

283

**INSTITUTE FOR PEACE AND CONFLICT RESOLUTION
(ESTABLISHMENT) ACT, 2007**

EXPLANATORY MEMORANDUM

This Act establishes the Institute for Peace and Conflict Resolution with responsibility to promote research and facilitate conflict prevention, management and resolution within Nigeria and Africa.

INSTITUTE FOR PEACE AND CONFLICT RESOLUTION (ESTABLISHMENT) ACT, 2007

ARRANGMENT OF SECTIONS

Section:

PART I - ESTABLISHMENT OF THE INSTITUTE FOR PEACE AND CONFLICT RESOLUTION (IPCR).

1. Establishment of the Institute for Peace and Conflict Resolution.
2. Establishment of the Governing Council.
3. Membership of the Council.
4. Tenure of Office, etc.
5. Removal from office.
6. Emolument, etc.

PART II – FUNCTIONS OF THE COUNCIL.

7. Functions of the Council.

PART III – FUNCTIONS OF THE INSTITUTE.

8. Functions of the Institute.

PART IV – STAFF OF THE INSTITUTE

9. Director-General of the Institute.
10. Directorates etc.
11. Other employees of the Institute.
12. Pensions Cap. 346 LFN.

PART V – FINANCIAL PROVISIONS.

13. Financial Provisions.
14. Expenditure of the Institute.
15. Annual estimates and accounts.
16. Annual reports.
17. Power to accept gifts.
18. Power to borrow.
19. Investment, Cap 449, LFN.
20. Exemption from Tax.

PART VI – LEGAL PROCEEDINGS.

21. General restrictions as to power of the Institute.
22. Limitation of suit against the Institute Cap 379. LFN.
23. Service of documents.
24. Indemnity of officers.
25. Secrecy.
26. Staff regulation.

PART VII – GENERAL.

27. Provision of Library facilities.

PART VIII – MISCELLEANEOUS.

28. Dissolution of Sani Abacha Foundation for Peace and Unity.
29. Transfer of rights, etc.
30. Obligations and liabilities.

- 31. Pending or existing proceedings or cause of action.
 - 32. Vesting of assets.
 - 33. Holders of office in the Foundation to continue in the Institute.
 - 34. Directives by the Council, etc.
 - 35. Regulations.
 - 36. Interpretation.
 - 37. Short Title.
- SCHEDULE.

**INSTITUTE FOR PEACE AND CONFLICT RESOLUTION
(ESTABLISHMENT) ACT, 2007**

A BILL

FOR

AN ACT TO ESTABLISH THE INSTITUTE FOR PEACE AND CONFLICT
RESOLUTION; AND FOR RELATED MATTERS.

[] Commencement.

ENACTED by the National Assembly of the Federal Republic of
Nigeria –

**PART I - ESTABLISHMENT OF THE INSTITUTE FOR PEACE AND
CONFLICT RESOLUTION (IPCR).**

- | | | |
|----|---|--|
| 1. | <p>(1) There is established an Institute to be known as the Institute for Peace and Conflict Resolution (in this Act referred to as "the Institute").</p> <p>(2) The Institute:</p> <p style="padding-left: 40px;">(a) shall be a body corporate with perpetual succession and a common seal; and</p> <p style="padding-left: 40px;">(b) may sue and be sued in its corporate name.</p> | <p>Establishment of the Institute for Peace and Conflict Resolution.</p> |
| 2. | <p>There is established for the Institute a Governing Council (in this Act referred to as "the Council").</p> | <p>Establishment of the Governing Council.</p> |
| 3. | <p>(1)The Council shall consist of:</p> <p style="padding-left: 40px;">(a) a Chairman;</p> <p style="padding-left: 40px;">(b) a representative of the Ministry of Foreign Affairs;</p> <p style="padding-left: 40px;">(c) a representative of the Ministry of Defence;</p> <p style="padding-left: 40px;">(d) a representative who shall be a woman;</p> <p style="padding-left: 40px;">(e) a representative from each of the six geopolitical zones;</p> <p style="padding-left: 40px;">(f) a representative of the University community;</p> <p style="padding-left: 40px;">(g) a representative of civil society Organisations;</p> <p style="padding-left: 40px;">(h) a representative of the Minister of Internal Affairs;</p> <p style="padding-left: 40px;">(i) the Director-General of the Institute.</p> | <p>Membership of the Council.</p> |

287

(2) The Chairman and other members of the council shall be appointed by the President of the Federal Republic of Nigeria.

(3) The supplementary provisions set out in the schedule to this Act shall have effect with respect to the proceedings of the Council and the other matters contained therein. *Schedule.*

4. The Chairman and other members of the Council, other than ex-officio members: *Tenure of Office, etc.*

(a) shall hold office for a period of 4 years on such terms and conditions as may be specified in their letter of appointment; and

(b) may be re-appointed for another period of 4 years and no more.

5. (1) Notwithstanding, the provisions of section 4 of this Act, a member of the council may at any time be removed from office by the President for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct. *Removal from office.*

(2) A member of the Council may resign his appointment by a notice in writing under his hand addressed to the President and that member shall, on the date of the receipt of the notice by the President cease to be a member of the Council.

6. The Chairman and members of the Council shall be paid emoluments, allowances as may be determined from time to time by the Revenue Mobilization, Allocation and Fiscal Commission. *Emolument, etc.*

PART II – FUNCTIONS OF THE COUNCIL

7. (1) The Council shall be responsible for the determination of the overall policy of the institute and the formulation of long term plans and budget and ensuring the implementation of such policies and plans. *Functions of the Council.*

(2) Without prejudice to the generality of subsection (1) of this section, the Council shall-

(a) approve the research and training programmes of the Institute;

(b) determine the fees to be paid for research, consultations, training and any other services that may be offered by the Institute; and

(c) promote or undertake such other activities as are expedient or necessary in the opinion of the Council for the discharge of its responsibilities under this Act.

PART III – FUNCTIONS OF THE INSTITUTE

8. (1) The Institute shall be responsible for: *Functions of the Institute.*

(a) promoting peace and security internally within Nigeria and externally in Africa.

(b) conducting research into the cause, patterns, dynamics, actors and

forces behind conflicts and insecurity in Nigeria and Africa;

(c) publishing and disseminating case studies from its researches with a view to offering insights into the success or failure in conflict resolution and peace building;

(d) identifying these Actors, issues, historical phases, capacities and the balance of power of different groups in a conflict situation;

(e) promoting a culture of transparent, credible and peaceful democratic succession as a mechanism for conflict prevention;

(f) getting practically involved in the task of mediation, conflict management and conflict resolution;

(g) encouraging the establishment of regional affiliates of the Institute in Africa and other parts of the world and fostering collaboration with those affiliates;

(h) designing strategies for funding people centred development programmes to support peace;

(i) providing Government with relevant policy options on fundamental issues required in designing an effective and durable peace process;

(j) initiating, encouraging, organising, hosting, arranging and conducting policy-relevant courses, national or international seminars, symposia, conferences, and workshops, training programmes and other actions that are incidental to peace making and peace building as part of its intensive effort in capacity building;

(k) carrying out other relevant activities that may be assigned to it by the President.

(2) Without prejudice to the generality of the functions specified in subsection (1) of this section, the Institute shall take over the functions, assets and liabilities of the body known and referred to as the Centre for Peace, Research and Conflict Resolution of the National War College established under section 5 of the National War College Act.

PART IV – STAFF OF THE INSTITUTE

9. (1) There shall be for the Institute a Director-General who shall be appointed by the President.

Director-General
of the Institute.

(2) The Director-General shall, be the chief executive, chief research and accounting officer of the Institute, the head of the secretariat of the council and shall be responsible for the execution of the Policy and the day to day administration of the affairs of the Institute.

(3) The Director-General shall hold office:

(a) for a term of 4 years in the first instance and may be reappointed for a further term of 4 years and no more; and

(b) on such terms and conditions as may be specified in his letter

of appointment.

10. (1) The Institute shall have the following directorates:

Directorates etc.

- (a) finance and administration;
- (b) research and policy analysis;
- (c) democracy and development studies;
- (d) external conflict prevention and resolution;
- (e) internal conflict prevention and resolution;
- (f) defence and security studies;
- (g) any such directorate as may be deemed necessary.

(2) A director shall hold office for a term of 4 years in the first instance and may be reappointed for a further term of one year at a time but not more than 2 renewals on such terms and conditions as may be specified in his letter of appointment.

11. (1) The Council shall appoint for the Institute such officers and other employees as it may, from time to time, deem necessary for the purposes of the Institute.

Other employees of the Institute.

(2) The terms and conditions of service (including remuneration, allowances, benefits and pensions) of officers and employees of the Institute shall be as determined by Council.

(3) Without prejudice to the generality of Subsection (1) of this section, the Council may appoint persons as employees of the Institute, either by way of transfer or secondment from any of the public services in the Federation or otherwise howsoever, as it considers necessary.

12. (1) It is hereby declared that service in the Institute shall be approved service for purpose of the Pension Reform Act 2004. Accordingly, employees of the Institute shall be entitled to Pensions, gratuities and other retirement benefits as are prescribed under the said Pension Reform Act.

Cap. 346 LFN.

(2) Notwithstanding the provisions of Subsection (1) of this section, nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefit in respect of that office.

(3) For the purposes of the application of the provisions of this Act, any power exercisable by the Council or any authority of the Federal Government, other than the power to make regulation under the relevant Section of the Act, is hereby vested in and shall be exercisable by the Council and not by any other person or authority.

PART V – FINANCIAL PROVISIONS

13. (1) There shall be established and maintained for the Institute a fund into which shall be paid and credited:
- Financial Provisions.
- (a) all subventions and budgetary allocation from the Government of the Federation;
- (b) the take off grant from the Federal Government;
- (c) gifts, loans, grants-in-aid from national, bilateral and multilateral agencies;
- (d) rent, fees and other internally generated revenues from service provided by the Institute and
- (e) all other sums accruing to the Institute from time to time.
14. (1) The Institute may from time to time, apply the proceeds of the fund established in pursuance of section 14 of this Act :
- Expenditure of the Institute.
- (a) to the cost of administration of the Institute
- (b) to the paying of the emoluments, allowances and benefits of members of the council and for reimbursing members of the Council or of any committee of the Council for such expenses as may be expressly authorized by the Council;
- (c) to the payment of the salaries, fees or other remuneration or allowances, gratuities and pension and other benefits payable to the officers and other employees of the Institute, so however that no payment of any kind under this paragraph (except such as may be expressly authorized by the Council) shall be made to any person who is in receipt of emoluments from the Federal or State Government;
- (d) for the development and maintenance of any property vested in or owned by the Institute; and
- (e) for and in connection with all or any of its functions under this Act.
15. (1) The Institute shall, in each year, submit to the Minister an estimate of its expenditure and income (including payments to the Institute's fund) for the next succeeding year.
- Annual estimates and accounts.
- (2) The Institute shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause its accounts to be audited within six months after the end of each year by auditors appointed and in accordance with the guidelines supplied by the Auditor-General of the Federation.
16. The Institute shall prepare and submit to the Minister, not later than six months after the end of each year, a report on the activities of the Institute during the immediate preceding year, and shall include in such report a copy of the audited accounts of the Institute for the year and the auditor's report on the accounts.
- Annual reports.

17. (1) The Institute 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. Power to accept gifts.

(2) The Institute shall not accept any gift if the conditions attached by the person or organization offering the gift are inconsistent with the functions and objectives of the Institute.

18. (1) The Institute may from time to time, borrow money by overdraft or otherwise as it may require for the performance of its functions under this Act. Power to borrow.

(2) The Institute shall not without the approval of the Council, borrow money which exceeds, at any time, the amount set by the Council

(3) Notwithstanding the provisions of subsection (1) of this section, where the sum to be borrowed is in foreign currency, the Institute shall not borrow the sum without the prior approval of the Federal Government of Nigeria

19. The Institute may, subject to the provisions of this Act and the conditions of any trust created in respect of any property, invest all or any of its funds in any security prescribed by the Trustees Investment Act or in such other securities as may, from time to time, be approved by the Council Cap 449, LFN.

20. (1) The Institute shall be exempted from payment of income tax or any income accruing from investments made by the Council for the Institute Exemption from Tax.

(2) The provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Institute or the Council.

PART VI – LEGAL PROCEEDINGS

21. Nothing in this Act shall be construed as conferring on the Institute or the Council the power to express on any aspect of peace and conflict resolution on behalf of the Federal Government. General restrictions as to power of the Institute.

22. Subject to the provisions of this Act, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against an officer or employee of the Institute. Limitation of suit against the Institute Cap 379. LFN.

23. A notice, summons or other document required or authorized to be served on the Institute under the provision of this Act or any other enactment or law may be served by delivering it to the Director-General or by sending it by registered post addressed to the Director-General at the principal office of the Institute. Service of documents.

24. A member of the Council or the Director-General or any officer or employee of the Institute shall be indemnified out of the assets of the Institute against any liability incurred by him in defending any proceeding, whether civil or criminal, if the proceeding is brought against him in his capacity as a member, Director-General, officer or other employees of the Institute. Indemnity of officers.

25. (1) A member of the Council or the Director-General or any other officer or employee of the Institute shall: Secrecy.

(a) not, for his personal gain, make use of any information which has come to his knowledge in the exercise of his powers or is obtained by him in the ordinary course of his duty as a member of the Council or as the Director-General, officer or employee of the Institute;

(b) treat as confidential any information which has come to his knowledge in the exercise of his powers or is obtained by him in the performance of his duties under this Act;

(c) Not disclose any information referred to under paragraph (b) of this subsection, except when required to do so by a court or in such other circumstances as may from time to time be prescribed by the Council.

(2) Any person who contravenes the provisions of Subsection (1) of this section commits an offence and is liable on conviction to a fine of not less than One Hundred Thousand Naira (N100, 000) or imprisonment for a term not exceeding 2 years or both such fine and imprisonment.

PART VII – GENERAL

26. (1) The Council may, subject to the provisions of this Act, make staff regulations relating generally to the conditions of service of the officers and employees as determined by the Council and without prejudice to the generality of the foregoing, such regulations may provide for- Staff regulation.

(a) the appointment, promotion and disciplinary control (including dismissal) of the officers and employees of the Institutes.

(b) appeals by such officers and employees against dismissal or other disciplinary measures, and until such regulations are made any instrument relating to the conditions of service in the civil service of the Federation shall be applicable, with such modifications as may be necessary, to the officers and employees of the Institute.

(2) Staff regulations made under subsection (1) of this section, shall not have effect until approved by the Council, and when so approved they need not be published in the Federal Gazette but the Council shall cause them to be brought to the notice of all affected persons in such manner as it may, from time to time, be determined by the Council.

PART VII – MISCELLANEOUS

27. The Institute shall provide and maintain a library comprising such books and publications as may be provided by the institute for the advancement of the knowledge of peace and conflict resolution, for research purposes, and for other purposes connected with the objectives and functions of the Institute. Provision of Library facilities.

28. The body known and referred to as "The Sani Abacha Foundation for Peace and Unity" (in this section referred to as "the Foundation") which had been voluntarily ceded to the Federal Government of Nigeria shall Dissolution of Sani Abacha Foundation for Peace and Unity.

cease to exist and by this Act replaced by the "Institute for Peace and Conflict Resolution".

29. (1) Accordingly, the functions, rights, interests, obligations and liabilities of the Foundation, existing before commencement of this Act under any contract or instrument, or in law or in equity shall by virtue of this Act be deemed to have been assigned to and vested in the Institute. Transfer of rights, etc.
- (2) Any such contract or instrument mentioned in subsection (1) of this section shall be of the same force and effect against or in favour of the Institute established by this Act and shall be enforceable as fully and effectively as if instead of the conditions existing before the commencement of this Act, the Institute established by this Act had been named therein or had been a party thereto.
30. The Institute established by this Act shall be subject to all the obligations and liabilities to which the Foundation was subject to immediately before the commencement of this Act and all other persons shall have the same rights, powers and remedies against the Institute as they had against the Foundation. Obligations and liabilities.
31. Any proceeding or cause of action pending immediately before the commencement of this Act by or against the Foundation in respect of any right, interest, obligation or liability of the Foundation may be continued or as the case may be commenced and any determination of the court of law, tribunal or other authority or person may be enforced by or against the Institute established by this Act to the same extent that such proceeding or cause of action or determination might have been continued, commenced or enforced by or against the Foundation. Pending or existing proceedings or cause of action.
32. All assets, funds, resources and other moveable or immoveable property which immediately before commencement of this Act were vested in the Foundation shall by virtue of this Act and without further assurance, be vested in the Institute. Vesting of assets.
33. Any person who immediately before the coming into force of this Act is the holder of an office in the Foundation shall on the commencement of this Act continue in office and be deemed to have been appointed to his office by the Institute, unless the authority by which the person was appointed terminates the appointment. Holders of office in the Foundation to continue in the Institute.
34. The Minister may give such directives of a general nature or relating generally to matters of policy with regard to the exercise by the Council of its functions under this Act and the Council shall comply with the directives or cause them to be complied with. Directives by the Council, etc.
35. The Institute may, with the approval of the Council, make such regulation as in its opinion are necessary or expedient to give full effect to the provisions of this Act and for the due administration of its provisions. Regulations.
36. In this Act – Interpretation.
- "Board of Trustees" means former Trustees of the Sani Abacha

Foundation for Peace and Unity;

“Council” means the Governing Council of the Institute established pursuant to section 2 of this Act;

“Institute” means the Institute for Peace and Conflict Resolution established under Section 1 of this Act;

“member” includes the Chairman of the Council;

“Minister” means the Minister charged with the responsibility for matters relating to Peace and Conflict Resolution;

“President” means the President of the Federal Republic of Nigeria.

37. This Act may be cited as the Institute for Peace and Conflict Resolution (Establishment) Act, 2007. Short Title.

SCHEDULE

Section 3(3)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

Proceedings of the Council.

1. Subject to this Act and section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by majority of its members and for the person presiding at any meeting, when a vote is ordered, to have a second or casting vote), the Council may make standing orders regulating its proceedings or that of any of its committees. Cap. 192. LFN.
2. At every meeting of the Council, the Chairman shall preside and in his absence the members present at the meeting shall appoint one of their members to preside at the meeting.
3. The quorum at a meeting of the Council shall consist of the Chairman (or, in an appropriate case, the person presiding at the meeting) and 5 other members.
4. The Council shall for the purposes of this Act, meet not less than three times in each year and subject, thereto, the Council shall meet whenever it is summoned by the Chairman, and if required to do so, by notice given to him by not less than 8 other members, he shall summon a meeting of the Council to be held within 14 days from the date on which the notice is given.
5. Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him to the Council for such period as it thinks fit, but a person who is a member by virtue of this paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.
6. A member of the Council who is directly or indirectly interested in any

matter being deliberated on by the Council, or is interested in any contract made or proposed to be made by the Institute shall, as soon as possible after the relevant facts have come to his knowledge disclose the nature of his interest at a meeting of the Council.

7. A disclosure under this paragraph shall be recorded in the Minutes of Meetings of the Council and the member concerned shall:

(a) not, after the disclosure, take part in any deliberation or decision of the Council; and

(b) be excluded for the purpose of constituting a quorum of any meeting of the Council for any deliberation or decision, with regard to the subject matter in respect of which his interest is so disclosed.

Committees:

8. (1) Subject to its standing orders, the Council may appoint such number of standing and ad-hoc committees as it thinks fit to consider and report on any matter with which the Institute is concerned.

(2) A committee appointed under this paragraph shall consist of such number of persons (not necessarily members of the Council as may be determined by the Council) and a person, other than a member of the Council shall hold office on the committee in accordance with the terms of his appointment and the committee shall be presided over by a member of the Council.

(3) The quorum of any committee set up by the Council shall be as may be determined by the Council.

(4) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

Miscellaneous

9. The fixing of the seal of the Institute shall be authenticated by the signature of the Chairman or any other person generally or specifically authorized by the Council, to act for that purpose and that of the Director-General.

10. Any contract or instrument which, if made 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 Institute by the Director-General or by any other person generally or specially authorized by the Council to act for that purpose.

11. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Institute shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.

12. The validity of any proceedings of the Council or of any of its committees shall not be affected by:

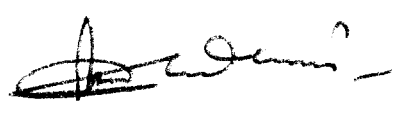
- (a) any vacancy in the membership of the Council, or committee;
- (b) any defect in the appointment of a member, of the Council or committee; or
- (c) reason that any person not entitled to do so took part in the proceedings of the Council or committee.

13. A member of a committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the committee shall not vote on any question relating to the contract or arrangement.

14. No member of the Council shall be personally liable for any act or omission done or made in good faith while engaged in the business of the Institute.

297

I CERTIFY, IN ACCORDANCE WITH SECTION 2 (1) OF THE ACTS AUTHENTICATION ACT, CAP.4, LAWS OF THE FEDERATION OF NIGERIA 1990, THAT THIS IS A TRUE COPY OF THE BILL PASSED BY BOTH HOUSES OF THE NATIONAL ASSEMBLY.




NASIRU IBRAHIM ARAB,
CLERK TO THE NATIONAL ASSEMBLY

27th Day of May, 2007

INSTITUTE FOR PEACE AND CONFLICT RESOLUTION (ESTABLISHMENT) ACT, 2007

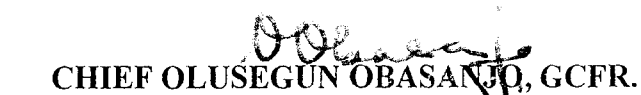
(1) SHORT TITLE OF THE BILL	(2) LONG TITLE OF THE BILL	(3) SUMMARY OF THE CONTENTS OF THE BILL	(4) DATE PASSED BY THE SENATE	(5) DATE PASSED BY THE HOUSE OF REPRESENTATIVES
Institute for Peace and Conflict Resolution (Establishment) Act, 2007	An Act to establish the Institute for Peace and Conflict Resolution; and for related matters.	This Bill establishes the Institute for Peace and Conflict Resolution; and for related matters.	7 th February, 2007	1 st June, 2005

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap 4, the Laws of the Federation of Nigeria, 1990.



NASIRU IBRAHIM ARAB,
Clerk to the National Assembly
24th Day of May, 2007

I ASSENT



CHIEF OLUSEGUN OBASANJO, GCFR.
President of the Federal Republic of Nigeria
20th Day of May, 2007