

NATIONAL WAR COLLEGE ACT

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Proceedings of the Board

NATIONAL WAR COLLEGE ACT

An Act to establish the National War College to serve as a high level centre for senior military personnel and selected civilians and as a Centre for Peace, Research and Conflict Resolution.

[1997 No. 21.]

[15th December, 1997]

[Commencement.]

PART I

Establishment of the National War College, etc.

1. Establishment of the National War College

(1) There is hereby established a body to be known as the National War College (in this Act referred to as "the College") which shall have the functions assigned to it by this Act.

(2) The College-

- (a) shall be a body corporate with perpetual succession;
- (b) shall have a common seal; and
- (c) may sue or be sued in its corporate name.

2. Governing Board of the College

(1) The government of the College and the direction of its affairs shall vest in the Board or Governors of the College (in this Act referred to as "the Board").

(2) Without prejudice to the generality of subsection (1) of this section and subject to this Act, it shall be the responsibility of the Board to consider and approve-

- (a) the long-range plan of activities of the College;
- (b) the programme of studies, courses and research to be undertaken by the College;
- (c) the annual budget of the College; and
- (d) the investment plans of the College.

(3) The Board shall have the power to approve curricula and programmes to be taught in the College.

(4) The decisions of the Board, on all matters pertaining to training, assessment, certification, award of fellowships and withdrawal of participants shall be final.

3. Membership of the Board

The Board shall consist of-

- (a) a chairman who shall be the Minister of Defence;
- (b) *the Commandant of the College; and*
- (c) *the Chief of Defence Staff;*
- (d) the Chief of Army Staff;
- (e) *the Chief of Naval Staff*
- (f) the Chief of Air Staff;

(g) the Director-General of the Ministry who shall serve as Secretary to the Board.

(2) The supplementary provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters mentioned therein.

[Schedule.]

4. Objectives and functions of the College

(1) The objectives of the College shall be to serve as a high level centre where senior military personnel and selected civilians who are policy initiators and executors drawn from related strategic Ministries can reflect and exchange ideas on defence policy, military operations, strategy and geo-politics.

(2) For the purposes of carrying out the functions specified in subsection (1) of this section, the College shall have power to-

(a) conduct courses for top level policy makers and executors drawn mainly from the military and few civilians from related Ministries with a view to expanding their knowledge of the strategic and political frame work within which operations, in co-operation with allied formations, may be conducted;

(b) award certificates on completion which shall authorise a participant to use the designated words and letters "Fellow War College" and "FWC" respectively;

(c) withdraw participants who, by their academic or moral conduct, the College in its judgement, considers unworthy of the award of fellowship of the College;

(d) enter into collaborative ventures, affiliate with, and establish linkages with other institutions for the purpose of building capacity in any area of the College;

(e) develop and mount programmes and all such other activities which shall promote excellence in the College;

(f) conduct other action oriented programmes whether on a continuing or *ad hoc* basis for one star general and above with a view to promoting understanding and exchange of views, ideas and experience among them, on defence and military matters;

(g) disseminate, by way of publication of books, records, reports or otherwise, information about any part of its activities, to the extent deemed justified by the Board in the interest of Nigeria and generally as a contribution towards knowledge and for better national and international understanding; and

(h) promote or undertake any other activity which, in the opinion of the Board, is calculated to help achieve the objectives of the College.

5. Centre for Peace Research and Conflict Resolution

(I) There is hereby established for the College a Centre for Peace Research and Conflict Resolution (in this Act referred to as "the Centre") which shall be charged with responsibility

for conducting research into all facets of peace and proffer solutions to conflicts at both national and international levels.

(2) Notwithstanding the provisions of subsection (I) of this section, the Centre shall-

(a) propagate a sustainable and comprehensive peace and security formula as a global agenda for the 21 st Century and beyond;

(b) organise and facilitate researches on national, regional and global basis in the fields of conflict sources, conflict monitoring, conflict prevention, conflict resolution, peace-making, peace keeping, peace enforcement, peace building, and capacity building;

(c) initiate actions and take such other steps which will enhance the resolution of conflicts, both domestically and internationally;

(d) co-ordinate peace keeping training in Nigeria;

(e) explore and document for posterity, Nigeria's role and contributions to peace keeping in particular and international peace and security in general;

(f) promote or undertake such other activities which in the opinion of the Board are necessary or expedient for the purposes of achieving the objectives of the Centre.

6. Repeal of 1993 No. 83

The International Training Institute Act is hereby consequentially repealed.

7. Savings and transfer of liabilities, staff, etc.

(1) Accordingly, the statutory functions, rights, interests, obligations and liabilities of the Institute existing before the commencement of this Act under the enactment repealed by section 6 of this Act under any contract or instrument or in law or in equity apart from any contract or instrument shall, by virtue of this Act, be deemed to have been assigned to and vested in the Centre established by section 5 of this Act.

(2) Any such contract or instrument as is mentioned in subsection (I) of this section, shall be of the same force and effect against or in favour of the Centre established by this Act and shall be enforceable as fully and effectively as if instead of the Institute existing before the commencement of this Act, the Centre established by this Act has been named therein or had been a party thereto.

(3) The Centre established by this Act shall be subject to all the obligations and liabilities to which the Institute existing before the commencement of this Act was subject

to immediately before the commencement of this Act and all other persons shall have the same rights, powers and remedies against the Centre established by this Act as they had against the Institute existing before the commencement of this Act.

(4) Any proceeding or cause of action pending or existing immediately before the commencement of this Act, by or against the Institute existing before the commencement of this Act in respect of any right, interest, obligation or liability of the Institute existing before the commencement of this Act may be continued or, as the case may be, commenced against the Centre established by this Act and any determination of a court of law, tribunal or other authority or person may be enforced by or against the Centre established by this Act to the same extent that such proceedings or cause of action or determination might have been continued, commenced or enforced by or against the Institute existing before the commencement of this Act.

(5) All assets, funds, resources and other movable or immovable property which immediately before the commencement of this Act, were vested in the Institute existing before the commencement of this Act shall by virtue of this Act and without further assurance, be vested in the Centre established by this Act.

(6) Any person who immediately before the coming into force of this Act is the holder of any office in the Institute existing before the commencement of this Act shall on the commencement of this Act, continue in office and be deemed to have been appointed to his office by the Centre established by this Act unless the authority by which the person was appointed terminates the appointment.

8. Provision of library facilities

The College shall establish and maintain a library comprising such books, records, reports and other publications as may be directed by the Board for the advancement of knowledge in the areas of work undertaken by it, for research purposes and for other purposes connected with the functions conferred on the College by or in pursuance of this Act.

PART II

Staff of the College, etc.

9. Appointment of the Commandant

(1) There shall be appointed for the College an officer to be known as the Commandant whose appointment and removal from office shall be in accordance with military posting, and who shall be responsible to the Board for-

(a) giving to the Board such information as to the activities of the College as the chairman of the Board may require;

(b) authorising programmes and plans for giving effect to policies approved by the

Board or to any direction of the Board, subject to all or any of the powers in this section as may be delegated to him by the Board.

(2) The fact that any power has been delegated to the Commandant pursuant to subsection (1) of this section shall not preclude the Board from exercising the same power in any special case.

(3) The powers referred to in subsection (2) of this section shall include-

- (a) the executive control over the military and civilian staff of the College;
- (b) the supervision of accounts and records of the College;
- (c) the preparation for approval of programmes and plans necessary to carry into effect approved policies or any directives of the Board;
- (d) the interpretation of such policies to other staff of the College;
- (e) the making of any staff recommendations to the Board; and
- (f) the establishment of organisational structures, committees and definition of duties thereof:

Provided that nothing in this Act shall be deemed to preclude the Armed Forces from exercising any power of command over the Commandant of the College.

(4) The Commandant shall be-

- (a) a three star-general;
- (b) appointed by the President after consultation with the Minister of Defence and the Chief of Defence Staff;
- (c) the chief executive and accounting officer of the College; and
- (d) responsible to the Board for the day-to-day management of the affairs of the College.

(5) The Commandant shall hold office for a term of three years from the date indicated in the publication of his appointment.

(6) The post of the Commandant shall be rotated among the three services of the Armed Forces.

10. Appointment of Deputy Commandant and College Secretary of the College

(1) There shall be appointed for the College, by the Chief of Defence Staff, the following officers of the College, a Deputy Commandant and a Director of Studies whose appointment and removal from office shall be in accordance with military posting.

(2) The Deputy Commandant shall not be less than the rank of a two star-general.

(3) The Commandant and Deputy Commandant shall not be appointed from the same service of the Armed Forces.

(4) The Deputy Commandant shall hold office for a term of three years from the date indicated in the publication of his appointment.

(5) The post of the Deputy Commandant shall be rotated among the three services of the Armed Forces.

(6) The Deputy Commandant and Director of Studies shall, in addition to deputising for the Commandant, be responsible to the Commandant for-

(a) organising and conducting the courses and studies undertaken by the College;
and

(b) the collation and publication of course materials and other publications relating thereto.

(7) There shall be appointed for the College, a College Secretary, who shall-

(a) not be less than the rank of a one star-general;

(b) be rotated among the three services of the armed forces;

(c) be appointed for a maximum term of three years; and

(d) be responsible to the Commandant for-

(i) the administration of the College; and

(ii) the finances of the College.

11. Appointment of Provost and Directors of the College

(1) There shall be appointed for the College by the Board the following officers-

(a) the Provost of the Centre who shall be a retired two star-general or a retired Vice-Chancellor, or a retired Ambassador;

(b) a Director each for the academic departments of the College;

(c) a Director each for the departments in the Centre;

(d) a Principal Staff Officer Coordinating;

(e) a Principal Staff Officer Administration;

(f) a Principal Staff Officer Logistics; and

(g) such other staff as may be required, from time to time, for the efficient performance of the functions conferred on the College or the Centre under this Act.

(2) The Provost of the Centre shall be-

(a) appointed for a term of four years; and

(b) responsible to the Commandant for the day-to-day running and administration of the Centre.

12. Service in the College to be pensionable

(1) Notwithstanding the provisions of Pensions Act it is hereby declared that the service in the College or the Centre established by section 5 of this Act shall be approved service for the purpose of that Act and, accordingly, officers and other persons employed in the College or the Centre shall in respect of their service in the College or the Centre be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades in the public service of the Federation, so however that nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension and gratuity in respect of that office.

[Cap. P4.]

(2) For the purpose of the application of the provisions of the Pensions Act in accordance with this Act, any power exercisable thereunder by a Minister or any other authority of the Government of the Federation (other than the power to make regulations under section 23 thereof) is hereby vested in and shall be exercisable by the Board and not by any other authority.

PART III

Financial provisions

13. Establishment of fund of the College

(1) The College shall establish and maintain a fund which shall be applied towards the promotion of the objectives specified in this Act.

(2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section-

(a) such sums as may be provided by the Government of the Federation or of a State for payment into the fund;

(b) fees charged for services rendered by the College; and

(c) all sums accruing to the College by way of gifts, testamentary disposition and endowments or contributions from philanthropic persons or organisations or otherwise howsoever.

14. Power to accept gifts

(1) The College may accept any gifts of land, money or other property upon such terms and conditions, if any, as may be specified by the persons or organisation making the gift.

(2) The College shall not accept any gift if the conditions attached by the person or organisation making the gift to the acceptance thereof, are inconsistent with the aims and objectives of the College or its position as a non-partisan institution free from any undue external influence.

15. Borrowing power

(1) The Board may, with the consent or in accordance with any general authority given by the President, borrow by way of loan or overdraft from any source any specified amount of money required by the College for meeting its obligations and discharging its functions under this Act so however that where the sum or the aggregate of the sums involved at anyone time does not exceed N I ,000,000 no such consent or authority shall be required.

(2) The Board 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 with the like consent or general authority as are mentioned in subsection (1) of this section.

(3) The Board may invest any surplus funds of the College in such securities as may, from time to time, be approved by the Board.

16. Annual estimates, accounts and audit

(1) The Board shall cause to be prepared not later than 30 September in each year, an estimate of the expenditure and income of the College during the next succeeding financial year and when prepared, they shall be submitted through the Minister for approval by the President.

(2) The Board shall cause to be kept proper accounts and proper records in relation thereto and when certified by the Board such accounts shall be audited as provided in subsection (3) of this section.

(3) The accounts of the College shall be audited as soon as directed, or within six months after the end of each financial year by auditors appointed from the list of qualified auditors and in accordance with the guidelines supplied by the Auditor-General for the Federation by the Board and the fees of the auditors and expenses for the audit generally shall be paid from funds of the College.

PART IV

Miscellaneous and supplementary provisions

17. Employment of staff, etc.

(1) The Board may, subject to the provisions of this Act, employ such number and category of officers and other employees as may be expedient and necessary for the proper and efficient conduct of the functions of the College and the Centre.

[1993 No. 105.)

(2) The Board may make staff regulations relating generally to the terms and conditions of service of the employees of the College and the Centre and without prejudice to the generality of the foregoing, such regulations may provide for-

(a) the appointment, remuneration, promotion and disciplinary control of employees of the College and the Centre;

(b) the remuneration and tenure of office of the employees of the College and the

Centre; and

(c) appeals by such employees against dismissal or other disciplinary measures and until such regulations are made, any instrument relating to the conditions of service of officers in the civil service of the Federation shall be applicable, with such modifications as may be necessary to the employees of the College and the Centre: Provided that nothing in this Act shall preclude the application of the Armed Forces Act, as it applies to service personnel of the College and the Centre.

[Cap. A2D.)

(3) The Commandant of the College shall have power to convene and constitute a general Court Martial in matters of discipline affecting service personnel of the College and the Centre.

18. Interpretation

In this Act, unless the context otherwise requires-

"**Board**" means the Board of Governors of the College constituted under section 2 of this Act;

"**chairman**" means the chairman of the Board;

"Centre" means the Centre for Peace Research and Conflict Resolution established by section 5 of this Act;

"Commandant" means the Commandant of the College;

"College" means the National War College established under section I of this Act;

"member" includes the chairman of the Board; and

"Minister" means Minister charged with responsibility for defence matters and "Ministry" shall be construed accordingly.

19. Short title

This Act may be cited as the National War College Act.

SCHEDULE

[Section 3 (2).]

Proceedings of the Board

1. (1) Subject to this Act and to section 27 of the Interpretation Act (which provides for the decisions of a statutory body to be taken by a majority of the members of the body and for the persons presiding to have a second or casting vote), the Board may make standing orders regulating the proceedings of the Board or of any committee thereof.

[Cap. 123.]

(2) The quorum of the Board shall be chairman and four other members, and the quorum of any committee of the Board shall be determined by the Board.

2. (1) The Board shall meet not less than two times in each year and subject thereto, the Board shall meet whenever it is summoned by the chairman, and if the chairman is required to do so by notice given to him by not less than three other members, he shall summon a meeting of the Board to be held within seven 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 most senior member present at the meeting shall preside.

(3) Where the Board wishes to obtain the advice of any person on any particular matter, the Board may co-opt him as a member for such period as it thinks fit, but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

3. (1) The Board may appoint one or more committees to carry out on behalf of the Board, such of its functions as the Board may determine.

(2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board and not more than one third of those persons may be persons who are not members of the Board; a person other than a member of the Board shall hold office on the committee in accordance with the terms of the instrument of his appointment.

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

4. The fixing of the seal of the College shall be authenticated by the signature of the chairman or some other member authorised generally or specially by the Board for that purpose.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation