senate President, the assurances of my highest consideration.

*Yours sincerely,
(Signed)
Muhammadu Buhari*

4. Presentation of Bills:

- (i) Federal High Court Act Cap F12 LFN 2004 (Amendment) Bill, 2021 (SB. 214) — *Read the First Time.*
- (ii) Modibbo Adama University Teaching Hospital, Yola (Establishment) Bill, 2021 (SB. 630) — *Read the First Time.*
- (iii) Federal University Teaching Hospital, Gusau (Establishment) Bill, 2021 (SB. 640) — *Read the First Time.*
- (iv) Witness Protection and Management (Establishment) Bill, 2021 (SB. 641) — *Read the First Time.*

5. Committee on Foreign Affairs:

Report of the Committee on Foreign Affairs on the Confirmation of the Nomination for Appointment as Non-Career Ambassadors-Designate:

Motion made: That the Senate do receive and consider the Report of the Committee on Foreign Affairs on the confirmation of the nominations of the following persons for appointment as Non-Career Ambassadors-Designate:

No.	Names	State
(i)	General Abayomi G. Olonisakin (Rtd)	Ekiti
(ii)	Lt. General Tukur Y. Buratai (Rtd)	Borno
(iii)	Vice Admiral Ibok-Ete E. Ibas (Rtd)	Cross River
(iv)	Air Marshal Sadique Baba Abubakar (Rtd)	Bauchi
(v)	Air Vice Marshal Muhammad S. Usman (Rtd)	Kano

(Senator Adamu M. Bulkachuwa — Bauchi North).

Question put and agreed to.

Report Laid and presented.

Debate:

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Report (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

Consideration of the Report of the Committee on Foreign Affairs on the confirmation of the nominations of the following persons for appointment as Non-Career Ambassadors-Designate.

Nominees recommended for confirmation:

i.	General Abayomi G. Olonisakin (Rtd) (<i>Ekiti</i>)	—	<i>Agreed to.</i>
ii.	Lt. General Tukur Y. Buratai (Rtd) (<i>Borno</i>)	—	<i>Agreed to.</i>
iii.	Vice Admiral Ibok-Ete E. Ibas (Rtd) (<i>Cross River</i>)	—	<i>Agreed to.</i>
iv.	Air Marshal Sadique Baba Abubakar (Rtd) (<i>Bauchi</i>)	—	<i>Agreed to.</i>
v.	Air Vice Marshal Muhammad S. Usman (Rtd) (<i>Kano</i>)	—	<i>Agreed to.</i>

Chairman to report progress.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered the Report of the Committee on Foreign Affairs on the confirmation of the nominations for appointment as Non-Career Ambassadors-Designate and approved the nomination.

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Confirmation of nominations:

Question:

“Will the Senate confirm the nomination of General Abayomi G. Olonisakin (Rtd) for appointment as Non-Career Ambassador-Designate?” — *Resolved in the Affirmative.*

Nomination of General Abayomi G. Olonisakin (Rtd) for appointment as Non-Career Ambassador-Designate accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Lt. General Tukur Y. Buratai (Rtd) for appointment as Non-Career Ambassador-Designate?” — *Resolved in the Affirmative.*

Nomination of Lt. General Tukur Y. Buratai (Rtd) for appointment as Non-Career Ambassador-Designate accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Vice Admiral Ibok-Ete E. Ibas (Rtd) for appointment as Non-Career Ambassador-Designate?” — *Resolved in the Affirmative.*

Nomination of Vice Admiral Ibok-Ete E. Ibas (Rtd) for appointment as Non-Career Ambassador-Designate accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Air Marshal Sadique Baba Abubakar (Rtd) for appointment as Non-Career Ambassador-Designate?” — *Resolved in the Affirmative.*

Nomination of Air Marshal Sadique Baba Abubakar (Rtd) for appointment as Non-Career Ambassador-Designate accordingly confirmed.

Question:

“Will the Senate confirm the nomination of Air Vice Marshal Muhammad S. Usman (Rtd) for appointment as Non-Career Ambassador-Designate?” — *Resolved in the Affirmative.*

Nomination of Air Vice Marshal Muhammad S. Usman (Rtd) for appointment as Non-Career Ambassador-Designate accordingly confirmed.

6. Federal University Teaching Hospital, Lafia (Establishment) Bill, 2021 (SB. 616):

Motion made: That a Bill for an Act to provide for the Establishment of the Federal University Teaching Hospital Lafia and for Other Connected Matters Therein, 2021 (SB. 616) be read the Second Time (*Senator Umaru T. Al-Makura —Nasarawa South*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Health (Secondary and Tertiary) to report within four (4) weeks.

7. Federal College of Crop Science and Food Technology, Lere, Kaduna State (Establishment) Bill, 2021 (SB. 160):

Motion made: That a Bill for an Act to Establish the Federal College of Crop Science and Food Technology, Lere, Kaduna State and Other Related Matters Thereof, 2021 be read the Second Time (*Senator Suleiman A. Kwari — Kaduna North*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Agriculture and Rural Development to report within four (4) weeks.

8. Motion:

Urgent need for the Restoration and Revalidation of the Safe School Initiative in Nigeria:

Motion made: The Senate: aware that the future of any nation in today's dynamic world is dependent on the provision of quality education for its citizenry at the basic and post-basic stages of education;

equally aware that with the core objective of promoting the security and safety of schools, pupils, students, teachers and school facilities by the provision of adequate security through the security agencies, the "Safe School Initiative" in Nigeria was launched in 2014;

further aware that the "Safe School Initiative" was formulated to design and implement the best of global standards in the educational sector in Nigeria through the employment of qualified teachers, provision of library and laboratory equipment, conducive environment for teaching and learning, as well as provision of habitable classrooms and hostels;

concerned that the unfortunate increase in the insecurity crisis in the country, with the advanced target at schools in diverse locations, especially the regrettable kidnap of the Chibok and Dapchi School Girls in Borno and Yobe States respectively, the Kankara School Boys in Katsina State and, most recently, the kidnap of students of Government Science College, Kagara in Rafi Local Government Area of Niger State, have exposed the unimaginable decadence and dilapidation in the schools in Nigeria, drawing inference from the footages from the school environments;

worried that these ugly and condemnable activities of insurgency, kidnapping, wanton killings and other associated crimes will not abate, especially in consideration of the payment of "Ransom" for the release of victims and as reportedly hinted by the immediate past Chief of Army Staff (COAS) in the course of his confirmation as ambassadorial nominee;

also concerned that these incidences of kidnapping school children/students or invasion of school premises across Nigeria have created negative publicity for Nigeria with the attendance of loss of confidence by foreign investors in the Nigerian economic climate;

further concerned that our Nation has lost a large number of men and women as well as Military resources of our over-stretched Military to these kidnapers, terrorists, bandits and other criminal elements, including the recent plane crash which resulted in the death of our Air Force Officers who were on a mission to aid the release of the recently kidnapped Kagara School students and workers;

worried that these incidents may instill fear in parents and guardians and force them to withdraw their children and wards from schools or prevent them from sending their children to schools which will in turn defeat the government's educational policy of "literacy for all" and further deprive our children of the opportunity of having quality education to compete with their peers globally;

acknowledges that the latest twist in the criminal activities associated with insecurity in Nigeria especially as it relates to the invasion of school premises as well as kidnap of students and teachers for ransom can be contained and defeated through the full implementation of the "Safe School Initiative" by all stakeholders; and

also acknowledges that the full implementation of the Safe School Initiative will ensure the best of global standards in the educational sector in Nigeria through the employment of qualified teachers, provision of library and laboratory equipment, conducive environment for teaching and learning, as well as provision of habitable classrooms and hostels.

Accordingly resolves to:

- (i) urge the Federal Government to, in collaboration with the various State Governments, restore, revive and revalidate the Safe School Initiative in Nigeria;
- (ii) urge the Federal Government of Nigeria to collaborate with the various States and Local Government Areas/Area Councils to urgently design and implement a workable arrangement to deploy well-armed security teams around all Schools in Nigeria;
- (iii) urge the President and Commander-in-Chief of the Armed Forces to urgently make the necessary directives in this regard; and
- (iv) urge the Federal Ministry of Education to urgently design a blueprint on the implementation of this laudable programme (*Senator Stephen A. Odey — Cross River North*).

Debate:

Proposed Resolution (i)

Question: That the Senate do urge the Federal Government to, in collaboration with the various State Governments, restore, revive and revalidate the Safe School Initiative in Nigeria — *Agreed to.*

Proposed Resolution (ii)

Question: That the Senate do urge the Federal Government of Nigeria to collaborate with the various States and Local Government Areas/Area Councils to urgently design and implement a workable arrangement to deploy well-armed security teams around all Schools in Nigeria.

Amendment Proposed:

Leave out Proposed Resolution (ii) and insert the follow instead thereof:

"urge the Federal Ministry of Education under the auspices of the National Council of Education to come out with a comprehensive and workable framework for Safe Schools in Nigeria" (*Senator Aliyu S. Abdullahi — Niger North*).

Question that the amendment be made, put and agreed to.

Proposed Resolution (iii)

Question: That the Senate do urge the President and Commander-in-Chief of the Armed Forces of the Federation to urgently make the necessary directives in this regard — *Withdrawn.*

Proposed Resolution (iv)

Question: That the Senate do urge the Federal Ministry of Education to urgently design a blueprint on the implementation of this laudable programme — *Withdrawn*.

Additional Proposed Resolutions

Insert Additional Resolution as follows:

- (i) “mandate the Committees on Education (Basic and Secondary); and Tertiary Institutions and TETFUND to investigate the utilization of the funds proposed and budgeted for the Safe Schools Initiative. This should include the monies donated by foreign governments and agencies” (*Senator Enyinnaya H. Abaribe — Abia South*).

Question that the amendment be made, put and agreed to.

- (ii) “secure only boarding schools with perimeter fence using the 10bn dollar initiatives” (*Senator Abdullahi K. Barkiya — Katsina Central*).

Question that the amendment be made, put and agreed to.

Resolved:

That the Senate do:

- (i) urge the Federal Government to, in collaboration with the various State Governments, restore, revive and revalidate the Safe School Initiative in Nigeria;
- (ii) urge the Federal Ministry of Education under the auspices of the National Council of Education to come out with a comprehensive and workable framework for Safe Schools in Nigeria;
- (iii) mandate the Committees on Education (Basic and Secondary); and Tertiary Institutions and TETFUND to investigate the utilization of the funds proposed and budgeted for the Safe Schools Initiative. This should include the monies donated by foreign governments and agencies; and
- (iv) secure only boarding schools with perimeter fence using the 10bn dollar initiatives (*S/Res/074/02/21*).

9. **National Commission for Refugees Act Cap N21 LFN 2004 (Repeal & Re-enactment) Bill, 2021 (HB. 171) — Concurrence:**

Motion made: That a Bill for an Act to Establish the National Commission for Refugees Act Cap N21 LFN 2004 (Repeal & Re-enactment) Bill, 2021 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to Consider a Bill for An Act to Establish the National Commission for Refugees Act Cap N21 LFN 2004 (Repeal & Re-enactment) Bill, 2021.

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO REPEAL THE NATIONAL COMMISSION FOR REFUGEES ACT, CAP. N21, LAWS OF FEDERATION OF NIGERIA, 2004 AND TO ENACT THE NATIONAL COMMISSION FOR REFUGEES, MIGRANTS AND INTERNALLY DISPLACED PERSONS ACT FOR THE MANAGEMENT, REHABILITATION RETURN, REINTEGRATION AND RESETTLEMENT OF REFUGEES, MIGRANTS AND VICTIMS OF DISPLACEMENT; AND FOR RELATED MATTERS.

PART I — ESTABLISHMENT OF NATIONAL COMMISSION FOR
REFUGEES, MIGRANTS AND INTERNALLY DISPLACED PERSONS

Clause 1: Objectives.

The objectives of this Bill are to —

- (a) safeguard the interest of refugees, migrants and internally displaced persons in Nigeria by ensuring that the sanctity of human person is protected;
- (b) implement the following Conventions —
 - (i) United Nations Convention Relating to the status of Refugees,
 - (ii) Protocol relating to the Status of Refugees,
 - (iii) Organisation of African Unity Convention governing the specific aspects of refugee problems in Africa,
 - (iv) African Union Convention for the Protection and Assistance of Internally Displaced Persons (Kampala Convention) as it relates to the provision of durable solutions and assistance and coordinating activities aimed at protecting internally displaced persons, and
 - (v) other treaties and conventions in relation to refugees, migrants and internally displaced persons, which are adopted by Nigeria.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 1 do stand part of the Bill, put and agreed to.

Clause 2: Establishment of the National Commission for Refugees, Migrants and Internally Displaced Persons.

- (1) There is established the National Commission for Refugees, Migrants and Internally Displaced Persons (in this Bill referred to as "the Commission").
- (2) The Commission —
 - (a) is a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name; and
 - (b) may acquire, hold or dispose of any property, movable or immovable for the purpose of performing any of its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3: Establishment and composition of the Governing Board

- (1) There is established for the Commission a Governing Board, (in this Bill referred to as "the Board").
- (2) The Board shall consist of —
 - (a) a chairman;
 - (b) one representative each, not below the rank of a Director, from the —
 - (i) Ministry responsible for matters relating to humanitarian affairs;
 - (ii) Federal Ministry of Foreign Affairs,
 - (iii) Federal Ministry of Justice,
 - (iv) Office of the National Security Adviser,
 - (v) Nigeria Immigration Service,
 - (vi) National Population Commission, and
 - (vii) National Human Rights Commission;
 - (c) a representative of civil society organisations; and
 - (d) the Federal Commissioner.
- (4) The Chairman and members of the Board shall be appointed by the President.
- (5) The Chairman members of the Board other than the Federal Commissioner shall hold office on part-time basis.

Schedule.

- (6) The supplementary provisions set out in the Schedule to this Bill shall apply with regard to the proceedings of the Board and other related matters.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4: Tenure, resignation, cessation or removal of members from office.

- (1) Subject to section 3 (5) of this Bill, members of the Board other than the Federal Commissioner shall hold office —
 - (a) for four years and no more; and
 - (b) on such terms and conditions as may be specified in their letters of appointment.
- (2) The Chairman may resign his appointment by notice in writing addressed to the President.

- (3) A member of the Board ceases to be a member if he —
 - (a) becomes of unsound mind;
 - (b) becomes bankrupt;
 - (c) is convicted of a felony or any offence involving fraud or dishonesty; and
 - (d) is guilty of serious misconduct in relation to the office.
- (4) Where a vacancy occurs in the Board's composition at any time, the Chairman of the Board shall —
 - (a) formally notify the President through the Minister of the vacancy; and
 - (b) make recommendations towards ensuring that the Board maintains a balance of skills, expertise, diversity and representation of relevant stakeholder groups.
- (5) A member of the Board may resign his membership by giving two months' notice in writing or such other period as may be specified in his letter of appointment to the Chairman who shall forward same to the Minister for onward transmission to the President.
- (6) Members of the Board shall be paid such allowances and benefits as may be approved by the Federal Government.
- (7) Membership of the Board shall be terminated where a member ceases to hold office on the basis of which he became a member.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 4 do stand part of the Bill, put and agreed to.

Clause 5: Functions and powers of the Board.

- (1) The Board shall —
 - (a) formulate policy and guidelines for the Commission;
 - (b) monitor and ensure the implementation of policies and programmes of the Commission; and
 - (c) perform such other functions as may be necessary for the attainment of the objectives and efficient performance of the functions of the Commission under this Bill;
- (2) The Board shall have powers to —
 - (a) approve rules and regulations relating to the appointment, promotion and discipline of staff of the Commission;
 - (b) regulate the proceedings of its meetings and make standing orders with respect to keeping of minutes of its proceedings, and such other matters as the Board may determine, subject to extant circular of the Federal Government on number of meetings of the Board;

- (c) liaise with the Commission to develop the requisite technical capacity, human and material resources to respond to internal displacement situations in Nigeria; and
- (d) advise the Commission on any other issue relating to effective assistance and protection of internally displaced persons in Nigeria.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 5 do stand part of the Bill, put and agreed to.

Clause 6: Functions of the Commission.

- (1) The functions of the Commission shall be to —
 - (a) advise the Federal Government on policy matters relating to refugees, migrants and internally displaced persons;
 - (b) protect and assist internally displaced persons and shall seek the collaboration of other appropriate Ministries, Departments or Agencies of Government for such protection and assistance;
 - (c) coordinate migration issues, protect migrants and their families, including other nationals resident in Nigeria, pursuant to the provisions of international conventions, protocols and treaties guiding the protection of rights and promotion of the welfare of migrants;
 - (d) through the Consultative Committee established under section 24 of this Bill, provide a platform for the uniform administration of migration in Nigeria as a coordinating agency of all stakeholders in the field of migration and for formulating, reviewing and implementing a national policy on migration and development;
 - (e) work towards eliminating irregular migration and encourage orderly and regular migration of Nigerians through the provision of timely and adequate information to the public;
 - (f) collaborate with the Ministry of Foreign Affairs and State Governments to establish at every State, Migration Information Centre, where prospective migrants leaving Nigeria may be counselled and provided with regular requirements for work and survival in their intended destination countries;
 - (g) in collaboration with relevant agencies of government, ensure compliance with the provisions of the African Union Convention for the Protection and Assistance of Internally Displaced Persons, (in this Bill referred to as "Kampala Convention");
 - (h) register and document internally displaced persons;
 - (i) register and make personal documentation of internally displaced persons;

- (j) promote donors' commitments to humanitarian response by organising missions;
- (k) liaise on a sustainable basis the development and funding requirements for humanitarian interventions, targeting refugees, migrants and internally displaced persons;
- (l) interface and sustain relationship with relevant government Ministries, Departments and Agencies (MDAs) and where required, give necessary advice and capacity support towards meeting the needs of refugees, migrants and internally displaced persons;
- (m) ensure that integration approaches for the protection and provision of assistance to refugees, migrants, internally displaced persons and host communities are mainstreamed into government policies and practices of relevant MDA's and local authorities;
- (n) undertake comprehensive multi-agency appraisal by using participatory assessment methodologies to identify threats to the rights of refugees, migrants and internally displaced persons and their host communities;
- (o) assess the protection risks, assistance gaps, resources and opportunities available and offered locally, nationally and internationally by stakeholders;
- (p) identify, mobilize and coordinate refugees, migrants and internally displaced person's camp management agencies and other sectoral partners, towards ensuring effective co-ordination of other sectors responding to the provision of assistance and needs;
- (q) evaluate the performance of refugees, migrants, returnees and internally displaced person's camp management agencies with a view to addressing issues relating to under-performing agencies, misuse of assets, political and religious factors in an objective and transparent manner;
- (r) monitor and regularly review the implementation of protection mechanisms and assistance programmes targeted at refugees, migrants and internally displaced persons;
- (s) identify and promote best practices in the management of camps of refugees, migrants and internally displaced persons by harmonizing protection and assistance standards in camps, taking into consideration the host communities;
- (t) facilitate the restoration of communities displaced due to ecologically induced occurrences;

- (u) develop and ensure compliance by Government, civil society organisation and humanitarian agencies workers, to guidelines, standard operating procedures and codes of conduct for working with various groups of refugees, returnees, migrants and internally displaced persons, including women, children, elderly, persons with disabilities and such other groups with special needs;
- (v) create humanitarian coordination sections to prescribe the composition and responsibility of each technical section in addition to or in modification of the sections recommended in the relevant National Framework and Policies on refugees, migrants and internally displaced persons;
- (w) coordinate the activities of all agencies on refugee, migration and internal displacement issues in Nigeria;
- (x) designate a lead agency to coordinate each of the humanitarian sectors responding to issues of refugees, migrants and internally displaced persons in Nigeria and such other sectors as may be created for the wellbeing, safety and security of the affected persons, taking into consideration the mandate, capacity of the relevant intervening agencies and institutions;
- (y) develop standard procedures, in conjunction with relevant Ministries, Departments, Agencies and Inter-Governmental or humanitarian agencies to return, re-admit and re-integrate, excluded migrants in line with extant legal instruments to protect and promote the human rights and well-being of migrants;
- (z) ensure that internally displaced persons are protected during and after displacement, return or resettlement and reintegration;
- (aa) develop a policy framework to encourage and promote voluntary return of internally displaced persons to their respective homes or places of habitual residence or to resettle voluntarily in another part of the country with dignity;
- (bb) proffer long-lasting solutions to the problems of internally displaced persons through reconstruction and renovation of destroyed homes and properties;
- (cc) partner with relevant government and humanitarian agencies in the implementation of national and international legal obligations relating to its functions under this Bill; and
- (dd) facilitate negotiation on voluntary repatriation of Nigerian irregular migrants in conjunction with the Ministry of Foreign Affairs, Nigerian Immigration Service, National Agency for the Prohibition of Trafficking in Persons, security agencies or organisations and other stakeholders.

- (2) The Commission shall also —
- (a) encourage and ensure capacity building and skill acquisition through training programmes to Nigerians who are being repatriated in order to be self-dependent and gainfully engaged upon their return;
 - (b) collaborate with the Ministry of Foreign Affairs to negotiate and facilitate the implementation of bilateral agreements with nations repatriating Nigerian citizens with a view to provide adequate time for the deportees to secure, convey and wind-up their activities in the deporting countries, including the opportunity to arrange for banking and conclude financial transactions;
 - (c) collaborate with other relevant agencies to negotiate the safe return of Nigerian migrants, where the host country has legitimate cause to return them or where they decide to return voluntarily;
 - (d) in consultation with the Ministry of Foreign Affairs and other relevant agencies, put in place policies, standards and procedures for the return, readmission and reintegration of excludable migrants in line with relevant international legal instruments, provided that —
 - (i) Nigeria shall, within the context of bilateral agreements, accept the return and readmission of any of its national who is illegally present in the territory of a foreign country,
 - (ii) Nigeria shall not require further formality beyond the contents of agreements entered into on a bilateral basis, and
 - (iii) return shall be at the request of the sending country;
 - (e) ensure adequate protection of the human rights of the returnees, especially in cases of mandatory return and honour international and regional co-operation in the area of return and readmission agreements;
 - (f) in collaboration with other relevant agencies, be responsible for the repatriation of Nigerian refugees and shall ensure that repatriation, where required, is carried out in such a way as to ensure physical safety of the returnee;
 - (g) work with the Ministry of Foreign Affairs to ensure that return is done in a manner that respects the human rights, safety, dignity and honour of migrants in the process and actual phase of return;
 - (h) consider such other matters that the Minister may refer to it for recommendations; and
 - (i) do such other things as may be necessary for the performance of its functions under this Bill.

- (3) Where there is a large-scale influx of persons claiming to fall within the meaning of refugees under this Bill or massive internal displacement or in situations of mass return of deportees, the Commission shall, in consultation with other relevant stakeholders, provide emergency remedial measures and advise the Federal Government on the appropriate measures to be taken.\

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 6 do stand part of the Bill, put and agreed to.

Clause 7: Powers of the Commission.

The Commission shall have powers to —

- (a) set up appropriate advisory committees composed of administrative, technical and other experts in humanitarian, refugee, migration, internal displacement and development issues as may be necessary for the effective performance of its functions under this Bill; and
- (b) delegate its powers to any specific person or committee and to grant such person or Committee general or specific powers of sub-delegation.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 7 do stand part of the Bill, put and agreed to.

Clause 8: Establishment of Directorates of the Commission.

The Board may establish such number of Directorates, Departments and Units as it may deem necessary and expedient to facilitate the realisation of the objectives of the Commission.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 8 do stand part of the Bill, put and agreed to.

**PART II — APPOINTMENT OF FEDERAL COMMISSIONER
AND OTHER STAFF OF THE COMMISSION**

Clause 9: Appointment of the Federal Commissioner.

- (1) The President shall, on the recommendation of the Minister, appoint a Federal Commissioner for Refugees, Migrants and Internally Displaced Persons (in this Bill referred to as "the Federal Commissioner") who shall —
- (a) be the Chief Executive Officer of the Commission;
- (b) be a person with at least 10 years post-graduate experience; and
- (c) hold office for four years and may be re-appointed for another four years and no more.

- (2) The Federal Commissioner shall —
- (a) grant refugee status to applicants on the recommendations of the Eligibility Committee established under section 10 of this Bill;
 - (b) preside over the committees on refugees, migrants and internally displaced persons as may be set;
 - (c) represent the Commission and enter contract agreements on its behalf;
 - (d) ensure the provision of adequate facilities and services for the reception and well-being of refugees, migrants or returnees and internally displaced persons in Nigeria;
 - (e) exercise and discharge such other powers and duties relating to refugees, migrants and internally displaced persons, as may be assigned to the Commission by the Board; and
 - (f) take such steps as may be necessary to ensure compliance with the provisions of this Bill in consultation with the Board.
- (3) The Board may from time to time appoint such other staff or second officers from the public services as it may deem necessary to assist the Commission in the performance of its functions.
- (4) Staff of the Commission shall in respect of their service in the Commission be entitled to pensions and other retirement benefits prescribed under the Pension Reform Act.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 9 do stand part of the Bill, put and agreed to.

PART III — MANAGEMENT OF REFUGEES

Clause 10: Establishment of eligibility Committee for Refugees.

- (1) There is established for the Commission the Eligibility Committee for Refugees (in this Bill referred to as "the Eligibility Committee") which shall be under the supervision of the Federal Commissioner.
- (2) The Eligibility Committee shall consist of —
- (a) the Permanent Secretary, Ministry of Foreign Affairs or his representative, as the Chairman;
 - (b) a representative of the Ministry;
 - (c) the Comptroller-General of Nigeria Immigration Service or his representative;
 - (d) a representative of the office of the National Security Adviser;
 - (e) a representative of non-governmental organisations with relevant expertise in humanitarian affairs; and

- (f) a representative of the office of the United Nations High Commission for Refugees in Nigeria, who shall be an observer.
- (3) The Eligibility Committee shall —
 - (a) consider and process applications for refugee status and make appropriate recommendations on the application to the Federal Commissioner;
 - (b) consider cases for cancellation and revocation of refugee status that may be referred to it by the Federal Commissioner; and
 - (c) performs any other function as may be assigned to it by the Federal Commissioner or the Minister.
- (4) Secretariat of the Eligibility Committee shall be provided by the Commission.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 10 do stand part of the Bill, put and agreed to.

Clause 11: Refugees Appeal Board.

- (1) There is established for the Commission the Refugee Appeal Board (in this Bill referred to as "the Appeal Board").
- (2) The Appeal Board shall —
 - (a) be constituted by the Minister in consultation with the Attorney-General of the Federation and Minister of Justice;
 - (b) consists of not more than three legal practitioners, one of whom shall be a retired Judge with requisite knowledge in international humanitarian law, international human rights law or international comparative law; and
 - (c) have as its Chairman, the retired Judge referred to under paragraph (b) of this subsection.
- (3) The representative of the United Nations High Commissioner for Refugees in Nigeria may be invited to participate in the proceedings of the Appeal Board and may be given an opportunity to make either oral or written representation on behalf of any person concerned in any appeal that is being heard by the Appeal Board.
- (4) The Appeal Board shall meet at the instance of the Federal Commissioner or Secretary to the Government of the Federation.
- (5) Subject to the provisions of section 18 of this Bill, the Appeal Board shall hear any appeal against the decisions of the Eligibility Committee on any case referred to it by the Minister or by the Federal Commissioner.
- (6) The Appeal Board shall give due consideration to any representation made by or on behalf of an appellant before giving its final decision on the appeal.

- (7) The Appeal Board shall invite any appellant for an oral interview and may allow him to be represented by a legal practitioner of his choice, if so desired.
- (8) The Secretariat of the Appeal Board shall be provided by the Commission.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 11 do stand part of the Bill, put and agreed to.

Clause 12: Application for refugee status in Nigeria.

- (1) Application for the grant of a refugee status shall be made to the Federal Commissioner or through a competent officer or the office of the United Nations High Commissioner for Refugees in Nigeria to the Federal Commissioner.
- (2) The competent officer to whom a person seeking asylum first presents himself shall, where he is not an immigration officer, promptly notify the Commission that a person seeking a refugee status has entered into or is present in Nigeria.
- (3) An application received by the office of the United Nations High Commissioner for Refugees shall be forwarded to the Federal Commissioner for consideration.
- (4) The Eligibility Committee may invite any applicant to appear before it.
- (5) The recommendation of the Eligibility Committee shall be communicated in writing to the applicant by the Federal Commissioner.
- (6) Where the Eligibility Committee recommends that the applicant shall not be granted refugee status, it shall give reasons for its decision.
- (7) In the case of a refusal to grant refugee status, the applicant may appeal against the decision of the Eligibility Committee to the Appeal Board, within 30 days of being notified of the refusal.
- (8) Pursuant to this section and section 13 of this Bill, an applicant shall be allowed to remain in the country while waiting for the final decision of the Appeal Board.
- (9) Where an applicant is finally refused a refugee status by the Appeal Board, the applicant shall be given 30 days to seek admission as a refugee into another country.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 12 do stand part of the Bill, put and agreed to.

Clause 13: Prohibition of expulsion of refugees from Nigeria.

- (1) Notwithstanding the provisions of any other law, a person who is a refugee within the meaning of this Bill shall not be refused entry into Nigeria, expelled, extradited or returned in any manner to the frontiers of any territory where —
- (a) his life or freedom may be threatened on account of race, religion, nationality, membership of a particular group or political opinion; and
- (b) physical integrity and liberty may be threatened on account of external aggression, occupation, foreign domination or events seriously disrupting public order in any part or the whole of that territory.
- (2) The provisions of subsection (1) shall not apply to a refugee who —
- (a) constitutes a threat to the security of Nigeria; or
- (b) is convicted by a court or tribunal for committing any serious crime stipulated in the Conventions.
- (3) A person claiming to be a refugee within the meaning of this Bill, who has illegally entered into or is illegally present in Nigeria, shall not be expelled, extradited or returned merely by reason of his illegal entry or presence in Nigeria or any part of Nigeria pending the determination of his application for a refugee status.
- (4) A person who has lawfully entered into or is lawfully present in Nigeria and who wishes to remain in Nigeria on the grounds that he is a refugee within the meaning of this Bill shall not be compelled to leave Nigeria, unless he has found another country of asylum.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 13 do stand part of the Bill, put and agreed to.

Clause 14: Residence in Nigeria pending recognition as refugee.

- (1) Notwithstanding the provisions of any other law, any person who has applied under section 12 of this Bill for grant of refugee status and members of his family shall have the right to remain within Nigeria, until he has —
- (a) been granted refugee status under this Bill; or
- (b) had an opportunity to exhaust his right of appeal under section 12 of this Bill, where his application is not successful.
- (2) Where the person mentioned under subsection (1) has appealed under section 15 of this Bill and the appeal was not successful, he shall, within 30 days from the date of determination of the appeal leave Nigeria for another country of his choice.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 14 do stand part of the Bill, put and agreed to.

Clause 15: Stay of proceedings in respect of illegal entry.

Notwithstanding the provisions of the Immigration Act, no proceedings shall be instituted or continued against a person or any member of his family in respect of his unlawful entry into or unlawful presence within Nigeria where he —

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- (a) applies under section 12 of this Bill for the grant of a refugee status, unless —
- (i) a decision has been made on the application, and
 - (ii) he has had an opportunity of exhausting his right of appeal under that section; or
- (b) has been granted refugee status.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 15 do stand part of the Bill, put and agreed to.

Clause 16: Residence in Nigeria of persons granted refugee status.

- (1) Subject to this Bill, a person who has been granted refugee status under this Bill and members of his family shall be —
- (a) issued with an identity card in the form prescribed by the Minister charged with responsibility for matters relating to internal affairs;
 - (b) issued with residence permit;
 - (c) subject to the laws of Nigeria.

Convention, 1951.

- (2) A refugee and members of his family lawfully staying in Nigeria shall, in accordance with Article 28 of the United Nations Refugees Convention and other relevant conventions, be issued with the United Nations Travel Document.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 16 do stand part of the Bill, put and agreed to.

Clause 17: Withdrawal of refugee status.

- (1) The Federal Commissioner shall refer a matter to the Eligibility Committee where he considers that there are reasonable grounds for believing that a person who has been granted a refugee status under this Bill —
- (a) should not have been so granted; or
 - (b) has ceased to be a refugee.
- (2) Where a matter has been referred to the Eligibility, it shall cause a written notice to be served on the person whose status as a refugee is under reconsideration —

- (a) informing him of the fact that his status as a refugee is to be reconsidered; and
 - (b) inviting him to make written representations to it within 14 days from the date of service of the notice, in respect of his status as a refugee.
- (3) The Eligibility Committee shall consider every matter referred to it under subsection (1) and enquire into or investigate the matter as it deems necessary.
- (4) After considering any advice or recommendation given or made to him by the Eligibility Committee in relation to any case referred to it under subsection (1), the Federal Commissioner —
- (a) may withdraw the grant of refugee status; and
 - (b) shall cause the person concerned to be notified in writing of his decision on the matter.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 17 do stand part of the Bill, put and agreed to.

Clause 18: Right of appeal to the Minister.

- (1) Any person who is aggrieved by the decision of the Federal Commissioner to revoke the grant of refugee status may, within seven days of being notified of such revocation, appeal in writing to the Minister.
- (2) In any appeal under subsection (1), the Minister may either confirm or set aside the decision of the Federal Commissioner and shall communicate his decision on the matter to the complainant.
- (3) Notwithstanding subsection (2), the Minister may, before reaching a decision on any appeal —
 - (a) invite the representative of the United Nations High Commissioner for Refugees in Nigeria to make oral or written representation on the matter;
 - (b) refer the matter back to the Eligibility Committee or the Appeal Board for further inquiry and investigation; or
 - (c) make such further inquiry or investigation into the matter as may be necessary.
- (4) Where the Federal Commissioner withdraws the grant of refugee status under section 17 of this Bill, the refugee and other persons who became refugee by virtue of being a member of his family, shall cease to be a refugee with effect from —
 - (a) seven days after he was served the refugee status revocation notice by the Federal Commissioner; or

- (b) the date on which the Minister notifies him of his confirmation of the decision of the Federal Commissioner.
- (5) The person or refugee referred to in subsection (4) shall, within 30 days, leave Nigeria for another country of choice.
- (6) A family member may apply for the grant of a refugee status on the revocation of the principal grant.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Leader*) — *Agreed to*.

Question that Clause 18 do stand part of the Bill, put and agreed to.

Clause 19: Benefits to family members of persons granted refugee status.

- (1) The Federal Commissioner and all competent officers shall ensure that members of the family of a refugee —
- (a) benefit from the same treatment as provided for refugees in this Bill; and
- (b) are permitted to enter and remain in Nigeria as long as the refugee concerned is permitted to remain in Nigeria under this Bill.
- (2) Subject to section 16 of this Bill, a change in family status or ties resulting from marriage of the dependent family member, divorce or legal separation, death of the principal applicant or attainment of age of majority by a minor dependent shall not affect the refugee status of such family members.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senate Leader*) — *Agreed to*.

Question that Clause 19 do stand part of the Bill, put and agreed to.

Clause 20: Rights of a person granted refugee status.

A person granted refugee status in Nigeria is entitled to the rights and subject to the duties contained in the Protocol or Conventions ratified by Nigeria and any other law in Nigeria.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senate Leader*) — *Agreed to*.

Question that Clause 20 do stand part of the Bill, put and agreed to.

Clause 21: Offences by a refugee.

- (1) A refugee may be detained or expelled for reasons of national security or public order.
- (2) No refugee shall be expelled pursuant to this section to a country where he has reason to fear persecution.
- (3) Any refugee who has been notified of his expulsion may appeal to the Appeal Board or the Minister for re-consideration of his position in accordance with sections 11 and 18 of this Bill.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 21 do stand part of the Bill, put and agreed to.

Clause 22: Assistance to refugees.

Subject to this Bill or any other law in Nigeria, the Federal Commissioner shall assist any refugee who has satisfied the criteria to achieve —

- (a) citizenship by naturalisation;
- (b) voluntary repatriation;
- (c) reintegration; or
- (d) resettlement.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 22 do stand part of the Bill, put and agreed to.

Clause 23: Rights of refugees.

The Commission shall —

- (a) develop procedures to be followed by any competent officer for the purposes of facilitating entry and residence in Nigeria of any refugee and members of his family;
- (b) assist in the training of family members of refugees, particularly for unaccompanied children;
- (c) seek co-operation with non-governmental organisations on matters relating to any refugee and his family members;
- (d) give relief assistance to refugees while they are awaiting a final decision of the Appeal Panel or the Minister; and
- (e) assist in seeking employment or education for any refugee and any members of his family.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 23 do stand part of the Bill, put and agreed to.

PART IV — COORDINATION OF MIGRATION**Clause 24: National Consultative Committee on migration.**

- (1) There is established for the Commission the National Consultative Committee on Migration (in this Bill referred to as "the Consultative Committee").
- (2) The Consultative Committee shall consist of the Solicitor-General of the Federation and Permanent Secretary of Federal Ministry of Justice, as Chairman and a representative each of the —

- (a) Ministry;
 - (b) Federal Ministries responsible for —
 - (i) Foreign Affairs,
 - (ii) Interior,
 - (iii) Labour and Employment,
 - (iv) Women Affairs and Social Development,
 - (v) Finance, and
 - (vi) Budget and National Planning;
 - (c) office of the National Security Adviser;
 - (d) National Population Commission;
 - (e) National Bureau of Statistics;
 - (f) Nigeria Immigration Service;
 - (g) National Agency for the Prohibition of Trafficking in Persons;
 - (h) Small and Medium Scale Enterprises Development Agency of Nigeria;
 - (i) any other relevant ministry, department or agency;
 - (j) any relevant observer from the —
 - (i) — International Organisation for Migration in Nigeria,
 - (ii) — United Nations High Commissioner for Refugees,
 - (iii) — civil society organisations, and
 - (iv) — International Labour Organisation.
- (3) The Consultative Committee shall —
- (a) formulate, review and make necessary recommendations on the National Policy on Migration;
 - (b) monitor and facilitate the implementation of bilateral agreements regarding migration;
 - (c) make recommendations on situations where new bilateral agreements are required to ensure that repatriated Nigerians from abroad are treated humanely, fairly and ensure that their basic human rights are respected;

- (d) monitor and recommend to the appropriate ministry, department and agency on actions to be taken, aimed at ensuring that human, economic, labour and civil rights of Nigerians resident abroad are well protected in their host countries including those guaranteed by existing international conventions, customary laws and general principles and such other agreements concluded on bilateral and multi-lateral basis;
 - (e) suggest policies and guidelines to the appropriate ministry, department and agency on strategies for a well-managed labour migration issues that would be of benefits to Nigeria and reduce the adverse impact arising from the loss of skilled citizens;
 - (g) monitor, advise and ensure protection of migrants in Nigeria and Nigerian migrants in other countries pursuant to International Convention on the Protection of the rights of all migrant workers and members of their families;
 - (h) support the Commission to liaise with technical partners in implementing technical cooperation in identified areas of needs; and
 - (i) advise the Commission on general migration issues, ratification and implementation of relevant migration treaties, protocols and conventions.
- (4) The Secretariat of the Consultative Committee shall be provided by the Commission.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 24 do stand part of the Bill, put and agreed to.

PART V — PROTECTION OF INTERNALLY DISPLACED PERSONS

Clause 25: Protection of internally displaced persons.

- (1) The Commission shall, in collaboration with relevant agencies of government, ensure compliance with the provisions of the Kampala Convention.
- (2) The Commission shall —
 - (a) be the designated agency of government responsible for providing durable solutions to internally displaced persons; and
 - (b) collaborate with other relevant ministries, departments and agencies of government where desirable in the provision of durable solutions.
- (3) The Commission shall discharge its obligations and collaborate with relevant international organisations or agencies and civil society organisations in matters relating to internally displaced persons.

- (4) The Commission shall ensure that policies, strategies and mechanisms are put in place to —
- (a) prevent arbitrary displacement of persons in Nigeria by state and non-state actors;
 - (b) prevent political, social, cultural and economic exclusion and marginalisation, that are likely to cause displacement of persons by virtue of their social identity, ethnicity, religion or political opinion;
 - (c) guarantee respect for the principles of humanity, human dignity and the protection of the rights of internally displaced persons, including humane treatment, non-discrimination, equality and equal protection by law;
 - (d) guarantee respect for international humanitarian law regarding the protection of internally displaced persons;
 - (e) ensure respect for the humanitarian law for the protection and assistance to internally displaced persons, including, ensuring that such persons do not engage in subversive activities;
 - (f) ensure individual responsibility for acts of arbitrary displacement, in accordance with applicable domestic and international criminal law;
 - (g) enforce the accountability of non-state actors concerned, including multinational companies and private security companies, for acts of arbitrary displacement or complicity in such acts, including non-state actors involved in the exploration and exploitation of economic and natural resources leading to displacement;
 - (h) protect and render assistance to internally displaced persons by meeting their basic needs in a gender responsive manner, and allowing and facilitating rapid and unimpeded access by humanitarian organisations and personnel; and
 - (i) promote self-reliance and sustainable livelihoods amongst internally displaced persons.
- (5) Subject to the relevant laws in force in Nigeria and overriding public interest, the Commission shall protect communities with special attachment or dependency on land; due to their particular culture and spiritual values, from being displaced from such lands and affected communities may seek redress by petitioning the Minister through the Internally Displaced Persons Committee of the Commission.
- (6) Notwithstanding this Bill, any act of arbitrary displacement that amounts to genocide, war crimes or crimes against humanity, shall constitute an offence in accordance with the provisions of International Humanitarian Laws and Conventions to which Nigeria is a signatory to.

- (7) All government agencies shall uphold and respect the principles of neutrality, impartiality and independence of humanitarian actors while providing assistance and support to internally displaced persons in Nigeria.
- (8) The Commission shall collaborate with other agencies of government charged with protection of human rights and duties, regardless of the cause of displacement, by ensuring that intervening actors and host communities do not —
- (a) discriminate against persons in the enjoyment of any right or freedom on the grounds that they are internally displaced persons;
 - (b) promote genocide, crimes against humanity, war crimes and other violations of international humanitarian law against internally displaced persons;
 - (c) promote arbitrary killing, summary execution, arbitrary detention, abduction, enforced disappearance or torture and other forms of cruel, inhumane or degrading treatment or punishment;
 - (d) promote sexual and gender-based violence in all forms, notably rape, prostitution, sexual exploitation, slavery;
 - (e) recruit children and use them for hostilities, forced labour, human trafficking and smuggling; and
 - (f) encourage the denial of healthcare services, education, food, water supply and other basic social necessities of life.
- (9) The Commission and relevant agencies, shall —
- (a) take necessary measures to ensure that internally displaced persons are received without discrimination of any kind and live in satisfactory conditions of safety, dignity and security;
 - (b) promptly provide internally displaced persons, with food, water, shelter, health services, sanitation, education, and other necessary social services and where appropriate, extend such assistance to local and host communities;
 - (c) provide special protection for and assistance to internally displaced persons with special needs, including separated and unaccompanied children, female heads of households, pregnant women, mothers with young children, the elderly, and persons with disabilities, mental disorder or with communicable diseases;
 - (d) take special measures to protect and provide for the reproductive and sexual health of internally displaced women and appropriate psycho-social support for victims of sexual and other related abuses;

- (e) respect and ensure the right to seek safety in another part of the State or country and protect internally displaced persons against forcible return to or resettlement in any place where their life, safety, liberty and health would be at risk;
 - (f) ensure freedom of movement and choice of residence of internally displaced persons, except where restrictions on such movement and residence are necessary, justified and proportionate to the requirements of ensuring security for internally displaced persons or maintaining public security, public order and public health;
 - (g) ensure respect and maintenance of the civil and humanitarian character of the places where internally displaced persons are sheltered, and where necessary, request the support of relevant security agencies in safeguarding such locations against infiltration by armed groups or elements and disarm or separate them from internally displaced persons;
 - (h) ensure the setting up of a specialised mechanism to trace and reunite families that are separated during displacement and facilitate the re-establishment of family ties;
 - (i) take necessary measures to protect individual, collective and cultural property left behind by displaced persons and in areas where internally displaced persons are located;
 - (j) take necessary measures to safeguard environmental degradation in areas where internally displaced persons are located within Nigeria or territories under the effective control of Nigeria;
 - (k) consult with internally displaced persons along with other intervening agencies by allowing them to participate in any decision-making process relating to their protection and assistance;
 - (l) take necessary measures to ensure that internally displaced persons who are Nigerian citizens enjoy their civic and political rights, particularly in public participation and the right to vote and be voted into public office; and
 - (m) put in place measures to monitor and evaluate the effectiveness and impact of the humanitarian assistance provided for internally displaced persons in accordance with relevant practices and standards.
- (10) In providing assistance to internally displaced persons, the Commission and other relevant agencies —
- (a) may request for international assistance where available resources are not adequate to provide the required assistance to the affected population,
 - (b) shall allow and facilitate a rapid and unimpeded access by humanitarian organizations and personnel, and

- (c) shall ensure that internally displaced persons are not persecuted or punished for peacefully requesting or seeking assistance in accordance with extant laws.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 25 do stand part of the Bill, put and agreed to.

Clause 26: Provision of assistance to Internally Displaced Persons.

- (1) The provisions of this section shall not be construed as legitimizing or recognizing armed groups and shall be applied without prejudice to the individual criminal responsibility of a member of such group under Nigerian and international criminal law.
- (2) The protection and assistance to be provided for internally displaced persons in situations of armed conflicts shall be governed by Nigerian law and international law.
- (3) Members of any armed group shall be held criminally responsible for their acts, where such acts violate the rights of internally displaced persons under Nigerian and international law.
- (4) Members of any armed group are prohibited from:
- (a) carrying out arbitrary displacement of persons;
 - (b) hampering protection and assistance to internally displaced persons under any circumstances;
 - (c) denying internally displaced persons the right to live in satisfactory conditions of dignity, security, sanitation, food, water, health and shelter;
 - (d) separating family members of internally displaced persons;
 - (e) restricting freedom of movement of internally displaced persons within and outside their areas of residence;
 - (f) recruiting, requiring or permitting children to take part in hostilities under any circumstances;
 - (g) forcibly recruiting persons, kidnapping, hostage taking, engaging in sexual slavery and trafficking in persons;
 - (h) impeding attacking or harming humanitarian personnel, resources or other materials, deployed for the assistance or benefit of internally displaced persons;
 - (i) destroying, confiscating or diverting humanitarian materials deployed for the assistance or benefit of internally displaced persons; and
 - (j) infiltrating or violating the civil and humanitarian character of the places where internally displaced persons are sheltered.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 26 do stand part of the Bill, put and agreed to.

Clause 27: Remedies to arbitrary displacement.

- (1) Where a case of arbitrary displacement is established and the accused parties, whether state or non-state actors are guilty of not conducting necessary or required environmental impact assessment prior to execution of a development project, including exploration of natural resources resulting to forced or arbitrary displacement, the party that commissioned the project shall provide persons affected by displacement with effective remedies.
- (2) Where persons affected or internally displaced arbitrarily are not compensated or inadequately compensated by the perpetrators of the displacement caused by an act or omission not attributable to any foreseeable act of nature, the affected persons shall petition to the Internally Displaced Persons Committee to seek just and fair compensation and other forms of reparations, where appropriate, for damages incurred as a result of displacement in accordance with international standards.
- (3) Where it is established by a court of competent jurisdiction that a party willfully engaged in activities that led to —
 - (a) environmental pollution or degradation;
 - (b) violence;
 - (c) conflict; or
 - (d) other act of omission resulting in arbitrary or forced displacement of persons from their places of habitual residence,the party is liable to make reparation to internally displaced persons for damages.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 27 do stand part of the Bill, put and agreed to.

Clause 28: Children of internally displaced persons.

- (1) Subject to this Bill and any other Act, the Government shall ensure —
 - (a) that every internally displaced child shall have right to a name of his choice and to be identified with the community of birth, where possible;
 - (b) proper upbringing of an internally displaced child;
 - (c) that an orphaned is adopted by a family from his ethnic group or of his choice, which means his status may remain or be decided by his new family depending on his choice;
 - (d) that an internally displaced child communicate in his native language or any other language of his choice;

- (e) that under no circumstances internally displaced child is used for street hawking, forced labour or any other forms of child exploitation;
 - (f) that internally displaced child is provided with good medical care and immunisation against diseases that may cause death, retard his growth or affect his general well-being;
 - (g) the full integration into the society of internally displaced child who shall not be ascribed as belonging to any cast system, such as "osu", "abiku", "ogbanje", etc.; and
 - (h) that internally displaced child below the age of 18 is protected against torture, sexual exploitation, drug abuse, and early and forced marriage.
- (2) In case of an adopted internally displaced child, the adopting parents shall —
- (a) ensure that the child attains full educational development as their biological children;
 - (b) not subject the child to abuse;
 - (c) fully integrate the child into the family and ensure he is treated equally like other biological children;
 - (d) ensure that the child is honoured with traditional titles where he merited it, either on reasons of birth or other considerations and shall not be discriminated against just because of his being an internally displaced child; and
 - (e) not for any reason remind the adopting child that he is from an internal displaced persons camp.
- (3) Notwithstanding the provisions of any Act, the adoption of the child is perpetual, not reversible and non-renounceable.
- (4) An internally displaced child may be fostered by parents and shall have access to all rights such as education, inheritance, and traditional titles as are enshrined in Sharia or Customary Law.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 28 do stand part of the Bill, put and agreed to.

Clause 29: Children of internally displaced persons.

- (1) Subject to this Bill and any other Act, the Government shall ensure —
- (a) that every internally displaced child shall have right to a name of his choice and to be identified with the community of birth, where possible;
 - (b) proper upbringing of an internally displaced child;

- (c) that an orphaned is adopted by a family from his ethnic group or of his choice, which means his status may remain or be decided by his new family depending on his choice;
 - (d) that an internally displaced child communicate in his native language or any other language of his choice;
 - (e) that under no circumstances internally displaced child is used for street hawking, forced labour or any other forms of child exploitation;
 - (f) that internally displaced child is provided with good medical care and immunisation against diseases that may cause death, retard his growth or affect his general well-being;
 - (g) the full integration into the society of internally displaced child who shall not be ascribed as belonging to any cast system, such as "osu", "abiku", "ogbanje", etc.; and
 - (h) that internally displaced child below the age of 18 is protected against torture, sexual exploitation, drug abuse, and early and forced marriage.
- (2) In case of an adopted internally displaced child, the adopting parents shall —
- (a) ensure that the child attains full educational development as their biological children;
 - (b) not subject the child to abuse;
 - (c) fully integrate the child into the family and ensure he is treated equally like other biological children;
 - (d) ensure that the child is honoured with traditional titles where he merited it, either on reasons of birth or other considerations and shall not be discriminated against just because of his being an internally displaced child; and
 - (e) not for any reason remind the adopting child that he is from an internal displaced persons camp.
- (3) Notwithstanding the provisions of any Act, the adoption of the child is perpetual, not reversible and non-renounceable.
- (4) An internally displaced child may be fostered by parents and shall have access to all rights such as education, inheritance, and traditional titles as are enshrined in Sharia or Customary Law.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 29 do stand part of the Bill, put and agreed to.

Clause 30: Gender provisions.

Without prejudice to the national gender policy and provisions of any other Act

- (a) the sanctity of Nigerian womanhood shall not in any way be violated;
- (b) every woman in an internally displaced persons camp shall have the rights to her privacy and not to be subjected to any form of indignity, including beating, forced labour, marriage, sexual abuse, or forceful stripping either for medical examination or other reasons whatsoever without her consent;
- (c) under no circumstance shall women and men be lumped together in a room except as husbands and wives or as members of the same family; and
- (d) every woman in an internally displaced persons camp —
 - (i) is entitled to hold any position of authority in camp without any form of discrimination¹,
 - (ii) is free to take micro-credit and other financial assistance with or without the consent of their husbands for economic self-reliance,
 - (iii) may own property and disburse the property with or without the consent of their spouses, and
 - (iv) may embark on any form of lawful economic activity of her choice to enhance her well-being and that of her family, entitled to self-development, particularly in the area of education and skill acquisition.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senate Leader*)— *Agreed to.*

Question that Clause 30 do stand part of the Bill, put and agreed to.

Clause 31: Disabled, sick or wounded internally displaced persons.

- (1) All wounded, sick or disabled persons in the internally displaced persons camp shall receive medical care to the extent practicable which shall include psychological and social services whenever necessary.
- (2) For the purpose of this section, Government shall provide in each internally displaced persons camp —
 - (a) modified physical environment infrastructure which shall include entrance ramps, non-slipper floors, wide entrances, exits and wide lavatories that can accommodate wheel chairs;
 - (b) assistive mobility devices which shall include wheelchairs, walking canes, evacuating chairs, walkers, crutches, hearing aid equipment;
 - (c) trained personnel and specialised medical care which shall include —
 - (i) care givers to assist those with ambulatory problems or intellectual and developmental disabilities,

- (ii) sign language interpreters to provide aid communication with the deaf, physiotherapists especially for those who have newly acquired disability like amputees during the crises that displaced them, and
- (iii) psychiatrist to support persons with mental problems to keep them under control; and
- (d) access to information in a format that is accessible to internally displaced persons with disability e.g. converted into braille for the visually impaired.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 31 do stand part of the Bill, put and agreed to.

Clause 32: Internally displaced persons living with HIV/AIDS.

Every internally displaced person living with HIV is entitled to —

- (a) purified water and hygienic food and sanitary environment to avoid contaminations which may lead to opportunistic infections caused by their compromised immunity;
- (b) adequate care and support services, including psycho-social support;
- (c) condoms and positive living education including information on positive prevention to minimize infecting their partners or re-infecting themselves; and
- (d) confidentiality of data and information and only to be disclosed with consent, to avoid stigma and discrimination.

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 32 do stand part of the Bill, put and agreed to.

Clause 33: Older persons.

Subject to this Bill and any other Act, the Government shall ensure that —

- (a) the older persons left behind during flight by family members in times of emergency are accessed and evacuated;
- (b) relevant identification and documentation is obtained for older persons in displacement;
- (c) to land and housing rights of older persons are protected during and after displacement especially for widows and elderly women;
- (d) older persons basic needs in displacement including nutrition, shelter, mattresses, blankets, warm clothing, tent, rain coats, water, sanitation and specialized health care are provided for during and after displacement;
- (e) older persons in displacement are re-united with their families and provided with adequate social support systems;

- (f) older persons livelihoods support systems and means of income generation are rebuilt, especially those providing care to younger children whose parents might have been lost prior to or during displacement;
- (g) older persons in displacement are provided with relevant psycho-social support, palliative care and post-traumatic counselling since they are most likely to suffer post-traumatic stress disorders;
- (h) transportation and mobility is provided for older persons during evacuation and displacement following emergencies, disasters, violence and conflicts or other causes of displacement;
- (i) water containers are provided in smaller sizes with handles that can easily be carried by older persons;
- (j) camp and shelter facilities are accessible and safe for older persons and provided with rails or non-slippery floors; and
- (k) displaced older women are protected from physical and sexual abuse, including all forms of gender-based violence and discrimination.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 33 do stand part of the Bill, put and agreed to.

Clause 34: Registration and documentation of internally displaced persons.

- (1) The Commission shall support State Governments in the creation and maintenance of an up-to-date register of all internally displaced persons within their jurisdiction.
- (2) The Commission shall after the documentation of internally Displaced persons, refer them to the appropriate agency of government for issuance of identity cards and other relevant documents.
- (3) The registration and personal documentation of internally displaced persons by State Governments shall be conducted in a manner that respects their integrity and sense of personal dignity and shall not be a condition for accessing protection or assistance by such persons .

Committee's Recommendation:

That the provision in Clause 34 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 34 do stand part of the Bill, put and agreed to.

Clause 35: Obligations of host communities.

Every host community has an obligation to cooperate and collaborate with Government efforts in —

- (a) the provision of adequate security and safety for internally displaced persons settled or resident in their communities;
- (b) the promotion of harmony and integration of internally displaced persons, and shall not prevent them from accessing social services available within their communities including education, health care, water and sanitation and other social amenities;

- (c) ensuring that internally displaced persons resident in their communities are not discriminated against on the basis of ethnicity, religion or culture, and shall not exploit their displacement or vulnerability including differential charges for services or commodities (e.g. house rents, school fees, etc.);
- (d) the provision of safe space for internally displaced persons in the community, and where land is required for construction of resettlement or temporary shelter, shall provide same to government through negotiations with relevant government and humanitarian agencies;
- (e) ensuring access by humanitarian agencies, non-governmental organisations or government officials providing assistance and support to internally displaced persons in their communities;
- (f) restoring the environment during the emergency and recovery phases of the displacement;
- (g) allowing internally displaced persons the freedom to express their cultural, religious and political beliefs without undue discrimination, molestation or inhibition; and
- (h) limiting the lawful movement of internally displaced persons within, into or out of their community, or prevent their access to any part of their community.

Committee's Recommendation:

That the provision in Clause 35 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 35 do stand part of the Bill, put and agreed to.

PART VI — FINANCIAL PROVISION

Clause 36: Fund of the Commission.

- (1) The Commission shall establish and maintain a Fund into which shall be paid:—
 - (a) such sums as may be appropriated to it by the Federal Government of Nigeria;
 - (b) such sums that may accrue to it from time to time in connection with any of its functions and obligations under this Bill; and
 - (c) 10 percent of the Ecological Fund of Nigeria to be used for the rehabilitation of persons displaced by ecologically induced calamities.
- (2) In the application of the Fund under subsection (1) of this section, notwithstanding the provisions of section 5 of this Bill, the Board shall regulate the utilisation of any fund above the threshold of the Federal Commissioner.

Committee's Recommendation:

That the provision in Clause 36 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 36 do stand part of the Bill, put and agreed to.

Clause 37: Annual estimates, accounts and audit.

- (1) The Commission shall not later than 30th September of each year, submit its estimates of income and expenditure for the next financial year to the Minister through the Board for approval.
- (2) The Commission shall —
 - (a) keep proper records of all accounts of its income and expenditure; and
 - (b) prepare statement of account in respect of each financial year.
- (3) The Commission shall, not later than 30th June of each financial year, submit its accounts to auditors appointed from the list of qualified auditors in accordance with guidelines laid down by the Auditor-General for the Federation.

Committee's Recommendation:

That the provision in Clause 37 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 37 do stand part of the Bill, put and agreed to.

Clause 38: Annual report.

- (1) The Commission shall, not later than 30th June of each financial year, submit to the Minister, in respect of the preceding financial year, an annual report on the activities of the Commission in such form as the Board may direct.
- (2) The report referred to in subsection (1) of this section shall include —
 - (a) information on the activities of the Commission for the year;
 - (b) a copy of the audited accounts of the Commission for that year, together with the Auditor-General's report on the accounts of the Commission; and
 - (c) such other information as the Board may request.

Committee's Recommendation:

That the provision in Clause 38 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 38 do stand part of the Bill, put and agreed to.

Clause 39: Power to accept gifts.

- (1) The Commission may accept any gift of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift.
- (2) The Commission shall not accept any gift where the conditions attached by the person or organisation making the gift are inconsistent with the functions and objectives of the Commission.
- (3) Any gift or donation to the Commission for its project shall be made directly to the Commission and utilised only for the purpose for which it was made.

Committee's Recommendation:

That the provision in Clause 39 be retained (*Senate Leader*) — *Agreed to*.

Question that Clause 39 do stand part of the Bill, put and agreed to.

Clause 40: Power to borrow.

The Commission may, with the approval of the Minister, borrow by way of overdraft or such sums, as it may require on such terms and conditions for the performance of its functions under this Bill.

Committee's Recommendation:

That the provision in Clause 40 be retained (*Senate Leader*) — *Agreed to*.

Question that Clause 40 do stand part of the Bill, put and agreed to.

PART VII — HUMANITARIAN TRUST FUND

Clause 41: Establishment of Humanitarian Trust Fund.

- (1) There is established for the Commission the Humanitarian Trust Fund (in this Bill referred to as "the Trust Fund") into which shall be paid —
 - (a) take-off grant from the Federal Government;
 - (b) such intervention funds as may be provided by the Federal Government;
 - (c) donations, gifts or endowment from individuals, corporate entities, international donor agencies and other developmental partners; and
 - (d) such other funds that may accrue to the Trust Fund from time to time.
- (2) The Minister shall issue guidelines for the management of the Trust fund.

Committee's Recommendation:

That the provision in Clause 41 be retained (*Senate Leader*) — *Agreed to*.

Question that Clause 41 do stand part of the Bill, put and agreed to.

Clause 42: Establishment of Humanitarian Trust Fund Board of Trustees.

- (1) There is established for the Trust Fund, a Board of Trustees (in this Bill referred to as "the Board of Trustees") which shall be constituted by the Minister subject to the provisions of this Bill.
- (2) The Board of Trustees shall consist of the following members —
 - (a) the Minister, who shall be the Chairman;
 - (b) three other members knowledgeable in refugee, migrants or internally displaced persons matters to be appointed by the Minister; and
 - (c) the Federal Commissioner who shall serve as the Secretary to the Trust Fund.
- (3) The Board of Trustees shall administer and have general control over the management of the Trust Fund.

- (4) The Trust Fund shall be utilised in cases —
- (a) where there is an influx of persons or such other situations of mass voluntary or involuntary displacement or migration; and
 - (b) of return, resettlement, reconstruction, rehabilitation and reintegration of refugees, migrants or internally displaced persons.

Committee's Recommendation:

That the provision in Clause 42 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 42 do stand part of the Bill, put and agreed to.

PART VIII — MISCELLANEOUS PROVISIONS

Clause 43: Power to make regulations.

The Commission may, with the approval of the Minister, make regulations necessary for giving effect to the provisions of this Bill.

Committee's Recommendation:

That the provision in Clause 43 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 43 do stand part of the Bill, put and agreed to.

Clause 44: Power to give directives to the Commission.

The Minister may give directives of a general character to the Commission relating to its policies and functions.

Committee's Recommendation:

That the provision in Clause 44 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 44 do stand part of the Bill, put and agreed to.

Clause 45: Repeal of Cap. N21, LFN, 2004.

The National Commission for Refugees Act, Cap. N21, Laws of the Federation of Nigeria, 2004 is repealed.

Committee's Recommendation:

That the provision in Clause 45 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 45 do stand part of the Bill, put and agreed to.

Clause 46: Transitional and savings provisions.

- (1) Anything made or done or having effect before the commencement of this Bill by the National Commission for Refugees, Migrants and Internally Displaced Persons, which have any resulting or continuing effect, shall be treated as from the commencement of this Bill, as if it were made or done by the Commission.
- (2) From the commencement of this Bill, any staff or officer who immediately before the commencement of this Bill, holds office in the National Commission for Refugees, existing before the commencement of this Bill, is deemed to have been transferred to the Commission, established under this Bill on such terms and conditions no less favourable than those obtaining immediately before the commencement of this Bill.

- (3) Service or employment in any Department of the Commission is deemed to be service or employment in the Commission established under this section.

Committee's Recommendation:

That the provision in Clause 46 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 46 do stand part of the Bill, put and agreed to.

Clause 47: Interpretation.

In this Bill —

"Chairman" means Chairman of the Governing Board established under section 3 of this Bill.

"arbitrary displacement" includes —

- (a) displacement as a result of ethno-religious or communal crisis and in the execution of projects, including exploration of natural resources or other similar practices;
- (b) individual or mass displacement of civilians in situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand, in accordance with international humanitarian law;
- (c) displacement intentionally used as a method of warfare or due to other violations of international humanitarian law in situations of armed conflict;
- (d) used as a collective punishment,
- (e) displacement as a result of harmful practices;
- (f) displacement caused by —
 - (i) generalised violence or violations of human rights,
 - (ii) forced evacuations in cases of natural or man-made disasters or other causes where the evacuations are not required by the safety and health of those affected, and
 - (iii) such other act, event, factor, or phenomenon of comparable gravity which is not justified under international law, including human rights and international humanitarian law .

"armed groups" means dissident armed forces or other organised armed groups that are distinct from the Armed Forces of the Federal Republic of Nigeria.

"competent officer" means immigration officer, customs officer, police officer, liaison officer of the Commission or any other relevant security officer.

"country of nationality" in relation to a person who has more than one nationality, means each of the countries of which that person is a national

"durable solutions" means a situation where internally displaced persons no longer have specific assistance and protection needs that are linked to their displacement and such persons can enjoy their human rights without discrimination resulting from their displacement.

"emigrant and immigrant" refer respectively to migrants from the perspective of the country of origin or departure and the country of destination or settlement.

"harmful practices" means all behaviour, attitudes and/or practices which negatively affect the fundamental rights of persons, such as but not limited to their right to life, health, dignity, education, mental and physical integrity and education.

"frontier" means land-frontier, sea-frontier, port or airport of entry

"internal displacement" means the involuntary or forced movement, evacuation or relocation of persons or group of persons within internationally recognised state borders.

"internally displaced persons" are persons or groups of persons who have been forced or obliged to flee or leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed any of Nigeria's internationally recognised borders.

"members of the Board" includes the Chairman.

"members of the family" in relation to a refugee means spouse or spouses, unmarried children under the age of maturity and any other relative of the refugee, migrant or internally displaced person who is dependent on him.

"migrant" means a person who is moving or has moved across an international border or within a state away from his habitual residence regardless of the person's legal status or whether the movement is voluntary or involuntary.

"Minister" means Minister responsible for matters relating to humanitarian affairs.

"Ministry" means Ministry responsible for matters relating to humanitarian affairs.

"non-state actors" means private actors who are not public officers of Nigeria, including other armed groups not referred to under this Bill and whose acts cannot be officially attributed to the Nigerian Government.

"persons of concern" means refugees, asylum seekers, returnees, stateless persons, migrants, Nigerian migrants abroad, internally displaced persons or such other persons affected by voluntary or involuntary displacement or migration

"President" means the President of the Federal Republic of Nigeria.

"Refugee" means a person who falls within the definition provided by —

- (a) Article 1 of the 1951 United Nations Convention;
- (b) Article 1 of the 1967 Protocol Relating to the Status of Refugee; and
- (c) Convention Governing the Specific Aspects of Refugee Problems in Africa.

"State" means any State in Nigeria and the Federal Capital Territory as enshrined in the Constitution of the Federal Republic of Nigeria, 1999 as amended.

"State Governments" means institutions, agencies and machinery of government within the constitutionally recognized States of the Federation, including the Federal Capital Territory of the Federal Republic of Nigeria.

"Vice-President" means the Vice-President of the Federal Republic of Nigeria.

Committee's Recommendation:

That the provision in Clause 47 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 47 do stand part of the Bill, put and agreed to.

Clause 48: Citation.

This Bill may be cited as the National Commission for Refugees, Migrant and Internally Displaced Persons Bill, 2021

Committee's Recommendation:

That the provision in Clause 48 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 48 do stand part of the Bill, put and agreed to.

SCHEDULE

Section 3 (6)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

1. (1) Subject to the provisions of this Bill and section 27 of the Interpretation Act the Board may make standing orders regulating its proceedings or those of any of its committees.
- (2) (a) The quorum of the Board shall be the Chairman or the person presiding at the meeting, the Federal Commissioner and one-third of other members of the Board.
- (b) The quorum of any Committee of the Commission shall be as determined by the Board.
2. (1) The Board shall meet at least once every quarter and whenever it is summoned by the Chairman or if the Chairman is required to do so by notice given to him by at least seven other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.
- (2) At any meeting of the Board, the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of them to preside at the meeting.

- (3) The Board may, at any time, co-opt any person to act as an adviser at any of its meetings, but such co-opted person is not entitled to vote at any meeting or count towards a quorum.
- (4) All matters arising at a meeting of the Board shall be decided by a simple majority of the votes cast by members present and voted at the meeting, each member shall have one vote.
- (5) In the event of an equality of votes, the person presiding at the meeting shall have a casting vote.
3. (1) The Board may set up one or more Committees to perform, on behalf of the Board, such functions as the Board may determine.
- (2) A Committee set up under this paragraph shall consist of such number of persons as may be determined by the Board and a person shall hold office on the Committee in accordance with the terms of his appointment.
- (3) A decision of a Committee of the Board is of no effect until it is confirmed by the Board.
4. (1) The fixing of the seal of the Commission shall be authenticated by the signatures of the Chairman or any other member of the Board generally or specifically authorised by the Board to act for that purpose and the Federal Commissioner.
- (2) A document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and is, unless and until the contrary is proved, presumed to be so executed.
- (3) The validity of any proceeding of the Board or Committee is not adversely affected by —
- (a) any vacancy in the membership of the Board;
- (b) any defect in the appointment of a member of the Board or committee; or
- (c) reason that a person not entitled to do so took part in the proceedings of the Board or Committee.

Question that the provision in this schedule, stand part of the Bill, agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered a Bill for an Act to Establish the National Commission for Refugees Act CAP N21 LFN 2004 (Repeal & Re-enactment) Bill, 2021 and approved as follows:

Clauses 1-48 — As Recommended

Schedule — As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — Resolved in the Affirmative.

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

10. **University of Agriculture, Jalingo (Establishment) Bill, 2021 (HB. 750) — Concurrence**
Motion made: That a Bill for an Act to Establish the Federal University of Agriculture, Jalingo and for Related Matters, 2021 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee of the Whole.

Motion made: Pursuant to Rule 81, that the Senate do resolve into the Committee of the Whole to Consideration of a Bill for an Act to Establish the Federal University of Agriculture, Jalingo and for Related Matters, 2021.

Question put and agreed to.

CONSIDERATION FOR A BILL FOR AN ACT TO ESTABLISH THE FEDERAL UNIVERSITY OF AGRICULTURE, JALINGO AND FOR RELATED MATTERS, 2021

Clause 1: **Establishment and objects of University of Agriculture.**

- (1) There is hereby establish a University of Agriculture, which is to be located in Jalingo, Taraba State, (in this Bill referred to as "the University").
- (2) The University shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.
- (3) The objects of the University shall be:
 - (a) to encourage the advancement of learning and to hold out to all persons without distinction of race, creed, sex or political conviction, the opportunity of acquiring a higher education in agriculture;
 - (b) to develop and offer academic and professional programmes leading to the award of diplomas, first degrees, postgraduate research and higher degrees which emphasise planning, adaptive, technical, maintenance, developmental and productive skills in agriculture, agricultural engineering and allied professional disciplines with the aim of producing socially matured persons with capacity to improve on those disciplines and develop new ones, but also to contribute to the scientific transformation of agriculture in Nigeria;
 - (c) to act as agents and catalysts, through postgraduate training, research and innovation for the effective and economic utilisation, exploitation and conservation of Nigeria's natural, agricultural, economic and human resources;

- (d) to offer to the general population, as a form of public service, the results of training and research in agriculture and allied disciplines and to foster the practical application of those results;
- (e) to establish appropriate relationships with other national institutions involved in training, research and development of agriculture;
- (f) to identify the agricultural problems and needs of Nigeria and to find solutions to them within the context of overall national development;
- (g) to provide and promote sound basic scientific training as a foundation for the development of agriculture and allied disciplines, taking into account indigenous culture, the need to enhance national unity, the need to vastly increase the practical content of student training, and adequate preparation of graduates for self-employment in agriculture and allied professions;
- (h) to promote and emphasise teaching, research and extension of agricultural knowledge, including agriculture extension services and outreach programmes, in-service training, continuing education, and on-farm adaptive research;
- (i) to offer academic programmes in relation to the training of manpower for agriculture in Nigeria;
- (j) to organise research relevant to training of agriculture with emphasis on small- scale farming;
- (k) to organise extension services and out-reach programmes for technology transfer;
- (l) to establish institutional linkages in order to foster collaboration and integration of training, research, and extension activities; and
- (m) to undertake any other activities appropriate for a University of Agriculture.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 1 do stand part of the Bill, put and agreed to.

Clause 2: Constitution and Principal Officers of the University.

- (1) The University shall consist of:
 - (a) a Chancellor;
 - (b) a Pro-Chancellor and a Council;
 - (c) a Vice-Chancellor and a Senate;
 - (d) a Deputy Vice-Chancellor;

- (e) a body to be called Congregation;
- (f) a body to be called Convocation;
- (g) campuses and colleges of the University;
- (h) schools, institutes and other teaching and research units;
- (i) persons holding the offices constituted by the First Schedule to this Bill other than those mentioned in paragraph (a) to (d) of this subsection;
- (j) all graduates and undergraduates of the University; and
- (k) all other persons who are members of the University in accordance with the provisions made by statute in that behalf.

First Schedule

- (2) The First Schedule to this Bill shall have effect with respect to the principal officers of the University therein mentioned.
- (3) Subject to section 5 of this Bill, provision shall be made by statute with respect to the constitution of the following bodies, namely the Council, the Senate, Congregation and Convocation.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3: Powers of the University and their exercise.

- (1) For the carrying out of its objects as specified in section 1 of this Bill, the University shall have power:
 - (a) to establish such campuses, colleges, institutes, schools, extra-mural departments and other teaching and research units within the University as may, from time to time, be deemed necessary or desirable, subject to the approval of the Federal Ministry responsible for Agriculture;
 - (b) to establish agricultural and rural extension services in various parts of Nigeria;
 - (c) to institute professorships, readerships or associate professorships, and other posts and offices and to make appointments thereto;
 - (d) to institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and other forms of assistance;
 - (e) to provide for the discipline and welfare of members of the University;

- (f) to hold examinations and grant degrees, diplomas, certificates and other distinctions to persons who have pursued a course of study approved by the University and have satisfied such other requirements as the University may lay down;
- (g) to grant honorary degrees, fellowships or academic titles;
- (h) to demand and receive from any student or any other person attending the University for the purpose of instruction such fees as the University may, from time to time, determine subject to the overall directives of the Minister;
- (i) subject to section 22 of this Bill, to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever situate;
- (j) to accept gifts, legacies and donations, but without obligation to accept the same for a particular purpose unless it approves the terms and conditions attaching thereto;
- (k) to enter into contracts, establish trusts, act as trustee, solely or jointly with any other person, and employ and act through agents;
- (l) to erect, provide, equip and maintain libraries, laboratories; lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings or things necessary or suitable or convenient for any of the objects of the University;
- (m) to hold public lectures and to undertake printing, publishing and book-selling;
- (n) subject to any limitations on conditions imposed by statute, to invest any money appertaining to the University by way of endowment, not being immediately required for current expenditure, in any investments or securities or the purchase or improvement of land, with power from time to time to vary any such investments and to deposit any money for the time being not invested with any bank on deposit or current account;
- (o) to borrow, whether on interest or not if need be upon the security of any or all of the property, movable or immovable, of the University, such moneys as the Council may, from time to time, in its discretion find it necessary or expedient to borrow or to guarantee any loan, advances or credit facilities;
- (p) to do anything which it is authorised or required by this Bill or by statute to do; and
- (q) to do all such acts or things, incidental to the foregoing powers, as may advance the objects of the University.

- (2) Subject to the provisions of this Bill and of the statutes and without prejudice to section 8 (2) of this Bill, the powers conferred on the University by subsection (1) of this section shall be exercisable on behalf of the University by the Council or by the Senate or in any other manner, which may be authorised by statute.
- (3) The power of the University to establish further campuses and colleges within the University shall be exercisable by statute and not otherwise.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4: Functions of the Chancellor.

- (1) The Chancellor shall take precedence before all other members of the University and when he is present shall preside at all meetings of Convocation held for conferring degrees.
- (2) Every proposal to confer an honorary degree shall be subject to the confirmation of the Chancellor.
- (3) The Chancellor shall exercise such other powers and perform such other duties as may be conferred or imposed on him by this Bill or the statutes.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 4 do stand part of the Bill, put and agreed to.

Clause 5: Functions of the Pro-Chancellor.

- (1) The Pro-Chancellor shall take precedence before all other members of the University, except the Chancellor and except the Vice-Chancellor when acting as chairman of Congregation or Convocation and the Pro-Chancellor shall, when he is present, be the chairman at all meetings of the Council.
- (2) Subject to the provisions of this Bill, the Pro-Chancellor shall hold office for a period of five years beginning with the date of his appointment.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 5 do stand part of the Bill, put and agreed to.

Clause 6: Composition of the Council.

The Council of the University shall consist of:

- (a) the Pro-Chancellor;
- (b) the Vice-Chancellor;
- (c) the Deputy Vice-Chancellor;
- (d) one person from the Ministry responsible for education;

- (e) nine persons representing a variety of interests and broadly representative of the whole Federation to be appointed by the President;
- (f) four persons appointed by the Senate from among its members;
- (g) two persons appointed by Congregation from among its members;
- (h) one person appointed by Convocation from among its members.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 6 do stand part of the Bill, put and agreed to.

Clause 7: Functions of the Council and its Finance and General Purposes Committee.

- (1) Subject to the provisions of this Bill relating to the Visitor, the Council shall be the governing body of the University and shall be charged with the general control and superintendence of the policy, finance and property of the University.
- (2) There shall be a committee of the Council to be known as the Finance and General Purposes Committee, which shall, subject to the directions of the Council, exercise control over the property and expenditure of the University and perform such other functions of the Council as the Council may, from time to time, delegate to it.
- (3) Provision shall be made by statute with respect to the constitution of the Finance and General Purposes Committee.
- (4) The Council shall ensure that proper accounts of the University are kept and that the accounts of the University are audited annually by an independent firm of auditors approved by the Council and that an annual report shall be published by the University together with certified copies of the said accounts as audited.
- (5) Subject to this Bill and the statutes, the Council and the Finance and General Purposes Committee may each make rules for regulating their own procedure.
- (6) Rules made under subsection (5) of this section by the Finance and General Purposes Committee shall not come into force unless approved by the Council; and in so far and to the extent that any rules so made by that Committee conflict with any directions given by the Council (whether before or after the coming into force of the rules in question), the direction of the Council shall prevail.
- (7) There shall be paid to the members of the Council, the Finance and General Purposes Committee respectively and of any other committee set up by the Council an allowance in respect of travelling and other reasonable expenses, at such rates as may, from time to time, be fixed by the Minister.
- (8) The Council shall meet as and when necessary for the performance of its functions under this Bill and shall meet at least three times in every year.

- (9) If requested in writing by any five members of the Council the chairman shall within 28 days after the receipt of such request call a meeting of the Council.
- (10) Any request made under subsection (9) of this section shall specify the business to be considered at the meeting and a business not so specified shall not be transacted at the meeting.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 7 do stand part of the Bill, put and agreed to.

Clause 8: Functions of the Senate.

- (1) Subject to section 7 of this Bill and subsections (3) and (4) of this section and to the provisions of this Bill relating to the Visitor, it shall be the general function of the Senate to organise and control the teaching by the University, the admission (where no other enactment provides to the contrary, of students) and the discipline of students; and to promote research at the University.
- (2) Without prejudice to the generality of subsection (1) of this section and subject as there mentioned, it shall in particular be the function of the Senate to make provision for—
 - (a) the establishment and organisation and control of campuses, colleges, schools, institutes and other teaching and research units of the University and allocation of responsibility for different branches of learning;
 - (b) the organisation and control of courses of study in the University and of the examinations held in conjunction with those courses, including the appointment of examiners, both internal and external;
 - (c) the award of degrees, and such other qualifications as may be prescribed, in connection with examinations held as aforesaid;
 - (d) the making of recommendations to the Council with respect to the award to any person of an honorary fellowship or degree or the title of professor emeritus;
 - (e) the establishment, organisation and control of halls of residence and similar institutions at the University;
 - (f) the supervision of the welfare of students at the University and the regulation of their conduct;
 - (g) the granting of fellowships, scholarships, prizes and similar awards in so far as the awards are within the control of the University; and
 - (h) determining what description of dress shall be academic dress for the purposes of the University, and regulating the use of academic dress.

- (3) The Senate shall not establish any new campus, college, school, department, institute or other teaching and research units of the University without the approval of the Council.
- (4) Subject to this Bill and statutes, the Senate may make regulations for the purpose of exercising any function conferred on it either by the foregoing provisions of this section or otherwise or for the purpose of making provisions for any matter for which provision by regulations is authorised or required by this Bill or by statute.
- (5) Regulations shall provide that at least one of the persons appointed as the examiners at each final or professional examination held in conjunction with any course of study at the University, as may be prescribed by the Senate from time to time, is not a teacher at the University but is a teacher of the branch of learning to which the course relates at some other university of high repute or a person engaged in practicing the profession in a reputable organisation or institution.
- (6) Subject to a right of appeal to the Council from a decision of the Senate under this subsection, the Senate may deprive any person of any degree, diploma or other award of the University which has been conferred upon him if after due enquiry he is shown to have been guilty of dishonourable or scandalous conduct in gaining admission into the University or obtaining that award.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 8 do stand part of the Bill, put and agreed to.

Clause 9: Functions of the Vice-Chancellor.

- (1) The Vice-Chancellor shall, in relation to the University, take precedence before all other members of the University, except the Chancellor, and any other person for the time being acting as chairman of the Council.
- (2) Subject to sections 7, 8, and 14 of this Bill, the Vice-Chancellor shall have the general function, in addition to any other functions conferred on him by this Bill or otherwise, of directing the activities of the University and shall be the chief executive and academic officer of the University and ex-officio chairman of the Senate.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 9 do stand part of the Bill, put and agreed to.

STATUTES OF THE UNIVERSITY

Clause 10: Powers of the University to make Statutes.

- (1) Subject to this Bill, the University may make statutes for any of the following purposes, that is to say:
 - (a) making provision with respect to the composition and constitution of any authority of the University;

- (b) specifying and regulating the powers and duties of any authority of the University and regulating any other matter connected with the University or any of its authorities;
 - (c) regulating the admission of students (where no other enactment provides to the contrary), and their discipline and welfare;
 - (d) determining whether any particular matter is to be treated as an academic or non-academic matter for the purposes of this Bill and of any statute, regulation or other instrument made thereunder;
 - (e) making provision for any other matter for which provision by statute is authorised or required by this Bill.
- (2) Subject to section 26 (6) of this Bill, the Interpretation Act shall apply in relation to any statute made under this section as it applies to a subsidiary instrument within the meaning of section 27 (1) of that Act.

Second Schedule.

- (3) The statute contained in the Second Schedule to this Bill shall be deemed to have come into force on the commencement of this section of this Bill and shall be deemed to have been made under this section by the University.
- (4) The power to make statutes conferred by this section shall not be prejudiced or limited in any way by reason of the inclusion or omission of any matter in or from the statute contained in the Second Schedule to this Bill or any subsequent statute.

Committee's Recommendation:

That the provision in Clause 10 be retained - (*Senate Leader*) — Agreed to.

Question that Clause 10 do stand part of the Bill, put and agreed to.

Clause 11: Mode of Exercising Power to Make Statutes.

- (1) The power of the University to make statutes shall be exercised in accordance with the provisions of this section and not otherwise.
- (2) A proposed statute shall not become law unless it has been approved:
 - (a) at a meeting of the Senate, by the votes of not less than two thirds of the members present and voting; and
 - (b) at a meeting of the Council, by the votes of not less than two thirds of the members present and voting.
- (3) A proposed statute may originate either in the Senate or in the Council, and may be approved as required by subsection (2) of this section by either one of those bodies before the other.
- (4) A statute which makes provision for or alters the composition or constitution of the Council, the Senate or any other authority of the University shall not come into operation unless it has been approved by the National Assembly.

- (5) For the purposes of section 1 (2) of the Interpretation Act a statute shall be treated as being made on the date on which it is duly approved by the Council after having been approved by the Senate, as the case may be or, in the case of a statute falling within subsection (4) of this section, on the date on which it is approved by the National Assembly
- (6) In the event of any doubt or dispute arising at any time:
- (a) as to the meaning of any provision of a statute; or
- (b) as to whether any matter is for the purpose of this Bill an academic matter as they relate to such doubt or dispute, the matter may be referred to the Visitor, who shall take such advice and make such decision therein as he shall think fit.
- (7) The decision of the Visitor on any matter referred to him under subsection (6) of this section shall be final and binding upon the authorities, staff and students of the University and where any question as to the meaning of any provision of a statute has been decided by the Visitor under that subsection, the question as to the meaning of that provision shall be subject to review of a competent court of law.
- (8) Nothing in subsection (7) of this section shall affect any power of a court of competent jurisdiction to determine whether any provision of a statute is wholly or partially void as being ultra vires or as being inconsistent with the Constitution of the Federal Republic of Nigeria, 1999.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 11 do stand part of the Bill, put and agreed to.

Clause 12: Proof of Statutes.

A statute may be proved in any court by the production of a copy thereto bearing affixed to it a certificate purporting to be signed by the Vice-Chancellor or the secretary to the Council to the effect that the copy is a true copy of a statute of the University.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 12 do stand part of the Bill, put and agreed to.

SUPERVISION AND DISCIPLINE

Clause 13: The Visitor.

- (1) The President shall be the Visitor of the University.
- (2) The Visitor shall as often as the circumstances may require, not being less than once every five years, conduct a visitation of the University or direct that such a visitation be conducted by such person or persons as the Visitor may deem fit and in respect of any of the affairs of the University.

- (3) It shall be duty of the bodies and persons comprising the University to make available to the Visitor and to any other person conducting a visitation in pursuance of this section, such facilities and assistance as he or they may reasonably require for the purposes of a visitation.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 13 do stand part of the Bill, put and agreed to.

Clause 14: Removal of Certain Members of Council.

- (1) If it appears to the Council that a member of the Council (other than the Pro-Chancellor of the Vice-Chancellor) should be removed from office on the ground of misconduct or inability to perform the functions of his office or employment, the Council shall make a recommendation to that effect through the Minister to the President after making such enquiry, if any, as may be considered appropriate, and if the President approves the recommendation he may direct the removal of the person in question from office.
- (2) It shall be the duty of the Minister to use his best endeavour to cause a copy of the instrument embodying a direction under subsection (1) of this section to be served as soon as reasonably practicable on the person to whom it relates.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 14 do stand part of the Bill, put and agreed to.

Clause 15: Removal and Discipline of Academic, Administrative and Professional Staff.

- (1) If it appears to the Council that there are reasons for believing that any person employed as a member of the academic, administrative or professional staff of the University, other than Vice-Chancellor, should be removed from his office or employment on the ground of misconduct or of inability to perform the functions of his office or employment, the Council shall:
- (a) give notice of those reasons to the person in question;
 - (b) afford him an opportunity of making representations in person on the matter;
 - (c) appoint a Staff Disciplinary Committee, and if the Council, after considering the report of the Staff Disciplinary Committee} is satisfied that the person in question should be removed as aforesaid, the Council may so remove him by an instrument in writing signed on the directions of the Council.
- (2) The Vice-Chancellor may, in case of misconduct by a member of staff which in the opinion of the Vice-Chancellor is prejudicial to the interests of the University, suspend such member and any such suspension shall forthwith be reported to the Council.

- (3) For good cause, any member of staff may be suspended from his duties or his appointment may be terminated by the Council; and for the purposes of this subsection "Good cause" means:
- (a) conviction for any offence which the Council considers to be such as to render the person concerned unfit for the discharge of the functions of his office;
 - (b) any physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold his office;
 - (c) conduct of a scandalous or other disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold his office;
 - (d) conduct which the Council considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with terms and conditions of his service; or
 - (e) conduct which the Council considers to be generally of such nature as to render the continued appointment or service of the person concerned prejudicial or detrimental to the interest of the University.
- (4) Any person suspended pursuant to subsection (2) or (3) of this section shall be on half pay and the Council shall before the expiration of a period of three months after the date of such suspension consider the case against that person and come to a decision as to-
- (a) whether to continue such person's suspension and if so on what terms (including the proportion of his emoluments to be paid to him);
 - (b) whether to re-instate such person in which case the Council shall restore his full emoluments with effect from the date of suspension;
 - (c) whether to terminate the appointment of the person concerned in which case such person shall not be entitled to the proportion of his emoluments withheld during the period of suspension; or
 - (d) whether to take such lesser disciplinary action against such person (including the restoration of such proportion of his emoluments as might have been withheld) as the Council may determine.
- (5) In any case where the Council, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Council shall before the expiration of a period of three months from such decision come to a final determination in respect of the case concerning any such person.
- (6) It shall be the duty of the person by whom an instrument of removal is signed in pursuance of subsection (1) of this section to use his best endeavour to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.

- (7) Nothing in the foregoing provisions of this section shall:
- (a) apply to any directive given by the Visitor in consequence of any visitation; or
 - (b) prevent the Council from making regulations for the discipline of other categories of workers of the University as may be prescribed.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 15 do stand part of the Bill, put and agreed to.

Clause 16: Procedures for Staff Discipline.

- (1) The Vice-Chancellor or Senate shall constitute an Investigation Panel to determine whether or not a prima facie case has been established against any member of staff.
- (2) The Investigation Panel shall include the President or the chairman of the union to which the staff being investigated belongs.
- (3) The Vice-Chancellor shall constitute a Staff Disciplinary Committee which shall consist of such members of the Senate as he may determine, to consider the report of the Investigating Panel.
- (4) The report and recommendation of the Staff Disciplinary Committee shall be forwarded to the Council for consideration and decision.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 16 do stand part of the Bill, put and agreed to.

Clause 17: Appointment of External Examiners.

External Examiners shall be appointed by the Senate.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 17 do stand part of the Bill, put and agreed to.

Clause 18: Removal of Examiners.

- (1) If on the recommendation of the Senate, it appears to the Vice-Chancellor that a person appointed as an examiner for any examination of the University ought to be removed from his office or appointment, then except in such cases as may be prescribed, the Vice-Chancellor may, after affording the examiner an opportunity of making representations in person on the matter to the Vice-Chancellor, remove the examiner from the office or appointment by an instrument in writing signed by the Vice-Chancellor.
- (2) Subject to the provisions of regulations made in pursuance of section 9 (5) of this Bill, the Vice-Chancellor may, on the recommendation of the Senate, appoint an appropriate person as examiner in place of the examiner removed in pursuance of subsection (1) of this section.

- (3) It shall be duty of the Vice-Chancellor to sign an instrument of removal in pursuance of this section, to use his best endeavour to cause a copy of this instrument to be served as soon as is reasonably practicable on the person to whom it relates.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 18 do stand part of the Bill, put and agreed to.

Clause 19: Discipline of Students.

- (1) Subject to the provisions of this section, where it appears to the Vice-Chancellor that any student of the University has been guilty of misconduct, the Vice-Chancellor may, in consultation with the Senate and, without prejudice to any other disciplinary power conferred on him by statute or regulations, direct that:
- (a) the student shall not, during such period as may be specified in the direction, participate in such activities of the University, or make use of such facilities of the University, as may be so specified;
 - (b) the activities of the student shall, during such period as may be specified in the direction, be restricted in such manner as may be so specified;
 - (c) the student be rusticated for such period as may be specified in the direction; or
 - (d) the student be expelled from the University.
- (2) Where a direction is given under subsection (1) (c) or (d) of this section in respect of any student, that student may, within the prescribed period and in the prescribed manner, appeal to the Council; and where such an appeal is brought, the Council shall after causing such inquiry to be made in the matter as the Council considers just, confirm or set aside the direction or modify it in such manner as the Council thinks fit.
- (3) The fact that an appeal from a direction is brought in pursuance of subsection (2) of this section shall not affect the operation of the direction while the appeal is pending.
- (4) The Vice-Chancellor may delegate his powers under this section to a Disciplinary Committee consisting of such members of the University as he may nominate.
- (5) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the University otherwise than on the ground of misconduct.
- (6) Without prejudice to the provision of subsection (1) of this section, nothing shall prevent the Vice-Chancellor from taking an immediate disciplinary action against a student where he deems fit, and report thereafter to the Senate.

- (7) It is hereby declared that a direction under subsection (1) (a) of this section may be combined with a direction under subsection (1) (b) of this section.
- (8) No staff or student shall resort to a law court without proof of having exhausted the integral avenues for settling disputes or grievances or for seeking redress.
- (9) The Visitor shall be the final arbiter on staff and student discipline, and his decision shall be subject to appeal by a competent Court of Law.
- (10) Nothing in this subsection shall affect any power of a court of competent jurisdiction to enforce the fundamental right of any aggrieved citizen as enshrined in the Constitution of the Federal Republic of Nigeria 1999.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 19 do stand part of the Bill, put and agreed to.

MISCELLANEOUS AND GENERAL

Clause 20:

Exclusion of Discrimination on Account of Race, Religion, Etc.

- (1) No person shall be required to satisfy the requirements as to any of the following matters, that is to say, race (including ethnic grounding), sex, place of birth or family origin, or religious or political persuasion, as a condition of becoming or continuing to be a student at the University, the holder of any degree of the University or of any appointment or employment at the University or a member of anybody established by virtue of this Bill; and no person shall be subjected to any disadvantage or accorded any advantage in relation to the University, by reference to any of those matters.
- (2) Nothing in subsection (1) of this section shall be construed as preventing the University from imposing any disability or restriction on any of the aforementioned persons where such person wilfully refuses or fails on grounds of religious belief to undertake any duty generally and uniformly imposed on all such persons or any group of them which duty, having regard to its nature and the special circumstance pertaining thereto, is in the opinion of the University reasonably justifiable in the national interest.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 20 do stand part of the Bill, put and agreed to.

Clause 21:

Restriction on Disposal of Land by University.

Without prejudice to the provisions of the Land Use Act, the University shall not dispose of or charge any land or an interest in any land (including any land transferred to the University by this Bill) except either with the prior written consent either general or special, of the President:

Provided that such consent shall not be required in the case of any lease or tenancy at a rack-rent for a term not exceeding 21 years or lease or tenancy to a member of the University for residential purposes.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 21 do stand part of the Bill, put and agreed to.

Clause 22: Quorum and Procedure of Bodies Established by this Bill.

Except as may be otherwise provided by statute or by regulations, the quorum and procedure of anybody of persons established by this Bill shall be as determined by that body.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 22 do stand part of the Bill, put and agreed to.

Clause 23: Appointment of Committees, Etc.

- (1) Anybody of persons established by this Bill shall, without prejudice to the generality of the powers of that body, have power to appoint committees, which need not consist exclusively of members of that body and to authorise a committee established by it:
 - (a) to exercise, on its behalf, such of its functions as it may determine;
 - (b) to co-opt members, and may direct whether or not co-opted members (if any) shall be entitled to vote in that committee.
- (2) Any two or more such bodies may arrange for the holding of joint meetings of those bodies or for the appointment of committees consisting of members of those bodies or any of them and either of dealing with it or of reporting on it to those bodies or any of them.
- (3) Except as may be otherwise provided by statute or by regulations, the quorum and procedure of a committee established or meeting held in pursuance of this section shall be such as may be determined by the body or bodies which have decided to establish the committee or hold the meeting.
- (4) Nothing in the foregoing provisions of this section shall be construed as:
 - (a) enabling statutes to be made otherwise than in accordance with section 11 of this Bill; or
 - (b) enabling the Senate to empower any other body to make regulations or to award degrees or other qualifications.
- (5) The Pro-Chancellor and the Vice-Chancellor shall be members of every committee of which the members are wholly or partly appointed by the Council (other than a committee appointed to inquire into the conduct of any officer in question); and the Vice-Chancellor shall be a member of the Council and the Vice-Chancellor shall be a member of every committee of which the members are wholly or partly appointed by the Senate.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 23 do stand part of the Bill, put and agreed to.

Clause 24: Retiring Age of Academic Staff of the University.

- (1) Notwithstanding anything to the contrary in the Pensions Act, the compulsory retiring age of an academic staff of a University shall be 65 years except professors who shall retire at 70 years.
- (2) A law or rule requiring a person to retire from the public service after serving for 35 years shall not apply to an academic staff of the University.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 24 do stand part of the Bill, put and agreed to.

Clause 25: Special Provisions Relating to Pension of Professors.

A person who requires as a professor having served:

- (a) a minimum period of fifteen years as a professor in the University or continuously in the service of a university in Nigeria up to the retiring age; and
- (b) who during the period of service was absent from the University only on approved national or University assignments, shall be entitled to pension at a rate equivalent to his last annual salary and such allowances as the Council may, from time to time, determine as qualifying for pension and gratuity, in addition to any other retirement benefits to which he may be entitled.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 25 do stand part of the Bill, put and agreed to.

Clause 26: Miscellaneous Administrative Provisions

- (1) The seal of the University shall be such as may be determined by the Council and approved by the Chancellor, and the affixing of the seal shall be authenticated by any member of the Council and by the Vice-Chancellor, secretary to the Council or any other person authorised by statute.
- (2) Any document purporting to be a document executed under the seal of the University shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.
- (3) Any contract or instrument which if made or executed by a person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the University by any person generally or specifically authorised to do so by the Council.

- (4) The validity of any proceedings of anybody established in pursuance of this Bill shall not be affected by any vacancy in the membership of the body, or by any defect in the appointment of a member of the body or by reason that any person not entitled to do so took part in the proceedings.
- (5) Any member of any such body who has a personal interest in any matter proposed to be considered by that body shall forthwith disclose his interest to the body and shall not vote on any question relating to that matter.
- (6) Nothing in section 10 of the Interpretation Act (which provides for the application in relation to subordinate legislation of certain incidental provisions) shall apply to statutes or regulations made in pursuance of this Bill.

Second Schedule.

- (7) The power conferred by this Bill on anybody to make statutes or regulations shall include power to revoke or vary any statute (including the statute contained in the Second Schedule of this Bill) or any regulation by a subsequent statute, or, as the case may be, by a subsequent regulation and statute and regulations may make different provisions in reaction to different circumstances.
- (8) No stamp duty or other duty shall be payable in respect of any transfer of property to the University by virtue of any provision of this Bill.
- (9) Any notice or other instrument authorised to be served by virtue of this Bill may, without prejudice to any other mode of service, be served by post.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senate Leader*) — *Agreed to.*

Question that Clause 26 do stand part of the Bill, put and agreed to.

Clause 27: Interpretation.

(1) In this Bill:

"Campus" means any campus which may be established by the University;

"College" means any college which may be established by the University;

"Council" means the Council established by this Bill for the University;

"Graduate" means a person on whom a degree, (other than an honorary degree) has been conferred by the University;

"Minister" means the Minister charged with responsibility for agriculture;

"Notice" means notice in writing;

"Office" does not include the Visitor;

"Prescribed" means prescribed by statutes or regulations;

"Professor" means a person designated as a professor of the University in accordance with provisions made in that behalf by statute or regulations;

"Property" includes rights, liabilities and obligations;

"Regulations" means regulations made by the Senate or the Council;

"Senate" means the Senate of the University established pursuant to section 3 (1) (c) of this Bill;

"Statute" means a subsidiary Legislative made by the University under section 10 of this Bill and in accordance with the provisions of section 12 of this Bill, and "the statutes" means all such statutes as are in force from time to time;

"Teacher" means a person holding a full-time appointment as a member of the teaching or research staff of each University;

"Undergraduate" means a person in statu pupillari at each University other than:

- (a) a graduate; and
- (b) a person of such description as may be prescribed for the purposes of this definition;

"University" means any of the Universities of Agriculture established under section 1 of this Bill.

- (2) It is hereby declared that where in any provisions of this Bill it is laid down that proposals are to be submitted or a recommendation is to be made by one authority to another through one or more intermediate authorities, it shall be the duty of every such intermediate authority to forward any proposals or recommendations received by it in pursuance of that provision to the appropriate authority, but any such intermediate authority may, if it thinks fit, forward therewith its own comments thereon.

Committee's Recommendation:

That the provision in Clause 27 be retained. (*Senate Leader*) — *Agreed to.*

Question that Clause 27 do stand part of the Bill, put and agreed to.

Clause 28: Citation.

This Bill may be cited as the Federal University of Agriculture, Jalingo (Establishment) Bill, 2021.

SCHEDULES

[Section 2 (2)]

FIRST SCHEDULE

PRINCIPAL OFFICERS OF THE UNIVERSITY

The Chancellor

1. (1) The Chancellor shall be appointed by the President of Nigeria.
- (2) The Chancellor shall hold office for a period of five years.

- (3) If it appears to the Visitor that the Chancellor should be removed from his office on the ground of misconduct or of inability to perform the functions of his office, the Visitor may by notice in the Federal Gazette remove the Chancellor from office.

The Pro-Chancellor

2. (1) The Pro-Chancellor shall be appointed or removed by the President on the recommendation of the Minister.
- (2) Subject to the provisions of this Bill, the Pro-Chancellor shall hold office for a period of four years beginning with the date of his appointment.

The Vice-Chancellor

3. (1) There shall be a Vice-Chancellor of the University who shall be appointed by the President in accordance with the provisions of this paragraph.
- (2) Where a vacancy occurs in the post of a Vice-Chancellor, the Council shall:
 - (a) advertise the vacancy in a reputable journal or a widely read newspaper in Nigeria, specifying:
 - (i) the qualities of the persons who may apply for the post; and
 - (ii) the terms and conditions of service applicable to the post, and thereafter draw up a short list of suitable candidates for the post for consideration;
 - (iii) two members of the Senate who are not members of the Council, one of whom shall be a professor;
 - (b) constitute a search team consisting of:
 - (i) a member of the Council, who is not a member of the Senate, as chairman;
 - (ii) two members of Congregation who are not members of the Council, one of whom shall be a professor, to identify and nominate for consideration, suitable persons who are not likely to apply for the post on their own volition because they feel that it is not proper to do so.
- (3) A joint Council and Senate Selection Board consisting of:
 - (a) the Pro-Chancellor, as chairman;
 - (b) two members of the Council, not being members of the Senate;
 - (c) two members of the Senate who are professors, but who were not members of the Search Team, shall consider the candidates and persons on the short list drawn up under subparagraph (2) of this paragraph through an examination of their curriculum vitae and interaction with them, and recommend to the Council suitable candidates for further consideration.
- (4) The Council shall select three candidates from among the candidates recommended to it under subparagraph (3) of this paragraph and may indicate its order of preference stating the reasons therefore and forward the names to the President.

- (5) The President may appoint as Vice-Chancellor anyone of the candidates recommended to him in accordance with the provisions of subparagraph (4) of this paragraph.
- (6) The Vice-Chancellor shall hold office for a single term of five years only on such terms and conditions as may be specified in his letter of appointment.
- (7) The Vice-Chancellor may be removed from office by the Visitor after due consultation with the Council and the Senate acting through the Minister of Education.

Deputy Vice-Chancellors

4. (1) There shall be for the University such number of Deputy Vice-Chancellors as the Council may, from time to time, deem necessary for the proper administration of the University.
- (2) Where a vacancy occurs in the post of Deputy Vice-Chancellor, the Vice-Chancellor shall forward to the Senate a list of two candidates for each post of Deputy Vice-Chancellor that is vacant.
- (3) The Senate shall select for each vacant post one candidate from each list forwarded to it under subparagraph (2) of this paragraph and forward his name to the Council for confirmation.
- (4) A Deputy Vice-Chancellor shall:
 - (a) assist the Vice-Chancellor in the performance of his functions;
 - (b) act in the place of the Vice-Chancellor when the post of the Vice-Chancellor is vacant or if the Vice-Chancellor is, for any reason, absent or unable to perform his functions as Vice-Chancellor; and
 - (c) perform such other functions as the Vice-Chancellor or the Council may, from time to time, assign to him.
- (5) A Deputy Vice-Chancellor:
 - (a) shall hold office for a period of two years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment; and
 - (b) may be re-appointed for one further period of two years and no more.

Office of the Registrar

5. (1) There shall be for the University a Registrar, who shall be the chief administrative officer of the University and shall be responsible to the Vice-Chancellor for the day-to-day administrative work of the University except as regards matters for which the Bursar is responsible in accordance with paragraph 6 (2) of this Schedule.
- (2) The person holding the office of the Registrar shall by virtue of that office be secretary to the Council, the Senate, Congregation and Convocation.

Other principal officers of the University

6. (1) There shall be for the University the following principal officers, in addition to the Registrar, that is:
 - (a) the Bursar; and

- (b) the University Librarian, who shall be appointed by the Council on the recommendation of the Selection Board constituted under paragraph 8 of this Schedule.
- (2) The Bursar shall be the chief financial officer of the University and be responsible to the Vice-Chancellor for the day-to-day administration and control of the financial affairs of the University,
- (3) The University librarian shall be responsible to the Vice-Chancellor for the administration of the university library and the co-ordination of the library services in the University and its campuses, colleges, faculties, schools, departments, institutes and other teaching or research units.
- (4) Any question as to the scope of the responsibilities of the aforesaid officers shall be determined by the Vice-Chancellor.

Selection Board for other principal officers

7. (1) There shall be, for the University, a Selection Board for the appointment of principal officers, other than the Vice-Chancellor or Deputy Vice-Chancellor, which shall consist of:
- (a) the Pro-Chancellor, as chairman;
- (b) the Vice-Chancellor;
- (c) four members of the Council not being members of the Senate; and
- (d) two members of the Senate.
- (2) The functions, procedure and other matters relating to the Selection Board constituted under sub-paragraph (1) of this paragraph shall be as the Council may, from time to time, determine.
- (3) The Registrar, Bursar and Librarian shall hold office for such period and on such terms as to the emoluments of their offices and otherwise as may be specified in their letters of appointment.

Resignation and re-appointment

8. (1) Any officer mentioned in the foregoing provisions of this Schedule may resign his office:
- (a) in the case of the Chancellor, by notice to the President; and
- (b) in any other case, by notice to the Council and the Council shall immediately notify the Minister in the case of the Vice-Chancellor.
- (2) Subject to paragraphs 4 and 5 of this Schedule, a person who has ceased to hold an office so mentioned otherwise than by removal for misconduct shall be eligible for re-appointment to that office.

SECOND SCHEDULE

[Section 9 (2)]

ARTICLES

The Council

1. (1) The composition of the Council shall be as provided in section 60 of the Bill.
- (2) Any member of the Council holding office otherwise than in pursuance of section 6 (a), (b), (c) or (d) of this Bill may, by notice to the Council, resign his office.

- (3) A member of the Council holding office otherwise than in pursuance of section 6 (a), (b), (c) or (d) of this Bill shall, unless he previously vacates it, vacate that office on the expiration of the period of five years beginning with effect from 1 August in the year in which he was appointed.
- (4) Where a member of the Council holding office otherwise than in pursuance of section 6 (a), (b), (c) or (d) of this Bill vacates before the expiration of the period aforesaid, the body or person by whom he was appointed may appoint a successor to hold office for the residue of the term of his predecessor.
- (5) A person ceasing to hold office as a member of the Council otherwise than by removal for misconduct shall be eligible for, re-appointment for only one further period of five years.
- (6) The quorum of the Council shall be five, at least one of whom shall be a member appointed pursuant to section 6 (d), (e) or (h) of this Bill.
- (7) If the Pro-Chancellor is not present at a meeting of the Council, such other member of the Council present at the meeting as the Council may appoint as respects that meeting, shall be the chairman at that meeting, and subject to sections 4 and 5 of this Bill and the foregoing provisions, the Council may regulate its own procedure.
- (8) Where the Council desires to obtain advice with respect to any particular matter, it may co-opt not more than two persons for that purpose and the persons co-opted may take part in the deliberations of the Council at any meeting but shall not be entitled to vote.

The Finance and General Purposes Committee

2. (1) The Finance and General Purposes Committee of the Council shall consist of:
 - (a) the Pro-Chancellor, who shall be the chairman of the Committee at any meeting at which he is present;
 - (b) the Vice-Chancellor and Deputy Vice-Chancellors;
 - (c) six other members of the Council appointed by the Council, two of whom shall be selected from among the three members of the Council appointed by the Senate and one member appointed to the Council by Congregation;
 - (d) the Permanent Secretary of the Federal Ministry of Agriculture and Rural Development or, in his absence, such member of his Ministry as he may designate to represent him.
- (2) The quorum of the Committee shall be five.
- (3) Subject to any directions given by the Council, the Committee may regulate its own procedure.

The Senate

3. (1) The Senate shall consist of:
 - (a) the Vice-Chancellor and Deputy Vice-Chancellors;
 - (b) Deans of colleges;
 - (c) the Directors of institutes and research centres;

- (d) the Heads of academic departments;
 - (e) the Librarian;
 - (f) one member of not less than the rank of senior lecturer of each college;
 - (g) four persons representing the Congregation.
- (2) The Vice-Chancellor shall be the chairman at all meetings of the Senate when he is present; and in his absence any of the Deputy Vice-Chancellors present at the meeting as the Senate may appoint for that meeting shall be chairman at the meeting.
- (3) The quorum of the Senate shall be one quarter (or the nearest whole number less than one quarter) and subject to paragraph 2 of this article, the Senate may regulate its own procedure.
- (4) An elected member may, by notice to the Senate, resign his office.
- (5) Subject to paragraph (7) of this article, there shall be elections for the selection of elected members which shall be in the prescribed manner on such day in the month of May or June in each year as the Vice-Chancellor may, from time to time, determine.
- (6) An elected member shall hold office for the period of two years beginning with 1st August in the year of his election, and may be a candidate at any election held in pursuance of paragraph (5) of this article in the year in which his period of office expires, so however that no person shall be such a candidate if at the end of his current period of office he will hold office as an elected member for a continuous period of six years or would have so held office if he had not resigned.
- (7) No election held in pursuance of this article in any year if the number specified in the certificate given in pursuance of paragraph (10) of this article does not exceed by more than one the figure which is thrice the number of those elected members holding office on the date of the certificate who do not vacate office during that year in pursuance of paragraph (6) of this article.
- (8) For the avoidance of doubt it is hereby declared that no person shall be precluded from continuing in or taking office as an elected member by reason only of a reduction in the total of non-elected members occurring on or after 30 April in any year in which he is to continue in or take office as an elected member.
- (9) If so requested in writing by any fifteen members of the Senate, the Vice-Chancellor, or in his absence, any of the Deputy Vice-Chancellors duly appointed by him, shall convene a meeting of the Senate to be held not later than the tenth day following that on which the request was received.
- (10) In this article "total of non-elected members" means as respects any year, such number as may be certified by the Vice-Chancellor on 30 April of that year to be the number of persons holding office as members of the Senate on that day otherwise than as elected members.

Congregation

4. (1) Congregation shall consist of:
- (a) the Vice-Chancellor and the Deputy Vice-Chancellors;
 - (b) the full-time members of the academic staff;
 - (c) the Registrar;
 - (d) the Bursar;
 - (e) the Librarian;
 - (f) the Director of Works;
 - (g) the Director of Physical Planning;
 - (h) the Director of Academic Planning;
 - (i) the Director of Health Services; and
 - (j) every member of the administrative staff who holds a degree other than an honorary degree of any university recognised for the purposes of this statute by the Vice-Chancellor.
- (2) Subject to sections 4 and 5 of the Act, the Vice-Chancellor shall be the chairman at all meetings of Congregation when he is present; and in his absence any of the Deputy Vice-Chancellors present at the meeting as Congregation may appoint for that meeting, shall be the chairman at the meeting.
- (3) The quorum of Congregation shall be one third (or the whole number nearest to one third) of the total numbers of Congregation or fifty, whichever is less.
- (4) A certificate signed by the Vice-Chancellor specifying:
- (a) the total number of members of Congregation for the purposes of any particular meeting or meetings of Congregation; or
 - (b) the names of the persons who are members of Congregation during a particular period, shall be conclusive evidence of that number or as the case may be, of the names of those persons.
- (5) Subject to the foregoing provision of this article, Congregation may regulate its own procedure.
- (6) Congregation shall be entitled to express by resolution or otherwise its opinion on all matters affecting the interest and welfare of the University and shall have such other functions in addition to the function of electing a member of the Council, as may be provided by statute or regulations.

Convocation

5. (1) Convocation shall consist of:
- (a) the officers of the University mentioned in the First Schedule to the Act;

- (b) all teachers within the meaning of the Act;
 - (c) all other persons whose names are registered in accordance with paragraph (2) of this article.
- (2) A person shall be entitled to have his name registered as a member of Convocation if:
- (a) he is either a graduate of the University or a person satisfying such requirements as may be prescribed for the purposes of this paragraph; and
 - (b) he applies for the registration of his name in the prescribed manner and pays the prescribed fees.
- (3) Regulations shall provide for the establishment and maintenance of a register for the purposes of this paragraph and subject to paragraph (4) of this article may provide for the payment from time to time of further fees by persons whose names are on the register and for any person who fails to pay those fees.
- (4) The person responsible for maintaining the register shall, without the payment of any fees, ensure that the names of all persons who are for the time being members of Convocation by virtue of paragraph (1) (a) or (b) of this article are entered and retained on the register.
- (5) A person who reasonably claims that he is entitled to have his name on the register shall be entitled on demand to inspect the register or a copy of the register at the principal offices of the University at all reasonable times.
- (6) The register shall, unless the contrary is proved, be sufficient evidence that any persons named therein is, and that any person not named therein is not, a member of Convocation; but for the purpose of ascertaining whether a particular person was such a member on a particular date, any entries in and deletions from the register made on or after that date shall be disregarded.
- (7) The quorum of Convocation shall be fifty or one third (or the whole number nearest to one third) of the total number of members of Convocation, whichever is less.
- (8) Subject to section 4 of this Bill, the Chancellor shall be the chairman at all meetings of Convocation when he is present, and in his absence the Vice-Chancellor shall be the chairman at the meeting.
- (9) Convocation shall have such other functions, in addition to the functions of appointing a member of the Council, as may be provided by statute or regulations.

Division of colleges

6. Each college shall be divided into such number of branches as may be prescribed.

College Board

7. (1) There shall be established in respect of each college a College Board, which, subject to provisions of this statute, and subject to the directions of the Vice-Chancellor, shall:
- (a) regulate the teaching and study of, and the conduct of examinations connected with the subjects assigned to the college;

- (b) deal with any other matter assigned to it by statute or by the Vice-Chancellor or by the Senate; and
 - (c) advise the Vice-Chancellor or the Senate on any matter referred to it by the Vice-Chancellor or the Senate.
- (2) Each College Board shall consist of:
- (a) the Vice-Chancellor;
 - (b) the Deputy Vice-Chancellor;
 - (c) the Dean;
 - (d) the persons severally in charge of the departments of the college;
 - (e) such of the teachers assigned to the college and having the prescribed qualifications as the Board may determine; and
 - (f) such persons whether or not members of the University as the Board may determine with the general or special approval of the Senate.
- (3) The quorum of the Board shall be six members or one quarter, (whichever is greater), of the members for the time being of the Board; and subject to the provisions of this statute and to any provisions of this article and to any provision made by regulations in that behalf, the Board may regulate its own procedure.

Appointments and Promotions Committee

8. (1) There shall be an Appointments and Promotions Committee of the Council which shall ultimately be responsible for all appointments, promotions and discipline of all categories of senior staff in the University, under the chairmanship of the Vice-Chancellor.
- (2) The Committee shall operate where necessary through the Senate or Selection Board or ad-hoc Committees and its recommendations shall be subject to the approval of the Council.

Dean of College

9. (1) The Dean of a college shall be a professor appointed by the Appointments and Promotions Committee and such Dean shall hold office for a term of three years, and shall be eligible for re-appointment for another term of three years after which he may not be re-appointed again until two years have elapsed.
- (2) The Dean shall be the chairman at all meetings of the College Board when he is present and shall be a member of all committees and other boards appointed by the College.
- (3) The Dean of a college shall exercise general superintendence over the academic and administrative affairs of the college and it shall be the function of the Dean to present to Convocation or for the conferment of degrees on persons of the University at examinations held in the branches of learning for which responsibility is allocated to that college.

- (4) There shall be a committee to be known as the Committee of Deans consisting of all Deans of the colleges and that Committee shall advise the Vice-Chancellor on all academic matters and on particular matters referred to the University Council.

Deputy Dean of College

10. (1) There shall be a Deputy Dean of college who shall be appointed by the Senate on the recommendation of the Dean.
- (2) The Deputy Dean shall be appointed for two years in the first instance and may be re-appointed for a further period of two years after which he shall not be entitled to re-appointment until after two years.

Director of Institute or Centre

11. (1) The Director of an institute or of a centre shall be appointed by the Appointments and Promotions Committee for academic staff, and such Director shall hold office for a period of three years and shall be eligible for re-appointment for another term of three years after which he may not be appointed again until two years have elapsed.
- (2) The Director of an institute or centre shall exercise general superintendence over the affairs of the institute or centre.

Head of department

12. (1) The Head of a department shall be appointed by the Vice-Chancellor and such Head shall hold office for a period of three years and shall be eligible for re-appointment for another term of three years after which he may not be appointed again until two years have elapsed.
- (2) The Head of a department shall exercise general superintendence over the academic and administrative affairs of the department.

Creation of academic posts

13. Recommendations for the creation of posts other than those mentioned in article 10 of this statute shall be made by Senate to the Council through the Finance and General Purposes Committee.

Appointment of academic staff

14. Subject to this Bill and statutes deriving therefrom, the filling of vacancies in academic posts (including newly created ones) shall be the responsibility of the Appointments and Promotions Committee, notwithstanding the fact that the Vice-Chancellor shall have the power to make temporary appointments to academic and non-academic positions for a period not exceeding twelve calendar months.

Funding of the University

15. (1) The Federal Ministry of Agriculture and Rural Development shall have responsibility for agricultural education in the University similar to the responsibility of the Federal Ministry of Education in general universities.
- (2) Notwithstanding the provisions of the National Universities Commissions Act, the University shall receive funds directly from the Federal Ministry of Agriculture and Rural Development and from other national and international agencies.

Agricultural Universities Co-ordination Agency

16. The Agricultural Universities Co-ordination Agency established in the Federal Ministry of Agriculture and Rural Development shall have the responsibility for monitoring and coordinating the academic and physical development of the Universities of Agriculture.

Functions of the Agency

17. Subject to sections 10 (3) and 18 (1) of the Act, the Agricultural Universities Co-ordination Agency shall have responsibility for monitoring and co-ordinating the academic and physical development and have responsibility:
- (a) to advise the President and Visitor to the Universities of Agriculture, through the Minister, of matters relating to agricultural education, adaptive research and outreach extension services programme development in keeping with national priorities;
 - (b) to advise on the conditions of service and related establishments matters;
 - (c) to advise on the establishment and location of Agricultural Universities and related to agricultural institutions;
 - (d) to advise on the accreditation of academic programmes of Universities of Agriculture and schools/colleges of Agriculture, Forestry, Fisheries, Soil Conservation, Animal Health, Wildlife Conservation, etc.; and
 - (e) for other specific functions as may be assigned to it from time to time by the Federal Government of Nigeria.
18. There shall be for the Agency a Board charged with the superintendence of the Agency, subject to section 18 (1) of the Act and shall consist of:
- (a) a chairman and the following other members, that is:
 - (b) the Permanent Secretary, Federal Ministry of Agriculture and Rural Development;
 - (c) the Vice-Chancellor of each University of Agriculture;
 - (d) the Permanent Secretaries of the following Federal Ministries, that is:
 - (i) Science and Technology;
 - (ii) Education;
 - (iii) National Planning Commission;
 - (iv) Finance;
 - (e) a representative of the National Association of Chambers of Commerce, Industries, Mines and Agriculture (NACIMA);
 - (f) a representative of Farmer's Organizations;
 - (g) three members appointed by the President on individual merit and a nation-wide basis to represent commercial, agricultural, industrial and professional interests and such other national interests as are not otherwise represented;
 - (h) the Executive Secretary as an ex-officio member.

Statutory Committees of the Board

19. (1) The Board constituted under article 18 of this statute shall be assisted in the performance of its functions by two Statutory Committees, the Finance Committee and the Development Committee.
- (2) The Finance Committee shall assist the Board in maintaining an agency fund for running the Agency and in the allocation of funds to the Universities of Agriculture and constituent affiliates.
- (3) The Development Committee shall assist the Board in the academic and physical development of the Universities of Agriculture and constituent affiliates.
- (4) The Board shall have power to appoint such, committee as will assist it in performing its statutory functions.

Tenure of office of members of the Board

20. Subject to the provisions of this statute, a person appointed to be a members of the Board, not being a public officer, shall hold office for a period of five years from the date of his appointment' or for such other period as may be specified in his instrument of appointment.

The Executive Secretary of the Agency

21. (1) There shall be for the Agency established under article 17 of this statute an Executive Secretary, to be appointed by the President and Visitor to the Universities of Agriculture, on the advice of the Minister.
- (2) The Executive Secretary shall be the chief executive of the Agency and shall be responsible for the execution of the policy of the Agency and the day-to-day running of the affairs of the Agency.
- (3) The Executive Secretary shall hold office for a period of five years and shall be eligible for re-appointment for another term of five years as the President may determine.
- (4) The Executive Secretary shall be assisted in the management of the Agency by an Agency Secretariat as may be determined by the Agency.
22. In this statute, the expression "the Act" means the Universities of Agriculture Act and any word or expression defined in the Act has the same meaning in this statute.
23. This statute may be cited as the Universities of Agriculture Statute.

Question that the provision in this schedule, stand part of the Bill, agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The President of the Senate reported that the Senate in the Committee of the Whole considered a Bill for an Act to Establish the Federal University of Agriculture, Jalingo and for Related Matters, 2021 and approved as follows:

Clauses 1-28 — As Recommended

Schedules 1&2 — As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

11. Adjournment:

Motion made: That the Senate do now adjourn till Wednesday, 24th February, 2021 at 10.00 a.m. (*Senate Leader*).

Adjourned accordingly at 12:56 p.m.

Ahmad Ibrahim Lāwan, Ph.D, CON
President,
Senate of the Federal Republic of Nigeria.

