



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 8th June, 2006

1. The Senate met at 10. 25 a.m. The President read Prayers.
2. **Votes and Proceedings:**
The Senate President announced that he had examined the Votes and Proceedings of Wednesday, 7th June, 2006 and approved same.

By unanimous consent, the Votes and Proceedings were adopted.
3. **Announcements:**
The Senate President read a letter from the Committee on National Planning and Poverty Alleviation as follows:
(i)

FEDERAL REPUBLIC OF NIGERIA
THE SENATE
Committee on National Planning, Economic
Affairs and Poverty Alleviation
*National Assembly Complex, Three -Arms Zone,
P. M. B. 141 -Abuja, Nigeria*

NASS/S/CNP/037/6/SP/I

6th June, 2006

*The President of the Senate,
National Assembly Abuja*

Mr Senate President,

**RE: INVESTIGATION INTO THE ALLEGED ILLEGAL WITHDRAWALS
FROM THE FEDERATION ACCOUNT.**

*The Senate of the Federal Republic of Nigeria on Thursday, 1st June, 2006 directed **its** Committees on Appropriation and Finance to investigate the above subject matter following a Motion moved by Distinguished Senator Farouk Bello Bunza.*

The subject matter of the investigation i.e. Withdrawal from Federation Account is a matter in which the Revenue Mobilization, Allocation and Fiscal Commission, a Parastatal under this Committee's jurisdiction is a major stakeholder. This Committee has indeed started investigations on the issue as part of its oversight activities before the Senate gave the above directive.

In the light of the above, the Committee wishes to request that the Senate include it amongst the investigating Committees to achieve an effective and efficient result.

Please accept the assurances of the Committee's highest regards.

Signed:

*Senator Gbemisola R. Saraki
Chairman*

- (ii) The Senate President acknowledged the presence of Students and Teachers of Regent School, Maitama, Abuja in the gallery to observe Senate proceedings.

4. Matter of Urgent Public Importance:

The Unconstitutional Usurpation of the Functions of Independent National Electoral Commission (INEC) in the Botched Isu Local Government Area By-Election in Into State:

Rising on Rules 42 and 52, Senator Arthur Nzeribe invited the attention of the Senate to the unconstitutional usurpation of the functions of Independent National Electoral Commission (INEC) in **the** botched Isu Local Government Area by-election, an issue that is bound to unleash anarchy in Imo State. He sought and obtained leave of Senate to present a Motion on the issue as a Matter of Urgent Public Importance.

Motion made and Question Proposed: That whereas the conduct of that elections, and the announcement of same elections' results are the constitutional responsibility of INEC.

WHEREAS the announcement of the result of the botched by-election, by Imo State owned and controlled media outfits is a clear case of unconstitutional usurpation of function of INEC.

WHEREAS INEC cancelled the by-election to fill the vacant seat in Isu Local Government Area, for Imo State House of Assembly; to avoid escalation of pre-election violence, already threatening the peace and security of the Area.

WHEREAS escalation of violence in Isu Local Government Area would precipitate bandwagon effect of the crisis in the remaining 26 Local Government Areas in Imo State.

WHEREAS THE Senate has power under S.88 (I) of the 1999 Constitution of Federal Republic of Nigeria to direct or cause to be directed an investigation into the conduct of affairs of any person, authority, Ministry or Government department charged, or intended to be charged with the duty of or responsibility for executing or administering Laws enacted by the National Assembly.

WHEREAS for the purpose of the aforementioned investigation, the Senate is authorized by S. 89 of the constitution to procure all the necessary evidence it may think fit, and to summon any person in Nigeria to give evidence at any place or produce any document or other thing in his possession or under his control, and examine him as a witness and require him to produce any document or other thing in his possession or under his control.

WHEREAS, the National Assembly has powers under S. II subsection 4 of the 1999 Constitution to make laws for a State when the State Assembly is unable to do by reason of the situation prevailing in such a State.

WHEREAS also that the National Assembly has power to approve for a period of six months, a State of emergency proclaimed by the President, Commander-In-Chief of the Armed Forces in a State, or in any part of the Federation by virtue of S.305 of the 1999 Constitution.

WHEREAS, the Senate has power under S.42 and 52 of its Standing Rules to receive and discuss matters of Urgent Public Importance without previous notice, but in accordance with the provisions of these sections.

WHEREAS the Power of Senate to investigate as enshrined in sections 88 & 89 of the 1999 constitution of the Federal Republic of Nigeria is sacrosanct, unlimited and unrestricted.

Now therefore, the Senate of the National Assembly:

- (i) View with serious concern the recently alleged acts of political violence in Imo State relating to the bye-election at **Isu** House of Assembly Constituency, which led the Independent National Electoral Commission (INEC) to cancel the election.
- (ii) Notes with regret the allegations that the Imo State House of Assembly has already sworn-in the AD Candidate.
- (iii) Believes that the violence which has characterized the electoral processes in Imo State, and the apparent threat to security, which if not taken seriously and nipped it the bud, could easily escalate and lead to something else.

Be it resolved:

- (i) That this Distinguished Senate do invite Independent National Electoral Commission (INEC), to furnish the Senate of facts about the botched by-election in Isu Local Government Area,
- (ii) That this Distinguished Senate do invite the Imo State owned and controlled Radio and Television stations to come and explain in details the source of their "election result".
- (iii) That this Distinguished Senate do extend invitation to the Speaker of Imo State House of Assembly to furnish Senate with information as to the origin of the result he relied on in swearing in the "winner" of the by-election.
- (iv) That this Distinguished Senate do invite the Nigerian Police to explain to the Senate, its role in pre and post election violence in Isu LGA.
- (v) That this Distinguished Senate do invite the Chief Security Officer of the State to furnish the Senate with facts of the matter as known to him - the cancellation of Isu LGA by-election for the filling of the vacant position in the Imo State House of Assembly.

Debate:

Motion made and Question Proposed: That the Matter be referred to the Committee on Independent National Electoral Commission (INEC) to investigate the matter and advise the Senate appropriately (*Senator Jonathan S. Zwingina*).

Question put and agreed to.

Resolved:

That the Matter be referred to the Committee on Independent National Electoral Commission (INEC) to investigate the matter and advise the Senate appropriately (**S. Res./058/06**).

5. Privilege:

Press Advertorial by the Central Bank of Nigeria (CBN):

Invoking Rules 14 and 15, Senator Farouk B. Bunza invited the attention of the Senate to an advertorial publication in some of the Nigerians dailies in which the Central Bank of Nigeria (CBN) called on the general public to disregard the information he gave to the Senate vide his Motion as it is untrue and malicious. He asserted that the publication has seriously impugned on his privilege as a Senator and as a person. He therefore called on the Senate to refer the matter to the Committee on Ethics, Code of Conduct and Public Petition to investigate the matter.

Matter stood down as it has already been referred to a Joint Committee of Finance and Appropriation.

6. Downstream Gas Bill 2006 (SB. 281):

Motion made and Question Proposed: That the Downstream Gas Bill 2006 be read the Second Time (*Senator Jonathan S. Zwingina*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Gas to report within three weeks.

7. **Committees on Foreign Affairs:**

Report on Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and Other Destructions and for purposes connected therewith 2006:

Motion made and Question Proposed: That the Senate do consider the Report of the Committee on Foreign Affairs on the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and Other Destruction Bill 2006 and approve the recommendation (*Senator Jibril M. Aminu*),

Question put and agreed to.

Report presented.

Motion made and Question Proposed: That the Senate do resolve into the Committee of the Whole to consider the Report on the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and Other Destruction Bill 2006 (*Senate Majority Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF WHOLE)

(The President in the Chair)

A BILL FOR AN ACT TO ENABLE EFFECT TO BE GIVEN IN THE FEDERAL REPUBLIC OF NIGERIA TO THE CONVENTION ON THE PROHIBITION OF DEVELOPMENT, PRODUCTION, STOCKPILING AND USE OF CHEMICAL WEAPONS AND ON THEIR DESTRUCTION AND FOR PURPOSES CONNECTED THEREWITH

WHEREAS the Convention on the Prohibition of the Development, Production Stockpiling and use of Chemical Weapons, and on their Destruction 1111s been duly adopted by the Members States at the General Assembly of the United Nations and Nigeria is desirous of adhering to the said Convention;

AND WHEREAS the Government of the Federal Republic of Nigeria has by a decision duly reached in accordance with her Constitutional process ratified the said Convention on the Prohibition of Chemical Weapons and on their Destruction on 1st March, 1999;

AND WHEREAS it is necessary and expedient to enact a law to enable effect to be given to the Convention on the Prohibition of the Development, Production, Stockpiling ,and use of Chemical Weapons, and on their Destruction in the Federal Republic of Nigeria;

NOW THEREFORE BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

Clause 1: The provisions of the Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical Weapons and on their Destruction which are set out in the Schedule to this Act, shall, subject as there under provided, have force of law in Nigeria and shall be given full recognition and effect and be applied by ail authorities exercising legislative, executive or judicial powers in Nigeria.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Jibril M. Aminu*) — *Agreed to.*

Question that Clause 1 do stand part of the Treaty — Agreed to.

Clause 2: Short Title:

This Act may be cited as the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Ratification and Enforcement) Act, 2005.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Jibril M. Aminu*) — *Agreed to.*

Question that Clause 2 do stand part of the Treaty — Agreed to.

CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION, STOCKPILING AND USE OF CHEMICAL WEAPONS AND ON THEIR DESTRUCTION

On 8 August 1994 (Corrected version in accordance with Depositary Notification C.N.246.1994. TREATIES 5 and the corresponding Process Verbal of Rectification of the Original of the Convention, issued on 8 August 1994)

PREAMBLE

The States Parties to this Convention,

Determined to act with a view to achieving effective progress towards general and complete disarmament under strict and effective international control, including the prohibition and elimination of all types of weapons of mass destruction,

Desiring to contribute to the realization of the purposes and principles of the Charter of the United Nations,

Recalling that the General Assembly of the United Nations has repeatedly condemned all actions contrary to the principles and objectives of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925 (the Geneva Protocol of 1925),

Recognizing that this Convention reaffirms principles and objectives of and obligations assumed under the Geneva Protocol of 1925, and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction signed at London, Moscow and Washington on 10 April 1972,

Bearing in mind the objective contained in Article IX of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction,

Determined for the sake of all mankind, to exclude completely the possibility of the use of chemical weapons, through the implementation of the provisions of this Convention, thereby complementing the obligations assumed under the Geneva Protocol of 1925,

Recognizing the prohibition, embodied in the pertinent agreements and relevant principles of international law, of the use of herbicides as a method of warfare,

Considering that achievements in the field of chemistry should be used exclusively for the benefit of mankind,

Desiring to promote free trade in chemicals as well as international cooperation and exchange of scientific and technical information in the field of chemical activities for purposes not prohibited under this Convention in order to enhance the economic and technological development of all States Parties,

Convinced that the complete and effective prohibition of the development, production, acquisition, stockpiling, retention, transfer and use of chemical weapons, and their destruction, represent a necessary step towards the achievement of these common objectives,

Have agreed as follows:

Committee's Recommendation:

That the provision in the Preamble be retained (*Senator Jibril M. Aminu*) — *Agreed to.*

Question that the Preamble do stand part of the Treaty Agreed to.

ARTICLE 1 - GENERAL OBLIGATIONS

1, Each State Party to this Convention undertakes never under any circumstances:

- (a) To develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone;

- (b) To use chemical weapons;
 - (c) To engage in any military preparations to use chemical weapons;
 - (d) To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.
- 2. Each State Party undertakes to destroy chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with the provisions of this Convention.
- 3. Each State Party undertakes to destroy all chemical weapons it abandoned on the territory of another State Party, in accordance with the provisions of this Convention.
- 4. Each State Party undertakes to destroy any chemical weapons production facilities it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with the provisions of this Convention.
- 5. Each State Party undertakes not to use riot control agents as a method of warfare

Committee's Recommendation:

That the provision in Article 1 be retained (*Senator Jibril M. Aminu*) — *Agreed to.*

Question that Article 1 do stand part of the Treaty — Agreed to.

ARTICLE 2 — DEFINITIONS AND CRITERIA

For the purposes of this Convention:

1. "Chemical Weapons" means the following, together or separately:
 - (a) Toxic chemicals and their precursors, except where intended for purposes not prohibited under this Convention, as long as the types and quantities are consistent with such purposes;
 - (b) Munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (a), which would be released as a result of the employment of such munitions and devices;
 - (c) Any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (b).
2. "Toxic Chemical" means:

Any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. This includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere.

(For the purpose of implementing this Convention, toxic chemicals which have been identified for the application of verification measures are listed in Schedules contained in the Annex on Chemicals.)
3. "Precursor" means:

Any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. This includes any key component of a binary or multicomponent chemical system.

(For the purpose of implementing this Convention, precursors which have been identified for the application of verification measures are listed in Schedules contained in the Annex on Chemicals.)
4. "Key Component of Binary or Multicomponent Chemical Systems" (hereinafter referred to as "key component") means:

The precursor which plays the most important role in determining the toxic properties of the final product and reacts rapidly with other chemicals in the binary or multi-component system.

5. "Old Chemical Weapons" means:
 - (a) Chemical weapons which were produced before 1925; or
 - (b) Chemical weapons produced in the period between 1925 and 1946 that have deteriorated to such extent that they can no longer be used as chemical weapons.
6. "Abandoned Chemical Weapons" means:
Chemical weapons, including old chemical weapons, abandoned by a State after 1 January 1925 on the territory of another State without the consent of the latter.
7. "Riot Control Agent" means:
Any chemical not listed in a Schedule, which can produce rapidly in humans sensory irritation or disabling physical effects which disappear within a short time following termination of exposure.
8. "Chemical Weapons Production Facility":
 - (a) Means any equipment, as well as any building housing such equipment, that was designed, constructed or used at any time since 1 January 1946:
 - (i) As part of the stage in the production of chemicals ("final technological stage") where the material flows would contain, when the equipment is in operation:
 - (1) Any chemical listed in Schedule 1 in the Annex on Chemicals; or
 - (2) Any other chemical that has no use, above 1 tonne per year on the territory of a State Party or in any other place under the jurisdiction or control of a State Party, for purposes not prohibited under this Convention, but can be used for chemical weapons purposes; or
 - (it) For filling chemical weapons, including, inter alia, the filling of chemicals listed in Schedule 1 into munitions, devices or bulk storage containers; the filling of chemicals into containers that form part of assembled binary munitions and devices or into chemical submunitions that form part of assembled unitary munitions and devices, and the loading of the containers and chemical submunitions into the respective munitions and devices;
 - (b) Does not mean:
 - (i) Any facility having a production capacity for synthesis of chemicals specified in subparagraph (a) (i) that is less than 1 tonne;
 - (ii) Any facility in which a chemical specified in subparagraph (a) (i) is or was produced as an unavoidable by-product of activities for purposes not prohibited under this Convention, provided that the chemical does not exceed 3 percent of the total product and that the facility is subject to declaration and inspection under the Annex on Implementation and Verification (hereinafter referred to as "Verification Annex"); or
 - (Hi) The single small-scale facility for production of chemicals listed in Schedule 1 for purposes not prohibited under this Convention as referred to in Part VI of the Verification Annex.
9. "Purposes Not Prohibited Under this Convention" means:
 - (a) Industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;
 - (b) Protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;
 - (c) Military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare;
 - (d) Law enforcement including domestic riot control purposes.

10. "Production Capacity" means:
The annual quantitative potential for manufacturing a specific chemical based on the technological process actually used or, if the process is not yet operational, planned to be used at the relevant facility. It shall be deemed to be equal to the nameplate capacity or, if the nameplate capacity is not available, to the design capacity. The nameplate capacity is the product output under conditions optimized for maximum quantity for the production facility, as demonstrated by one or more test-runs. The design capacity is the corresponding theoretically calculated product output.
11. "Organization" means the Organization for the Prohibition of Chemical Weapons established pursuant to Article VIII of this Convention.
12. For the purposes of Article VI:
 - (a) "Production" of a chemical means its formation through chemical reaction;
 - (b) "Processing" of a chemical means a physical process, such as formulation, extraction and purification, in which a chemical is not converted into another chemical;
 - (c) "Consumption" of a chemical means its conversion into another chemical via a chemical reaction

Committee's Recommendation:

That the provision in Article 2 be retained (*Senator Jibril M. Aminu*) — *Agreed to.*

Question that Article 2 do stand part of the Treaty — Agreed to.

ARTICLE 3 - DECLARATIONS

1. Each State Party shall submit to the Organization, not later than 30 days after this Convention enters into force for it, the following declarations, in which it shall:
 - (a) With respect to chemical weapons:
 - (i) Declare whether it owns or possesses any chemical weapons, or whether there are any chemical weapons located in any place under its jurisdiction or control;
 - (ii) Specify the precise location, aggregate quantity and detailed inventory of chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with Part IV (A), paragraphs 1 to 3, of the Verification Annex, except for those chemical weapons referred to in sub-subparagraph (iii);
 - (Hi) Report any chemical weapons on its territory that are owned and possessed by another State and located in any place under the jurisdiction or control of another State, in accordance with Part IV (A), paragraph 4, of the Verification Annex;
 - (iv) Declare whether it has transferred or received, directly or indirectly, any chemical weapons since 1 January 1946 and specify the transfer or receipt of such weapons, in accordance with Part IV (A), paragraph 5, of the Verification Annex;
 - (v) Provide its general plan for destruction of chemical weapons that it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with Part IV (A), paragraph 6, of the Verification Annex;
 - (b) With respect to old chemical weapons and abandoned chemical weapons:
 - (i) Declare whether it has on its territory old chemical weapons and provide **all** available information in accordance with Part IV (B), paragraph 3, of the Verification Annex;
 - (ii) Declare whether there are abandoned chemical weapons on its territory and provide all available information in accordance with Part IV (B), paragraph 8, of the Verification Annex;

- (iii) Declare whether it has abandoned chemical weapons on the territory of other States and provide all available information in accordance with Part IV (B), paragraph 10, of the Verification Annex;
 - (c) With respect to chemical weapons production facilities:
 - (i) Declare whether it has or has had any chemical weapons production facility under its ownership or possession, or that is or has been located in any place under its jurisdiction or control at any time since 1 January 1946;
 - (ii) Specify any chemical weapons production facility it has or has had under its ownership or possession or that is or has been located in any place under its jurisdiction or control at any time since 1 January 1946, in accordance with Part V, paragraph 1, of the Verification Annex, except for those facilities referred to in sub-subparagraph (iii);
 - (iii) Report any chemical weapons production facility on its territory that another State has or has had under its ownership and possession and that is or has been located in any place under the jurisdiction or control of another State at any time since 1 January 1946, in accordance with Part V, paragraph 2, of the Verification Annex;
 - (iv) Declare whether it has transferred or received, directly or indirectly, any equipment for the production of chemical weapons since 1 January 1946 and specify the transfer or receipt of such equipment, in accordance with Part V, paragraphs 3 to 5, of the Verification Annex;
 - (v) Provide its general plan for destruction of any chemical weapons production facility it owns or possesses, or that is located in any place under its jurisdiction or control, in accordance with Part V, paragraph 6, of the Verification Annex;
 - (vi) Specify actions to be taken for closure of any chemical weapons production facility it owns or possesses, or that is located in any place under its jurisdiction or control, in accordance with Part V, paragraph 1 (i), of the Verification Annex;
 - (vii) Provide its general plan for any temporary conversion of any chemical weapons production facility it owns or possesses, or that is located in any place under its jurisdiction or control, into a chemical weapons destruction facility, in accordance with Part V, paragraph 7, of the Verification Annex;
 - (d) With respect to other facilities:

Specify the precise location, nature and general scope of activities of any facility or establishment under its ownership or possession, or located in any place under its jurisdiction or control, and that has been designed, constructed or used since 1 January 1946 primarily for development of chemical weapons. Such declaration shall include, inter alia, laboratories and test and evaluation sites;
 - (e) With respect to riot control agents:

Specify the chemical name, structural formula and Chemical Abstracts Service (CAS) registry number, if assigned, of each chemical it holds for riot control purposes. This declaration shall be updated not later than 30 days after any change becomes effective.
- 2. The provisions of this Article and the relevant provisions of Part IV of the Verification Annex shall not, at the discretion of a State Party, apply to chemical weapons buried on its territory before 1 January 1977 and which remain buried, or which had been dumped at sea before 1 January 1985.

Committee's Recommendation:

That the provision in Article 3 be retained (*Senator Jibril M. Aminu*) — *Agreed to.*

Question that Article 3 do stand part of the Treaty — Agreed to.

ARTICLE 4 - CHEMICAL WEAPONS

1. The provisions of this Article and the detailed procedures for its implementation shall apply to all chemical weapons owned or possessed by a State Party, or that are located in any place under its jurisdiction or control, except old chemical weapons and abandoned chemical weapons to which Part IV (B) of the Verification Annex applies.
2. Detailed procedures for the implementation of this Article are set forth in the Verification Annex.
3. All locations at which chemical weapons specified in paragraph 1 are stored or destroyed shall be subject to systematic verification through on-site inspection and monitoring with on-site instruments, in accordance with Part IV (A) of the Verification Annex.
4. Each State Party shall, immediately after the declaration under Article III, paragraph 1 (a), has been submitted, provide access to chemical weapons specified in paragraph 1 for the purpose of systematic verification of the declaration through on-site inspection. Thereafter, each State Party shall not remove any of these chemical weapons, except to a chemical weapons destruction facility. It shall provide access to such chemical weapons, for the purpose of systematic on-site verification.
5. Each State Party shall provide access to any chemical weapons destruction facilities and their storage areas, that it owns or possesses, or that are located in any place under its jurisdiction or control, for the purpose of systematic verification through on-site inspection and monitoring with on-site instruments.
6. Each State Party shall destroy all chemical weapons specified in paragraph 1 pursuant to **the** Verification Annex and in accordance with the agreed rate and sequence of destruction (hereinafter referred to as "order of destruction"). Such destruction shall begin not later than two years after this Convention enters into force for it and shall finish not later than 10 years after entry into force of this Convention. A State Party is not precluded from destroying such chemical weapons at a faster rate.
7. Each State Party shall:
 - (a) Submit detailed plans for the destruction of chemical weapons specified in paragraph 1 not later than 60 days before each annual destruction period begins, in accordance with Part IV (A), paragraph 29, of the Verification Annex; the detailed plans shall encompass all stocks to be destroyed during the next annual destruction period;
 - (b) Submit declarations annually regarding the implementation of its plans for destruction
 - (c) Certify, not later than 30 days after the destruction process has been completed, that all chemical weapons specified in paragraph 1 have been destroyed.
8. If a State ratifies or accedes to this Convention after the 10-year period for destruction set forth in paragraph 6, it shall destroy chemical weapons specified in paragraph 1 as soon as possible. The order of destruction and procedures for stringent verification for such a State Party shall be determined by the Executive Council.
9. Any chemical weapons discovered by a State Party after the initial declaration of chemical weapons shall be reported, secured and destroyed in accordance with Part IV (A) of the Verification Annex.
10. Each State Party, during transportation, sampling, storage and destruction of chemical weapons, shall assign the highest priority to ensuring the safety of people and to protecting the environment. Each State Party shall transport, sample, store and destroy chemical weapons in accordance with its national standards for safety and emissions.
11. Any State Party which has on its territory chemical weapons that are owned or possessed by another State, or that are located in any place under the jurisdiction or control of another State, shall make the fullest efforts to ensure that these chemical weapons are removed from its territory not later than one year after this Convention enters into force for it. If they are not removed within one year, the State Party may request the Organization and other States Parties to provide assistance in the destruction of these chemical weapons.

12. Each State Party undertakes to cooperate with other States Parties that request information or assistance on a bilateral basis or through the Technical Secretariat regarding methods and technologies for the safe and efficient destruction of chemical weapons.
13. In carrying out verification activities pursuant to this Article and Part IV (A) of the Verification Annex, the Organization shall consider measures to avoid unnecessary duplication of bilateral or multilateral agreements on verification of chemical weapons storage and their destruction among States Parties.

To this end, the Executive Council shall decide to limit verification to measures complementary to those undertaken pursuant to such a bilateral or multilateral agreement, if it considers that:

- (a) Verification provisions of such an agreement are consistent with the verification provisions of this Article and Part IV (A) of the Verification Annex;
 - (b) Implementation of such an agreement provides for sufficient assurance of compliance with the relevant provisions of this Convention; and
 - (c) Parties to the bilateral or multilateral agreement keep the Organization fully informed about their verification activities.
14. If the Executive Council takes a decision pursuant to paragraph 13, the Organization shall have the right to monitor the implementation of the bilateral or multilateral agreement.
 15. Nothing in paragraphs 13 and 14 shall affect the obligation of a State Party to provide declarations pursuant to Article III, this Article and Part IV (A) of the Verification Annex.
 16. Each State Party shall meet the costs of destruction of chemical weapons it is obliged to destroy. It shall also meet the costs of verification of storage and destruction of these chemical weapons unless the Executive Council decides otherwise. If the Executive Council decides to limit verification measures of the Organization pursuant to paragraph 13, the costs of complementary verification and monitoring by the Organization shall be paid in accordance with the United Nations scale of assessment, as specified in Article VIII, paragraph 7.
 17. The provisions of this Article and the relevant provisions of Part IV of the Verification Annex shall not, at the discretion of a State Party, apply to chemical weapons buried on its territory before 1 January 1977 and which remain buried, or which had been dumped at sea before 1 January 1985.

Committee's Recommendation:

That the provision in Article 4 be retained (*Senator Jibril M. Aminu*) — *Agreed to.*

Question that Article 4 do stand part of the Treaty — *Agreed to.* ARTICLE 5 —

CHEMICAL WEAPONS PRODUCTION FACILITIES

1. The provisions of this Article and the detailed procedures for its implementation shall apply to any and all chemical weapons production facilities owned or possessed by a State Party, or that are located in any place under its jurisdiction or control.
2. Detailed procedures for the implementation of this Article are set forth in the Verification Annex.
3. All chemical weapons production facilities specified in paragraph 1 shall be subject to systematic verification through on-site inspection and monitoring with on-site instruments in accordance with Part V of the Verification Annex.
4. Each State Party shall cease immediately all activity at chemical weapons production facilities specified in paragraph 1, except activity required for closure.
5. No State Party shall construct any new chemical weapons production facilities or modify any existing facilities for the purpose of chemical weapons production or for any other activity prohibited under this Convention.

6. Each State Party shall, immediately after the declaration under Article III, paragraph 1 (c), has been submitted, provide access to chemical weapons production facilities specified in paragraph 1, for the purpose of systematic verification of the declaration through on-site inspection.
7. Each State Party shall:
 - (a) Close, not later than 90 days after this Convention enters into force for it, all chemical weapons production facilities specified in paragraph 1, in accordance with Part V of the Verification Annex, and give notice thereof; and
 - (b) Provide access to chemical weapons production facilities specified in paragraph 1, subsequent to closure, for the purpose of systematic verification through on-site inspection and monitoring with on-site instruments in order to ensure that the facility remains closed and is subsequently destroyed.
8. Each State Party shall destroy all chemical weapons production facilities specified in paragraph 1 and related facilities and equipment, pursuant to the Verification Annex and in accordance with an agreed rate and sequence of destruction (hereinafter referred to as "order of destruction"). Such destruction shall begin not later than one year after this Convention enters into force for it, and shall finish not later than 10 years after entry into force of this Convention. A State Party is not precluded from destroying such facilities at a faster rate.
9. Each State Party shall:
 - (a) Submit detailed plans for destruction of chemical weapons production facilities specified in paragraph 1, not later than 180 days before the destruction of each facility begins;
 - (b) Submit declarations annually regarding the implementation of its plans for the destruction of all chemical weapons production facilities specified in paragraph 1, not later than 90 days after the end of each annual destruction period; and
 - (c) Certify, not later than 30 days after the destruction process has been completed, that all chemical weapons production facilities specified in paragraph 1 have been destroyed.
10. If a State ratifies or accedes to this Convention after the 10-year period for destruction set forth in paragraph 8, it shall destroy chemical weapons production facilities specified in paragraph 1 as soon as possible. The order of destruction and procedures for stringent verification for such a State Party shall be determined by the Executive Council.
11. Each State Party, during the destruction of chemical weapons production facilities, shall assign the highest priority to ensuring the safety of people and to protecting the environment. Each State Party shall destroy chemical weapons production facilities in accordance with its national standards for safety and emissions.
12. Chemical weapons production facilities specified in paragraph 1 may be temporarily converted for destruction of chemical weapons in accordance with Part V, paragraphs 18 to 25, of the Verification Annex. Such a converted facility must be destroyed as soon as it is no longer in use for destruction of chemical weapons but, in any case, not later than 10 years after entry into force of this Convention,
13. A State Party may request, in exceptional cases of compelling need, permission to use a chemical weapons production facility specified in paragraph 1 for purposes not prohibited under this Convention. Upon the recommendation of the Executive Council, the Conference of the States Parties shall decide whether or not to approve the request and shall establish the conditions upon which approval is contingent in accordance with Part V, Section D, of the Verification Annex.
14. The chemical weapons production facility shall be converted in such a manner that the converted facility is not more capable of being reconverted into a chemical weapons production facility than any other facility used for industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes not involving chemicals listed in Schedule 1.

15. All converted facilities shall be subject to systematic verification through on-site inspection and monitoring with on-site instruments in accordance with Part V, Section D, of the Verification Annex.
16. In carrying out verification activities pursuant to this Article and Part V of the Verification Annex, the Organization shall consider measures to avoid unnecessary duplication of bilateral or multilateral agreements on verification of chemical weapons production facilities and their destruction among States Parties,

To this end, the Executive Council shall decide to limit the verification to measures complementary to those undertaken pursuant to such a bilateral or multilateral agreement, if it considers that:

- (a) Verification provisions of such an agreement are consistent with the verification provisions of this Article and Part V of the Verification Annex;
 - (b) Implementation of the agreement provides for sufficient assurance of compliance with the relevant provisions of this Convention; and
 - (c) Parties to the bilateral or multilateral agreement keep the Organization fully informed about their verification activities.
17. If the Executive Council takes a decision pursuant to paragraph 16, the Organization shall have the right to monitor the implementation of the bilateral or multilateral agreement.
 18. Nothing in paragraphs 16 and 17 shall affect the obligation of a State Party to make declarations pursuant to Article III, this Article and Part V of the Verification Annex.
 19. Each State Party shall meet the costs of destruction of chemical weapons production facilities it is obliged to destroy. It shall also meet the costs of verification under this Article unless the Executive Council decides otherwise. If the Executive Council decides to limit verification measures of the Organization pursuant to paragraph 16, the costs of complementary verification and monitoring by the Organization shall be paid in accordance with the United Nations scale of assessment, as specified in Article VIII, paragraph 7.

Committee's Recommendation:

That the provision in Article 5 be retained (*Senator Jibril M. Aminu*) — Agreed to.

Question that Article 5 do stand part of the Treaty — Agreed to. **ARTICLE 6 -**

ACTIVITIES NOT PROHIBITED UNDER THIS CONVENTION

1. Each State Party has the right, subject to the provisions of this Convention, to develop, produce, otherwise acquire, retain, transfer and use toxic chemicals and their precursors for purposes not prohibited under this Convention.
2. Each State Party shall adopt the necessary measures to ensure that toxic chemicals and their precursors are only developed, produced, otherwise acquired, retained, transferred, or used within its territory or in any other place under its jurisdiction or control for purposes not prohibited under this Convention. To this end, and in order to verify that activities are in accordance with obligations under this Convention, each State Party shall subject toxic chemicals and their precursors listed in Schedules 1, 2 and 3 of the Annex on Chemicals, facilities related to such chemicals, and other facilities as specified in the Verification Annex, that are located on its territory or in any other place under its jurisdiction or control, to verification measures as provided in the Verification Annex.
3. Each State Party shall subject chemicals listed in Schedule 1 (hereinafter referred to as "Schedule 1 chemicals") to the prohibitions on production, acquisition, retention, transfer and use as specified in Part VI of the Verification Annex. It shall subject Schedule 1 chemicals and facilities specified in Part VI of the Verification Annex to systematic verification through on-site inspection and monitoring with on-site instruments in accordance with that Part of the Verification Annex.

4. Each State Party shall subject chemicals listed in Schedule 2 (hereinafter referred to as "Schedule 2 chemicals") and facilities specified in Part VII of the Verification Annex to data monitoring and on-site verification in accordance with that Part of the Verification Annex.
5. Each State Party shall subject chemicals listed in Schedule 3 (hereinafter referred to as "Schedule 3 chemicals") and facilities specified in Part VIII of the Verification Annex to data monitoring and on-site verification in accordance with that Part of the Verification Annex.
6. Each State Party shall subject facilities specified in Part IX of the Verification Annex to data monitoring and eventual on-site verification in accordance with that Part of the Verification Annex unless decided otherwise by the Conference of the States Parties pursuant to Part IX, paragraph 22, of the Verification Annex.
7. Not later than 30 days after this Convention enters into force for it, each State Party shall make an initial declaration on relevant chemicals and facilities in accordance with the Verification Annex.
8. Each State Party shall make annual declarations regarding the relevant chemicals and facilities in accordance with the Verification Annex.
9. For the purpose of on-site verification, each State Party shall grant to the inspectors access to facilities as required in the Verification Annex.
10. In conducting verification activities, the Technical Secretariat shall avoid undue intrusion into the State Party's chemical activities for purposes not prohibited under this Convention and, in particular, abide by the provisions set forth in the Annex on the Protection of Confidential Information (hereinafter referred to as "Confidentiality Annex").
11. The provisions of this Article shall be implemented in a manner which avoids hampering the economic or technological development of States Parties, and international cooperation in the field of chemical activities for purposes not prohibited under this Convention including the international exchange of scientific and technical information and chemicals and equipment for the production, processing or use of chemicals for purposes not prohibited under this Convention.

Committee's Recommendation:

That the provision in Article 6 be retained (*Senator Jibril M. Aminu*) — *Agreed to.*

Question that Article 6 do stand part of the Treaty — Agreed to.

ARTICLE 7 - NATIONAL IMPLEMENTATION MEASURES

General undertakings

1. Each State Party shall, in accordance with its constitutional processes, adopt the necessary measures to implement its obligations under this Convention. In particular, it shall:
 - (a) Prohibit natural and legal persons anywhere on its territory or in any other place under its jurisdiction as recognized by international law from undertaking any activity prohibited to a State Party under this Convention, including enacting penal legislation with respect to such activity;
 - (b) Not permit in any place under its control any activity prohibited to a State Party under this Convention; and
 - (c) Extend its penal legislation enacted under subparagraph (a) to any activity prohibited to a State Party under this Convention undertaken anywhere by natural persons, possessing its nationality, in conformity with international law.
2. Each State Party shall cooperate with other States Parties and afford the appropriate form of legal assistance to facilitate the implementation of the obligations under paragraph 1.
3. Each State Party, during the implementation of its obligations under this Convention, shall assign the highest priority to ensuring the safety of people and to protecting the environment, and shall cooperate as appropriate with other States Parties in this regard.

Relations between the State Party and the Organization:

4. In order to fulfil its obligations under this Convention, each State Party shall designate or establish a National Authority to serve as the national focal point for effective liaison with the Organization and other States Parties. Each State Party shall notify the Organization of its National Authority at the time that this Convention enters into force for it.
5. Each State Party shall inform the Organization of the legislative and administrative measures taken to implement this Convention.
6. Each State Party shall treat as confidential and afford special handling to information and data that it receives in confidence from the Organization in connection with the implementation of this Convention. It shall treat such information and data exclusively **in** connection with its rights and obligations under this Convention and in accordance with the provisions set forth in the Confidentiality Annex.
7. Each State Party undertakes to cooperate with the Organization in the exercise of all its functions and in particular to provide assistance to the Technical Secretariat

Committee's Recommendation:

That the provision in Article 7 be retained (*Senator Jibril M. Aminu*) — *Agreed to.*

Question that Article 7 do stand part of the Treaty ~ Agreed to.

ARTICLE 8 - THE ORGANIZATION**A. GENERAL PROVISIONS**

1. The States Parties to this Convention hereby establish the Organization for the Prohibition of Chemical Weapons to achieve the object and purpose of this Convention, to ensure the implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and cooperation among States Parties.
2. All States Parties to this Convention shall be members of the Organization. A State Party shall not be deprived of its membership in the Organization.
3. The seat of the Headquarters of the Organization shall be The Hague, Kingdom of the Netherlands.
4. There are hereby established as the organs of the Organization: the Conference of the States Parties, the Executive Council, and the Technical Secretariat.
5. The Organization shall conduct its verification activities provided for under this Convention in the least intrusive manner possible consistent with the timely and efficient accomplishment of their objectives. It shall request only the information and data necessary to fulfil its responsibilities under this Convention. It shall take every precaution to protect the confidentiality of information on civil and military activities and facilities coming to its knowledge in the implementation of this Convention and, in particular, shall abide by the provisions set forth in the Confidentiality Annex.
6. In undertaking its verification activities the Organization shall consider measures to make use of advances in science and technology.
7. The costs of the Organization's activities shall be paid by States Parties in accordance with the United Nations scale of assessment adjusted to take into account differences in membership between the United Nations and this Organization, and subject to the provisions of Articles IV and V. Financial contributions of States Parties to the Preparatory Commission shall be deducted in an appropriate way from their contributions to the regular budget. The budget of the Organization shall comprise two separate chapters, one relating to administrative and other costs, and one relating to verification costs.

8. A member of the Organization which is in arrears in the payment of its financial contribution to **the** Organization shall have no vote in the Organization if the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two full years. The Conference of the States Parties may, nevertheless, permit such a member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.

B. THE CONFERENCE OF THE STATES PARTIES

Composition, procedures and decision-making

9. The Conference of the States Parties (hereinafter referred to as "the Conference") shall be composed of all members of this Organization. Each member shall have one representative in the Conference, who may be accompanied by alternates and advisers.
10. The first session of the Conference shall be convened by the depositary not later than 30 days after the entry into force of this Convention.
11. The Conference shall meet in regular sessions which shall be held annually unless it decides otherwise.

12. Special sessions of the Conference shall be convened:

- (a) When decided by the Conference;
- (b) When requested by the Executive Council;
- (c) When requested by any member and supported by one third of the members; **or**
- (d) In accordance with paragraph 22 to undertake reviews of the operation of this Convention.

Except in the case of subparagraph (d), the special session shall be convened not later than 30 days after receipt of the request by the Director-General of the Technical Secretariat, unless specified otherwise in the request.

13. The Conference shall also be convened in the form of an Amendment Conference in accordance with Article XV, paragraph 2.
14. Sessions of the Conference shall take place at the seat of the Organization unless the Conference decides otherwise.
15. The Conference shall adopt its rules of procedure. At the beginning of each regular session, it shall elect its Chairman and such other officers as may be required. They shall hold office until a new Chairman and other officers are elected at the next regular session.
16. A majority of the members of the Organization shall constitute a quorum for the Conference.
17. Each member of the Organization shall have one vote in the Conference.
18. The Conference shall take decisions on questions of procedure by a simple majority of the members present and voting. Decisions on matters of substance should be taken as far as possible by consensus. If consensus is not attainable when an issue comes up for decision, the Chairman shall defer any vote for 24 hours and during this period of deferment shall make every effort to facilitate achievement of consensus, and shall report to the Conference before the end of this period. If consensus is not possible at the end of 24 hours, the Conference shall take the decision by a two-thirds majority of members present and voting unless specified otherwise in this Convention. When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the Conference by the majority required for decisions on matters of substance.

Powers **and** functions

19. The Conference shall be the principal organ of the Organization. It shall consider any questions, matters or issues within the scope of this Convention, including those relating to the powers and functions of the Executive Council and the Technical Secretariat. It may make recommendations and take decisions on any questions, matters or issues related to this Convention raised by a State Party or brought to its attention by the Executive Council.
20. The Conference shall oversee the implementation of this Convention, and act in order to promote its object and purpose. The Conference shall review compliance with this Convention. It shall also oversee the activities of the Executive Council and the Technical Secretariat and may issue guidelines in accordance with this Convention to either of them in the exercise of their functions.
21. The Conference shall:
 - (a) Consider and adopt at its regular sessions the report, programme and budget of **the** Organization, submitted by the Executive Council, as well as consider other reports;
 - (b) Decide on the scale of financial contributions to be paid by States Parties in accordance with paragraph 7;
 - (c) Elect the members of the Executive Council;
 - (d) Appoint the Director-General of the Technical Secretariat (hereinafter referred to as "the Director-General);
 - (e) Approve the rules of procedure of the Executive Council submitted by the latter;
 - (f) Establish such subsidiary organs as it finds necessary for the exercise of its functions in accordance with this Convention;
 - (g) Foster international cooperation for peaceful purposes in the field of chemical activities;
 - (h) Review scientific and technological developments that could affect the operation of this Convention and, in this context, direct the Director-General to establish a Scientific Advisory Board to enable him, in the performance of his functions, to render specialized advice in areas of science and technology relevant to this Convention, to the Conference, the Executive Council or States Parties. The Scientific Advisory Board shall be composed of independent experts appointed in accordance with terms of reference adopted by the Conference;
 - (i) Consider and approve at its first session any draft agreements, provisions and guidelines developed by the Preparatory Commission;
 - (j) Establish at its first session the voluntary fund for assistance in accordance with Article X;
 - (k) Take the necessary measures to ensure compliance with this Convention and to redress and remedy any situation which contravenes the provisions of this Convention, in accordance with Article XII.
22. The Conference shall not later than one year after the expiry of the fifth and the tenth year after the entry into force of this Convention, and at such other times within that time period as may be decided upon, convene in special sessions to undertake reviews of the operation of this Convention. Such reviews shall take into account any relevant scientific and technological developments. At intervals of five years thereafter, unless otherwise decided upon, further sessions of the Conference shall be convened with the same objective.

C. THE EXECUTIVE COUNCIL

Composition, procedure and decision-making

23. The Executive Council shall consist of 41 members. Each State Party shall have the right, in accordance with the principle of rotation, to serve on the Executive Council. The members of the Executive Council shall be elected by the Conference for a term of two years. In order to ensure the effective functioning of this Convention, due regard being specially paid to equitable geographical distribution, to the importance of chemical industry, as well as to political and security interests, the Executive Council shall be composed as follows:
- (a) Nine States Parties from Africa to be designated by States Parties located in this region. As a basis for this designation it is understood that, out of these nine States Parties, three members shall, as a rule, be the States Parties with the most significant national chemical industry in the region as determined by internationally reported and published data; in addition, the regional group shall agree also to take into account other regional factors in designating these three members;
 - (b) Nine States Parties from Asia to be designated by States Parties located in this region. As a basis for this designation it is understood that, out of these nine States Parties, four members shall, as a rule, be the States Parties with the most significant national chemical industry in the region as determined by internationally reported and published data; in addition,
 - (c) Five States Parties from Eastern Europe to be designated by States Parties located in this region. As a basis for this designation it is understood that, out of these five States Parties, one member shall, as a rule, be the State Party with the most significant national chemical industry in the region as determined by internationally reported and published data; in addition, the regional group shall agree also to take into account other regional factors in designating this one member;
 - (d) Seven States Parties from Latin America and the Caribbean to be designated by States Parties located in this region. As a basis for this designation it is understood that, out of these seven States Parties, three members shall, as a rule, be the States Parties with the most significant national chemical industry in the region as determined by internationally reported and published data; in addition, the regional group shall agree also to take into account other regional factors in designating these three members;
 - (e) Ten States Parties from among Western European and other States to be designated by States Parties located in this region. As a basis for this designation it is understood that, out of these 10 States Parties, 5 members shall, as a rule, be the States Parties with the most significant national chemical industry in the region as determined by internationally reported and published data; in addition, the regional group shall agree also to take into account other regional factors in designating these five members;
 - (f) One further State Party to be designated consecutively by States Parties located in the regions of Asia and Latin America and the Caribbean. As a basis for this designation it is understood that this State Party shall be a rotating member from these regions.
24. For the first election of the Executive Council 20 members shall be elected for a term of one year, due regard being paid to the established numerical proportions as described in paragraph 23.
25. After the full implementation of Articles IV and V the Conference may, upon the request of a majority of the members of the Executive Council, review the composition of the Executive Council taking into account developments related to the principles specified in paragraph 23 that are governing its composition.
26. The Executive Council shall elaborate its rules of procedure and submit them to the Conference for approval.

27. The Executive Council shall elect its Chairman from among its members.
28. The Executive Council shall meet for regular sessions. Between regular sessions it shall meet as often as may be required for the fulfilment of its powers and functions.
29. Each member of the Executive Council shall have one vote. Unless otherwise specified in this Convention, the Executive Council shall take decisions on matters of substance by a two-thirds majority of all its members. The Executive Council shall take decisions on questions of procedure by a simple majority of all its members. When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the Executive Council by the majority required for decisions on matters of substance.

Powers and functions

30. The Executive Council shall be the executive organ of the Organization. It shall be responsible to the Conference. The Executive Council shall carry out the powers and functions entrusted to it under this Convention, as well as those functions delegated to it by the Conference. In so doing, it shall act in conformity with the recommendations, decisions and guidelines of the Conference and assure their proper and continuous implementation.
31. The Executive Council shall promote the effective implementation of, and compliance with, this Convention. It shall supervise the activities of the Technical Secretariat, cooperate with the National Authority of each State Party and facilitate consultations and cooperation among States Parties at their request.
32. The Executive Council shall:
 - (a) Consider and submit to the Conference the draft programme and budget of the Organization;
 - (b) Consider and submit to the Conference the draft report of the Organization on the implementation of this Convention, the report on the performance of its own activities and such special reports as it deems necessary or which the Conference may request;
 - (c) Make arrangements for the sessions of the Conference including the preparation of the draft agenda.
33. The Executive Council may request the convening of a special session of the Conference.
34. The Executive Council shall:
 - (a) Conclude agreements or arrangements with States and international organizations on behalf of the Organization, subject to prior approval by the Conference;
 - (b) Conclude agreements with States Parties on behalf of the Organization in connection with Article X and supervise the voluntary fund referred to in Article X;
 - (c) Approve agreements or arrangements relating to the implementation of verification activities, negotiated by the Technical Secretariat with States Parties.
35. The Executive Council shall consider any issue or matter within its competence affecting this Convention and its implementation, including concerns regarding compliance, and cases of non-compliance, and, as appropriate, inform States Parties and bring the issue or matter to the attention of the Conference.
36. In its consideration of doubts or concerns regarding compliance and cases of non-compliance, including, inter alia, abuse of the rights provided for under this Convention, the Executive Council shall consult with the States Parties involved and, as appropriate, request the State Party to take measures to redress the situation within a specified time. To the extent that the Executive Council considers further action to be necessary, it shall take, inter alia, one or more of the following measures:
 - (a) Inform all States Parties of the issue or matter;

- (b) Bring the issue or matter to the attention of the Conference;
- (c) Make recommendations to the Conference regarding measures to redress the situation and to ensure compliance.

The Executive Council shall, in cases of particular gravity and urgency, bring the issue or matter, including relevant information and conclusions, directly to the attention of the United Nations General Assembly and the United Nations Security Council. It shall at the same time inform all States Parties of this step.

D. THE TECHNICAL SECRETARIAT

- 37. The Technical Secretariat shall assist the Conference and the Executive Council in the performance of their functions. The Technical Secretariat shall carry out the verification measures provided for in this Convention. It shall carry out the other functions entrusted to it under this Convention as well as those functions delegated to it by the Conference and the Executive Council.
- 38. The Technical Secretariat shall:
 - (a) Prepare and submit to the Executive Council the draft programme and budget of the Organization;
 - (b) Prepare and submit to the Executive Council the draft report of the Organization on the implementation of this Convention and such other reports as the Conference or the Executive Council may request;
 - (c) Provide administrative and technical support to the Conference, the Executive Council and subsidiary organs;
 - (d) Address and receive communications on behalf of the Organization to and from States Parties on matters pertaining to the implementation of this Convention;
 - (e) Provide technical assistance and technical evaluation to States Parties in the implementation of the provisions of this Convention, including evaluation of scheduled and unscheduled chemicals.
- 39. The Technical Secretariat shall:
 - (a) Negotiate agreements or arrangements relating to the implementation of verification activities with States Parties, subject to approval by the Executive Council;
 - (b) Not later than 180 days after entry into force of this Convention, coordinate the establishment and maintenance of permanent stockpiles of emergency and humanitarian assistance by States Parties in accordance with Article X, paragraphs 7 (b) and (c). The Technical Secretariat may inspect the items maintained for serviceability. Lists of items to be stockpiled shall be considered and approved by the Conference pursuant to paragraph 21 (i) above;
 - (c) Administer the voluntary fund referred to in Article X, compile declarations made by the States Parties and register, when requested, bilateral agreements concluded between States Parties or between a State Party and the Organization for the purposes of Article X.
- 40. The Technical Secretariat shall inform the Executive Council of any problem that has arisen with regard to the discharge of its functions, including doubts, ambiguities or uncertainties about compliance with this Convention that have come to its notice in the performance of its verification activities and that it has been unable to resolve or clarify through its consultations with the State Party concerned.
- 41. The Technical Secretariat shall comprise a Director-General, who shall be its head and chief administrative officer, inspectors and such scientific, technical and other personnel as may be required.

42. The Inspectorate shall be a unit of the Technical Secretariat and shall act under the supervision of the Director-General.
43. The Director-General shall be appointed by the Conference upon the recommendation of the Executive Council for a term of four years, renewable for one further term, but not thereafter.
44. The Director-General shall be responsible to the Conference and the Executive Council for the appointment of the staff and the organization and functioning of the Technical Secretariat. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. Only citizens of States Parties shall serve as the Director-General, as inspectors or as other members of the professional and clerical staff. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible. Recruitment shall be guided by the principle that the staff shall be kept to a minimum necessary for the proper discharge of the responsibilities of the Technical Secretariat.
45. The Director-General shall be responsible for the organization and functioning of the Scientific Advisory Board referred to in paragraph 21 (h). The Director-General shall, in consultation with States Parties, appoint members of the Scientific Advisory Board, who shall serve in their individual capacity. The members of the Board shall be appointed on the basis of their expertise in the particular scientific fields relevant to the implementation of this Convention. **The** Director-General may also, as appropriate, in consultation with members of the Board, establish temporary working groups of scientific experts to provide recommendations on specific issues. In regard to the above, States Parties may submit lists of experts to the Director-General.
46. In the performance of their duties, the Director-General, the inspectors and the other members of the staff shall not seek or receive instructions from any Government or from any other source external to the Organization. They shall refrain from any action that might reflect on their positions as international officers responsible only to the Conference and the Executive Council.
47. Each State Party shall respect the exclusively international character of the responsibilities of the Director-General, the inspectors and the other members of the staff and not seek to influence them in the discharge of their responsibilities.

E. PRIVILEGES AND IMMUNITIES

48. The Organization shall enjoy on the territory and in any other place under the jurisdiction or control of a State Party such legal capacity and such privileges and immunities as are necessary for the exercise of its functions.
49. Delegates of States Parties, together with their alternates and advisers, representatives appointed to the Executive Council together with their alternates and advisers, the Director-General and the staff of the Organization shall enjoy such privileges and immunities as are necessary in the independent exercise of their functions in connection with the Organization.
50. The legal capacity, privileges, and immunities referred to in this Article shall be defined in agreements between the Organization and the States Parties as well as in an agreement between the Organization and the State in which the headquarters of the Organization is seated. These agreements shall be considered and approved by the Conference pursuant to paragraph 21 (i).
51. Notwithstanding paragraphs 48 and 49, the privileges and immunities enjoyed by the Director-General and the staff of the Technical Secretariat during the conduct of verification activities shall be those set forth in Part II, Section B, of the Verification Annex.

Committee's Recommendation:

That the provision in Article 8 be retained (*Senator Jibril M, Aminu*) — *Agreed to.*

Question that Article 8 do stand part of the Treaty — Agreed to.

ARTICLE 9 — CONSULTATIONS, COOPERATION AND FACT-FINDING

1. States Parties shall consult and cooperate, directly among themselves, or through the Organization or other appropriate international procedures, including procedures within the framework of the United Nations and in accordance with its Charter, on any matter which may be raised relating to the object and purpose, or **the** implementation of the provisions, of this Convention.
2. Without prejudice to the right of any State Party to request a challenge inspection, States Parties should, whenever possible, first make every effort to clarify and resolve, through exchange of information and consultations among themselves, any matter which may cause doubt about compliance with this Convention, or which gives rise to concerns about a related matter which may be considered ambiguous. A State Party which receives a request from another State Party for clarification of any matter which the requesting State Party believes causes such a doubt or concern shall provide the requesting State Party as soon as possible, but in any case not later than 10 days after the request, with information sufficient to answer the doubt or concern raised along with an explanation of how the information provided resolves the matter. Nothing in this Convention shall affect the right of any two or more States Parties to arrange by mutual consent for inspections or any other procedures among themselves to clarify and resolve any matter which may cause doubt about compliance or gives rise to a concern about a related matter which may be considered ambiguous. Such arrangements shall not affect the rights and obligations of any State Party under other provisions of this Convention.

Procedure for requesting clarification

3. A State Party shall have the right to request the Executive Council to assist in clarifying any situation which may be considered ambiguous or which gives **rise** to a concern about the possible non-compliance of another State Party with this Convention. The Executive Council shall provide appropriate information in its possession relevant to such a concern.
4. A State Party shall have the right to request the Executive Council to obtain clarification from another State Party on any situation which may be considered ambiguous or which gives rise to a concern about its possible non-compliance with this Convention. In such a case, the following shall apply:
 - (a) The Executive Council shall forward the request for clarification to the State Party concerned through the Director-General not later than 24 hours after its receipt;
 - (b) The requested State Party shall provide the clarification to the Executive Council as soon as possible, but in any case not later than 10 days after the receipt of the request;
 - (c) The Executive Council shall take note of the clarification and forward it to the requesting State Party not later than 24 hours after its receipt;
 - (d) If the requesting State Party deems the clarification to be inadequate, it shall have the right to request the Executive Council to obtain from the requested State Party further clarification;
 - (e) For the purpose of obtaining further clarification requested under subparagraph (d), the Executive Council may call on the Director-General to establish a group of experts from the Technical Secretariat, or if appropriate staff are not available in the Technical Secretariat, from elsewhere, to examine all available information and data relevant to the situation causing the concern. The group of experts shall submit a factual report to the Executive Council on its findings;
 - if) If the requesting State Party considers the clarification obtained under subparagraphs (d) and (e) to be unsatisfactory, it shall have the right to request a special session of the Executive Council in which States Parties involved that are not members of the Executive Council shall be entitled to take part. In such a special session, the Executive Council shall consider the matter and may recommend any measure it deems appropriate to resolve the situation.

5. A State Party shall also have the right to request the Executive Council to clarify any situation which has been considered ambiguous or has given rise to a concern **about** its possible non-compliance with this Convention. The Executive Council shall respond by providing such assistance as appropriate.
6. The Executive Council shall inform the States Parties about any request for clarification provided in this Article.
7. If the doubt or concern of a State Party about a possible non-compliance has not been resolved within 60 days after the submission of the request for clarification to the Executive Council, or it believes its doubts warrant urgent consideration, notwithstanding its right to request a challenge inspection, it may request a special session of the Conference in accordance with Article VIII, paragraph 12 (c). At such a special session, the Conference shall consider the matter and may recommend any measure it deems appropriate to resolve the situation.

Procedures for challenge inspections

8. Each State Party has the right to request an on-site challenge inspection of any facility or location in the territory or in any other place under the jurisdiction or control of any other State Party for the sole purpose of clarifying and resolving any questions concerning possible non-compliance with the provisions of this Convention, and to have this inspection conducted anywhere without delay by an inspection team designated by the Director-General and in accordance with the Verification Annex.
9. Each State Party is under the obligation to keep the inspection request within the scope of this Convention and to provide in the inspection request all appropriate information on the basis of which a concern has arisen regarding possible non-compliance with this Convention as specified in the Verification Annex. Each State Party shall refrain from unfounded inspection requests, **care** being taken to avoid abuse. The challenge inspection shall be carried out for the sole purpose of determining facts relating to the possible non-compliance.
10. For the purpose of verifying compliance with the provisions of this Convention, each State Party shall permit the Technical Secretariat to conduct the on-site challenge inspection pursuant to paragraph 8.
11. Pursuant to a request for a challenge inspection of a facility or location, and in accordance with the procedures provided for in the Verification Annex, the inspected State Party shall have:
 - (a) The right and the obligation to make every reasonable effort to demonstrate its compliance with this Convention and, to this end, to enable the inspection team to fulfil its mandate;
 - (b) The obligation to provide access within **the** requested site for the sole purpose of establishing facts relevant to the concern regarding possible non-compliance; and
 - (c) The right to take measures to protect sensitive installations, and to prevent disclosure of confidential information and data, not related to this Convention.
12. With regard to an observer, the following shall apply:
 - (a) The requesting State Party may, subject to the agreement of the inspected State Party, send a representative who may be a national either of the requesting State Party or of a third State Party, to observe the conduct of the challenge inspection.
 - (b) The inspected State Party shall then grant access to the observer in accordance with the Verification Annex.
 - (c) The inspected State Party shall, as a rule, accept the proposed observer, but if the inspected State Party exercises a refusal, that fact shall be recorded in the final report.
13. The requesting State Party shall present an inspection request for an on-site challenge inspection to the Executive Council and at the same time to the Director-General for immediate processing.

14. The Director-General shall immediately ascertain that the inspection request meets the requirements specified in Part X, paragraph 4, of the Verification Annex, and, if necessary, assist the requesting State Party in filing the inspection request accordingly. When the inspection request fulfils the requirements, preparations for the challenge inspection shall begin.
15. The Director-General shall transmit the inspection request to the inspected State Party not less than 12 hours before the planned arrival of the inspection team at the point of entry.
16. After having received the inspection request, the Executive Council shall take cognizance of the Director-General's actions on the request and shall keep the case under its consideration throughout the inspection procedure. However, its deliberations shall not delay the inspection process.
17. The Executive Council may, not later than 12 hours after having received the inspection request, decide by a three-quarter majority of all its members against carrying out the challenge inspection, if it considers the inspection request to be frivolous, abusive or clearly beyond the scope of this Convention as described in paragraph 8. Neither the requesting nor the inspected State Party shall participate in such a decision. If the Executive Council decides against the challenge inspection, preparations shall be stopped, no further action on the inspection request shall be taken, and the States Parties concerned shall be informed accordingly.
18. The Director-General shall issue an inspection mandate for the conduct of the challenge inspection. The inspection mandate shall be the inspection request referred to in paragraphs 8 and 9 put into operational terms, and shall conform with the inspection request.
19. The challenge inspection shall be conducted in accordance with Part X or, in the case of alleged use, in accordance with Part XI of the Verification Annex. The inspection team shall be guided by the principle of conducting the challenge inspection in the least intrusive manner possible, consistent with the effective and timely accomplishment of its mission.
20. The inspected State Party shall assist the inspection team throughout the challenge inspection and facilitate its task. If the inspected State Party proposes, pursuant to Part X, Section C, of the Verification Annex, arrangements to demonstrate compliance with this Convention, alternative to full and comprehensive access, it shall make every reasonable effort, through consultations with the inspection team, to reach agreement on the modalities for establishing the facts with the aim of demonstrating its compliance.
21. The final report shall contain the factual findings as well as an assessment by the inspection team of the degree and nature of access and cooperation granted for the satisfactory implementation of the challenge inspection. The Director-General shall promptly transmit the final report of the inspection team to the requesting State Party, to the inspected State Party, to the Executive Council and to all other States Parties. The Director-General shall further transmit promptly to the Executive Council the assessments of the requesting and of the inspected States Parties, as well as the views of other States Parties which may be conveyed to the Director-General for that purpose, and then provide them to all States Parties.
22. The Executive Council shall, in accordance with its powers and functions, review the final report of the inspection team as soon as it is presented, and address any concerns as to:
 - (a) Whether any non-compliance has occurred;
 - (b) Whether the request had been within the scope of this Convention; and
 - (c) Whether the right to request a challenge inspection had been abused.
23. If the Executive Council reaches the conclusion, in keeping with its powers and functions, that further action may be necessary with regard to paragraph 22, it shall take the appropriate measures to redress the situation and to ensure compliance with this Convention, including specific recommendations to the Conference. In the case of abuse, the Executive Council shall examine whether the requesting State Party should bear any of the financial implications of the challenge inspection.

24. The requesting State Party and the inspected State Party shall have the right to participate in **the** review process. The Executive Council shall inform the States Parties and the next session of the Conference of the outcome of the process.
25. If the Executive Council has made specific recommendations to the Conference, the Conference shall consider action in accordance with Article XII

Committee's Recommendation:

That **the** provision in Article 9 be retained (*Senator Jibril M. Aminu*) — Agreed to.

Question that Article 9 do stand part of the Treaty — Agreed to. **ARTICLE 10 -**

ASSISTANCE AND PROTECTION AGAINST CHEMICAL WEAPONS

1. For the purposes of this Article, "Assistance" means the coordination and delivery to States Parties of protection against chemical weapons, including, inter alia, the following: detection equipment and alarm systems; protective equipment; decontamination equipment and decontaminants; medical antidotes and treatments; and advice on any of these protective measures.
2. Nothing in this Convention shall be interpreted as impeding the right of any State Party to conduct research into, develop, produce, acquire, transfer or use means of protection against chemical weapons, for purposes not prohibited under this Convention.
3. Each State Party undertakes to facilitate, and shall have the right to participate in, the fullest possible exchange of equipment, material and scientific and technological information concerning means of protection against chemical weapons.
4. For the purposes of increasing the transparency of national programmes related to protective purposes, each State Party shall provide annually to the Technical Secretariat information on its programme, in accordance with procedures to be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (i).
5. The Technical Secretariat shall establish, not later than 180 days after entry into force of this Convention and maintain, for the use of any requesting State Party, a data bank containing freely available information concerning various means of protection against chemical weapons as well as such information as may be provided by States Parties.

The Technical Secretariat shall also, within the resources available to it, and at the request of a State Party, provide expert advice and assist the State Party in identifying how its programmes for the development and improvement of a protective capacity against chemical weapons could be implemented.
6. Nothing in this Convention shall be interpreted as impeding the right of States Parties to request and provide assistance bilaterally and to conclude individual agreements with other States Parties concerning the emergency procurement of assistance.
7. Each State Party undertakes to provide assistance through the Organization and to this end to elect to take one or more of the following measures:
 - (a) To contribute to the voluntary fund for assistance to be established by the Conference at its first session;
 - (b) To conclude, if possible not later than 180 days after this Convention enters into force for it, agreements with the Organization concerning the procurement, upon demand, of assistance;
 - (c) To declare, not later than 180 days after this Convention enters into force for it, the kind of assistance it might provide in response to an appeal by the Organization. If, however, a State Party subsequently is unable to provide the assistance envisaged in its declaration, it is still under the obligation to provide assistance in accordance with this paragraph.

8. Each State Party has the right to request and, subject to the procedures set forth in paragraphs 9, 10 and 11, to receive assistance and protection against the use or threat of use of chemical weapons if it considers that:
 - (a) Chemical weapons have been used against it;
 - (b) Riot control agents have been used against it as a method of warfare; or
 - (c) It is threatened by actions or activities of any State that are prohibited for States Parties by Article I.
9. The request, substantiated by relevant information, shall be submitted to the Director-General, who shall transmit it immediately to the Executive Council and to all States Parties. The Director-General shall immediately forward the request to States Parties which have volunteered, in accordance with paragraphs 7 (b) and (c), to dispatch emergency assistance in case of use of chemical weapons or use of riot control agents as a method of warfare, or humanitarian assistance in case of serious threat of use of chemical weapons or serious threat of use of riot control agents as a method of warfare to the State Party concerned not later than 12 hours after receipt of the request. The Director-General shall initiate, not later than 24 hours after receipt of the request, an investigation in order to provide foundation for further action. He shall complete the investigation within 72 hours and forward a report to the Executive Council. If additional time is required for completion of the investigation, an interim report shall be submitted within the same time-frame. The additional time required for investigation shall not exceed 72 hours. It may, however, be further extended by similar periods. Reports at the end of each additional period shall be submitted to the Executive Council. The investigation shall, as appropriate and in conformity with the request and the information accompanying the request, establish relevant facts related to the request as well as the type and scope of supplementary assistance and protection needed.
10. The Executive Council shall meet not later than 24 hours after receiving an investigation report to consider the situation and shall take a decision by simple majority within the following 24 hours on whether to instruct the Technical Secretariat to provide supplementary assistance. The Technical Secretariat shall immediately transmit to all States Parties and relevant international organizations the investigation report and the decision taken by the Executive Council. When so decided by the Executive Council, the Director-General shall provide assistance immediately. For this purpose, the Director-General may cooperate with the requesting State Party, other States Parties and relevant international organizations. The States Parties shall make the fullest possible efforts to provide assistance.
11. If the information available from the ongoing investigation or other reliable sources would give sufficient proof that there are victims of use of chemical weapons and immediate action is indispensable, the Director-General shall notify all States Parties and shall take emergency measures of assistance, using the resources the Conference has placed at his disposal for such contingencies. The Director-General shall keep the Executive Council informed of actions undertaken pursuant to this paragraph

Committee's Recommendation:

That the provision in Article 10 be retained (*Senator Jibril M, Aminu*) — *Agreed to.*

Question that Article 10 do stand part of the Treaty — Agreed to. ARTICLE 11 -

ECONOMIC AND TECHNOLOGICAL DEVELOPMENT

1. The provisions of this Convention shall be implemented in a manner which avoids hampering the economic or technological development of States Parties, and international cooperation in the field of chemical activities for purposes not prohibited under this Convention including the international exchange of scientific and technical information and chemicals and equipment for the production, processing or use of chemicals for purposes not prohibited under this Convention.
2. Subject to the provisions of this Convention and without prejudice to the principles and applicable rules of international law, the States Parties shall:
 - (a) Have the right, individually or collectively, to conduct research with, to develop, produce, acquire, retain, transfer, and use chemicals;

- (b) Undertake to facilitate, and have the right to participate in, the fullest possible exchange of chemicals, equipment and scientific and technical information relating to the development and application of chemistry for purposes not prohibited under **this** Convention;
- (c) Not maintain among themselves any restrictions, including those in any international agreements, incompatible with the obligations undertaken under this Convention, which would restrict or impede trade and the development and promotion of scientific and technological knowledge in the field of chemistry for industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;
- (d) Not use this Convention as grounds for applying any measures other than those provided for, or permitted, under this Convention nor use any other international agreement for pursuing an objective inconsistent with this Convention;
- (e) Undertake to review their existing national regulations in the field of trade in chemicals in order to render them consistent with the object and purpose of this Convention.

Committee's Recommendation:

That the provision in Article 11 be retained (*Senator Jibril M. Aminu*) ~- Agreed to.

Question that Article 11 do stand part of the Treaty — Agreed to.

ARTICLE 12 - MEASURES TO REDRESS A SITUATION AND TO ENSURE COMPLIANCE, INCLUDING SANCTIONS

1. The Conference shall take the necessary measures, as set forth in paragraphs 2, 3 and 4, to ensure compliance with this Convention and to redress and remedy any situation which contravenes the provisions of this Convention. In considering action pursuant to this paragraph, the Conference shall take into account all information and recommendations on the issues submitted by the Executive Council.
2. In cases where a State Party has been requested by the Executive Council to take measures to redress a situation raising problems with regard to its compliance, and where the State Party fails to fulfil the request within the specified time, the Conference may, inter alia, upon the recommendation of the Executive Council, restrict or suspend the State Party's rights and privileges under this Convention until it undertakes the necessary action to conform with its obligations under this Convention.
3. In cases where serious damage to the object and purpose of this Convention may result from activities prohibited under this Convention, in particular by Article I, the Conference may recommend collective measures to States Parties in conformity with international law.
4. The Conference shall, in cases of particular gravity, bring the issue, including relevant information and conclusions, to the attention of the United Nations General Assembly and the United Nations Security Council.

Committee's Recommendation:

That the provision in Article 12 be retained (*Senator Jibril M. Aminu*) — Agreed to.

Question that Article 12 do stand part of the Treaty — Agreed to. **ARTICLE 13 -**

RELATION TO OTHER INTERNATIONAL AGREEMENTS

Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, signed at London, Moscow and Washington on 10 April 1972.

Committee's Recommendation:

That the provision in Article 13 be retained (*Senator Jibril M. Aminu*) — *Agreed to.*

Question that Article 13 do stand part of the Treaty — Agreed to.

ARTICLE 14 — SETTLEMENT OF DISPUTES

1. Disputes that may arise concerning the application or the interpretation of this Convention shall be settled in accordance with the relevant provisions of this Convention and in conformity with the provisions of the Charter of the United Nations.
2. When a dispute arises between two or more States Parties, or between one or more States Parties and the Organization, relating to the interpretation or application of this Convention, the parties concerned shall consult together with a view to the expeditious settlement of the dispute by negotiation or by other peaceful means of the parties' choice, including recourse to appropriate organs of this Convention and, by mutual consent, referral to the International Court of Justice in conformity with the Statute of the Court. The States Parties involved shall keep the Executive Council informed of actions being taken.
3. The Executive Council may contribute to the settlement of a dispute by whatever means it deems appropriate, including offering its good offices, calling upon the States Parties to a dispute to start the settlement process of their choice and recommending a time-limit for any agreed procedure.
4. The Conference shall consider questions related to disputes raised by States Parties or brought to its attention by the Executive Council. The Conference shall, as it finds necessary, establish or entrust organs with tasks related to the settlement of these disputes in conformity with Article VIII, paragraph 21 (f).
5. The Conference and the Executive Council are separately empowered, subject to authorization from the General Assembly of the United Nations, to request the International Court of Justice to give an advisory opinion on any legal question arising within the scope of the activities of the Organization. An agreement between the Organization and the United Nations shall be concluded for this purpose in accordance with Article VIII, paragraph 34 (a),
6. This Article is without prejudice to Article IX or to the provisions on measures to redress a situation and to ensure compliance, including sanctions

Committee's Recommendation:

That the provision in Article 14 be retained (*Senator Jibril M. Aminu*) — *Agreed to.*

Question that Article 14 do stand part of the Treaty — Agreed to.

ARTICLE 15 — AMENDMENTS

1. Any State Party may propose amendments to this Convention. Any State Party may also propose changes, as specified in paragraph 4, to the Annexes of this Convention. Proposals for amendments shall be subject to the procedures in paragraphs 2 and 3. Proposals for changes, as specified in paragraph 4, shall be subject to the procedures in paragraph 5.
2. The text of a proposed amendment shall be submitted to the Director-General for circulation to all States Parties and to the Depositary. The proposed amendment shall be considered only by an Amendment Conference. Such an Amendment Conference shall be convened if one third or more of the States Parties notify the Director-General not later than 30 days after its circulation that they support further consideration of the proposal. The Amendment Conference shall be held immediately following a regular session of the Conference unless the requesting States Parties ask for an earlier meeting. In no case shall an Amendment Conference be held less than 60 days after the circulation of the proposed amendment.
3. Amendments shall enter into force for all States Parties 30 days after deposit of the instruments of ratification or acceptance by all the States Parties referred to under subparagraph (b) below:
 - (a) When adopted by the Amendment Conference by a positive vote of a majority of all States Parties with no State Party casting a negative vote; and

- (b) Ratified or accepted by all those States Parties casting a positive vote at the Amendment Conference.
4. In order to ensure the viability and the effectiveness of this Convention, provisions in the Annexes shall be subject to changes in accordance with paragraph 5, if proposed changes are related only to matters of an administrative or technical nature. All changes to the Annex on Chemicals shall be made in accordance with paragraph 5. Sections A and C of the Confidentiality Annex, Part X of the Verification Annex, and those definitions in Part I of the Verification Annex which relate exclusively to challenge inspections, shall not be subject to changes in accordance with paragraph 5.
5. Proposed changes referred to in paragraph 4 shall be made in accordance with the following procedures:
- (a) The text of the proposed changes shall be transmitted together with the necessary information to the Director-General. Additional information for the evaluation of the proposal may be provided by any State Party and the Director-General. The Director-General shall promptly communicate any such proposals and information to all States Parties, the Executive Council and the Depositary;
- (b) Not later than 60 days after its receipt, the Director-General shall evaluate the proposal to determine all its possible consequences for the provisions of this Convention and its implementation and shall communicate any such information to all States Parties and the Executive Council;
- (c) The Executive Council shall examine the proposal in the light of all information available to it, including whether the proposal fulfils the requirements of paragraph 4. Not later than 90 days after its receipt, the Executive Council shall notify its recommendation, with appropriate explanations, to all States Parties for consideration. States Parties shall acknowledge receipt within 10 days;
- (d) If the Executive Council recommends to all States Parties that the proposal be adopted, it shall be considered approved if no State Party objects to it within 90 days after receipt of the recommendation. If the Executive Council recommends that **the** proposal be rejected, it shall be considered rejected if no State Party objects to the rejection within 90 days after receipt of the recommendation;
- (e) If a recommendation of the Executive Council does not meet with the acceptance required under subparagraph (d), a decision on the proposal, including whether it fulfils the requirements of paragraph 4, shall be taken as a matter of substance by the Conference at its next session;
- (f) The Director-General shall notify all States Parties and the Depositary of any decision under this paragraph;
- (g) Changes approved under this procedure shall enter into force for all States Parties 180 days after the date of notification by the Director-General of their approval unless another time period is recommended by the Executive Council or decided by the Conference.

Committee's Recommendation:

That the provision in Article 15 be retained (*Senator Jibril M, Aminu*) — *Agreed to.*

Question that Article 15 do stand part of the Treaty — Agreed to.

ARTICLE 16 - DURATION AND WITHDRAWAL

1. This Convention shall be of unlimited duration.
2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Convention if it decides that extraordinary events, related to the subject-matter of this Convention, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal 90 days in advance to all other States Parties, the Executive Council, the Depositary and the United Nations Security Council. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

3. The withdrawal of a State Party from this Convention shall not in any way affect the duty of States to continue fulfilling the obligations assumed under any relevant rules of international law, particularly the Geneva Protocol of 1925.

Committee's Recommendation;

That the provision in Article 16 be retained (*Senator Jibril M. Aminu*) — *Agreed to.*

Question that Article 16 do stand part of the Treaty — Agreed to.

ARTICLE 17 — STATUS OF THE ANNEXES

The Annexes form an integral part of this Convention. Any reference to this Convention includes the Annexes.

Committee's Recommendation:

That the provision in Article 17 be retained (*Senator Jibril M. Aminu*) — *Agreed to.*

Question that Article 17 do stand part of the Treaty — Agreed to.

ARTICLE 18 — SIGNATURE

This Convention shall be open for signature for all States before its entry into force.

Committee's Recommendation;

That the provision in Article 18 be retained (*Senator Jibril M. Aminu*) — *Agreed to.*

Question that Article 18 do stand part of the Treaty — Agreed to.

ARTICLE 19 - RATIFICATION

This Convention shall be subject to ratification by States Signatories according to their respective constitutional processes.

Committee's Recommendation:

That the provision in Article 19 be retained (*Senator Jibril M. Aminu*) — *Agreed to.*

Question that Article 19 do stand part of the Treaty — Agreed to.

ARTICLE 20 - ACCESSION

Any State which does not sign this Convention before its entry into force may accede to it at any time thereafter.

Committee's Recommendation:

That the provision in Article 20 be retained (*Senator Jibril M. Aminu*) — *Agreed to.*

Question that Article 20 do stand part of the Treaty — Agreed to.

ARTICLE 21 - ENTRY INTO FORCE

1. This Convention shall enter into force 180 days after the date of the deposit of the 65th instrument of ratification, but in no case earlier than two years after its opening for signature.
2. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the 30th day following the date of deposit of their instrument of ratification or accession.

Committee's Recommendation:

That the provision in Article 21 be retained (*Senator Jibril M. Aminu*) — *Agreed to.*

Question that Article 21 do stand part of the Treaty — Agreed to.

ARTICLE 22 - RESERVATIONS

The Articles of this Convention shall not be subject to reservations. The Annexes of this Convention shall not be subject to reservations incompatible with its object and purpose.

Committee's Recommendation:

That the provision in Article 22 be retained (*Senator Jibril M. Aminu*) — *Agreed to.*

Question that Article 22 do stand part of the Treaty — Agreed to.

ARTICLE 23 — DEPOSITARY

The Secretary-General of the United Nations is hereby designated as the Depositary of this Convention and shall, inter alia:

- (a) Promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of the entry into force of this Convention, and of the receipt of other notices;
- (b) Transmit duly certified copies of this Convention to the Governments of all signatory and acceding States; and
- (c) Register this Convention pursuant to Article 102 of the Charter of the United Nations.

Committee's Recommendation:

That the provision in Article 23 be retained (*Senator Jibril M. Aminu*) ~ *Agreed to.*

Question that Article 23 do stand part of the Treaty — Agreed to.

ARTICLE 24 - AUTHENTIC TEXTS

This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

Committee's Recommendation:

That the provision in Article 24 be retained (*Senator Jibril M. Aminu*) — *Agreed to.*

Question that Article 24 do stand part of the Treaty — Agreed to.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

Done at Paris on the thirteenth day of January, one thousand nine hundred and ninety-three.

ANNEX ON CHEMICALS

A. GUIDELINES FOR SCHEDULES OF CHEMICALS

Guidelines for Schedule 1

1. The following criteria shall be taken into account in considering whether a toxic chemical or precursor should be included in Schedule 1:
 - (a) It has been developed, produced, stockpiled or used as a chemical weapon as defined in Article II;
 - (b) It poses otherwise a high risk to the object and purpose of this Convention by virtue of its high potential for use in activities prohibited under this Convention because one or more of the following conditions are met:
 - (i) It possesses a chemical structure closely related to that of other toxic chemicals listed in Schedule 1, and has, or can be expected to have, comparable properties;

(ii) It possesses such lethal or incapacitating toxicity as well as other properties that would enable it to be used as a chemical weapon;

(Hi) It may be used as a precursor in the final single technological stage of production of a toxic chemical listed in Schedule 1, regardless of whether this stage takes place in facilities, in munitions or elsewhere;

(c) It has little or no use for purposes not prohibited under this Convention

Committee's Recommendation:

That the provision in Annex 1 be retained (*Senator Jibril M. Aminu*) — *Agreed to.*

Question that Annex I do stand part of the Treaty — Agreed to.

Guidelines for Schedule 2

2. The following criteria shall be taken into account in considering whether a toxic chemical not listed in Schedule 1 or a precursor to a Schedule 1 chemical or to a chemical listed in Schedule 2, part A, should be included in Schedule 2:

- (a) It poses a significant risk to the object and purpose of this Convention because it possesses such lethal or incapacitating toxicity as well as other properties that could enable it to be used as a chemical weapon;
- (b) It may be used as a precursor in one of the chemical reactions at the final stage of formation of a chemical listed in Schedule 1 or Schedule 2, part A;
- (c) It poses a significant risk to the object and purpose of this Convention by virtue of its importance in the production of a chemical listed in Schedule 1 or Schedule 2, part A;
- (d) It is not produced in large commercial quantities for purposes not prohibited under this Convention

Committee's Recommendation:

That the provision in Annex II be retained (*Senator Jibril M. Aminu*) — *Agreed to.*

Question that Annex II do stand part of the Treaty — Agreed to.

Guidelines for Schedule 3

3. The following criteria shall be taken into account in considering whether a toxic chemical or precursor, not listed in other Schedules, should be included in Schedule 3:

- (a) It has been produced, stockpiled or used as a chemical weapon;
- (b) It poses otherwise a risk to the object and purpose of **this** Convention because it possesses such lethal or incapacitating toxicity as well as other properties that might enable it to be used as a chemical weapon;
- (c) It poses a risk to the object and purpose of this Convention by virtue of its importance in the production of one or more chemicals listed in Schedule 1 or Schedule 2, part B;
- (d) It may be produced in large commercial quantities for purposes not prohibited under this Convention.

Committee's Recommendation:

That the provision in Annex III be retained (*Senator Jibril M. Aminu*) — *Agreed to.*

Question that Annex III do stand part of the Treaty — Agreed to.

B. SCHEDULES OF CHEMICALS

The following Schedules list toxic chemicals and their precursors. For the purpose of implementing this Convention, these Schedules identify chemicals for the application of verification measures according to the provisions of the Verification Annex. Pursuant to Article II, subparagraph 1 (a), these Schedules do not constitute a definition of chemical weapons.

{Whenever reference is made to groups of dialkylated chemicals, followed by a list of alkyl groups in parentheses, all chemicals possible by all possible combinations of alkyl groups listed in the parentheses are considered as listed in the respective Schedule as long as they are not explicitly exempted. A chemical marked * on Schedule 2, part A, is subject to special thresholds for declaration and verification, as specified in Part VII of the Verification Annex.)

A. Toxic chemicals:

- (1) 0-Alkyl (<C₁₀, incl. cycloalkyl) alkyl (Me, Et, n-Pr or **i-Pr**) -
phosphonofluoridates e.g. Sarin: O-Isopropyl methylphosphono
fluoridate Soman: O-Pmacolyl methylphosphono fluoridate
(107-44-8)
(96-64-0)
- (2) 0-Alkyl (<C₁₀ incl. cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr)
- phosphoramidocyanidates e.g. Tabun: O-Ethyl N,N-dimethyl
phosphor amidocyanidate
(77-81-6)
- (3) 0-Alkyl (H or <C₁₀, incl. cycloalkyl) S-2-dialkyl (Me, Et, n-Pr or
i-Pr) - aminoethyl alkyl (Me, Et, n-Pr or i-Pr)-phosphonothiolates
and corresponding
alkylated or protonated salts e.g. VX: O-Ethyl S-2-diisopropylaminoethyl
methyl phosphonothiolate
(50782-69-9)
(2625-76-5)
- (4) Sulfur mustards:
2-Chloroethylchloromethylsulfide Mustard gas: Bis(2-chloroethyl)sulfide
Bis(2-chloroethylthio) methane Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane
(505-60-2)
(63869-13)
-6)
1,3 - Bis (2-chloroethylthio)-n-propane
1,4-Bis(2-chloroethylthio)-n-butane
1,5-Bis(2-chloroethylthio)-n-pentane
(142868)
Bis(2-chloroethylthiomethyl)ether
(63918-90-1)
0-Mustard: Bis(2-chloroethylthioethyl) ether
(63918-89-8)
(63918-89-8)
- (5) Lewisites:
Lewisite 1: 2-Chlorovinyl dichloroarsine
Lewisite 2: Bis(2-chlorovinyl)chloroarsine
Lewisite 3: Tris(2-chlorovinyl)arsine
- (6) Nitrogen mustards:
HN1: Bis(2-chloroethyl)ethylamine
(538-07-8)
HN2: Bis(2-chloroethyl)methylamine
(51-75-2)
HN3: **Tris(2-chloroethyl) amine**
(555-77-1)
- (7) Saxitoxin
(35523-89-8)
- (8) Ricin
(9009-86-3)

B. Precursors:

- (9) Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides e. g. DF:
Methylphosphonyldifluoride (676-99-3)

- (10) O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) 0-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphorates and corresponding alkylated or protonated salts e.g. QL: O-Ethyl 0-2-diisopropylaminoethyl methylphosphonite (57856-11-8)
- (11) Chlorosarin: O-Isopropyl methylphosphonochloridate (1445-76-7)
- (12) **Chlorosoman:** O-Pinacolyl methylphosphonochloridate • (7040-57-5)
- (CAS registry number)

Schedule 2

(number)

A. Toxic chemicals:

- (1) Amiton: 0,0-Diethyl S-[2-(diethylamino)ethyl] phosphorothiolate and corresponding alkylated or protonated salts
- (1) Amiton: 0,0-Diethyl S-[2-(diethylamino)ethyl] phosphorothiolate and corresponding alkylated or protonated salts
- (2) PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene (382-21-8)
- (3) BZ: 3-Quinuclidinyl benzilate (*) (6581-06-2)
- B. Precursors:
- (4) Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms, e.g. Methylphosphonyl dichloride Dimethyl methylphosphonate. Exemption: Fonofos: O-Ethyl S-phenyl ethylphosphonothiolothionate (676-97-1)
(756-79-6)
(944-22-9)
- (5) N, N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides
- (6) Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr) -phosphoramidates
- (7) Arsenic trichloride (7784-34-1)
- (8) 2,2-Diphenyl-2-hydroxyaceticacid (76-93-7)
- (9) Quinuclidine-3-ol (1619-34-7)
- (10) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts
- (11) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts Exemptions: N,N-Dimethylaminoethanol and corresponding protonated salts N,N-Diethylaminoethanol and corresponding protonated salts (108-01-0)
(100-37-8)
- (12) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiois and corresponding protonated salts
- (13) Thiodiglycol: Bis(2-hydroxyethyl) sulfide (111-48-8)
- (14) Pinacolyl alcohol: 3,3-Dimethylbutane-2-ol (464-07-3)

Schedule3

(CAS registry number)

A. Toxic chemicals:

- (1) Phosgene: Carbonyl dichloride (75-44-5)
- (2) Cyanogen chloride (506-77-4)

(3)	Hydrogen cyanide	(74-90-8)
(4)	Chloropicrin: Trichloronitro methane	(76-06-2)
	B. Precursors:	
(5)	Phosphorus oxychloride	(10025-87-3)
(6)	Phosphorus trichloride	(7719-12-2)
(7)	Phosphorus pentachloride	(10026-13-8)
(8)	Trimethyl phosphite	(121-45-9)
(9)	Triethyl phosphite	(122-52-1)
(10)	Dimethyl phosphite	(868-85-9)
(11)	Diethyl phosphite	(762-04-9)
(12)	Sulfur monochloride	(10025-67-9)
(13)	Sulfur dichloride	(10545-99-0)
(14)	Thionyl chloride	(7719-09-7)
(15)	Ethyl diethanolamine	(139-87-7)
(16)	Methyldiethanolamine	(105-59-9)
(17)	Triethanolamine	(102-71-6)

**ORIGINAL SIGNATORIES OF THE CONVENTION
JANUARY 13-15, 1993 AT PARIS, FRANCE**

Afghanistan	France	Namibia
Albania	Gabon	Nauru
Algeria	Gambia,	The Netherlands
Argentina	Georgia	New Zealand
Australia	Germany	Niger
Austria	Ghana	Nigeria
Azerbaijan	Greece	Norway
Bangladesh	Guatemala	Pakistan
Belarus	Guinea Papua	New Guinea
Belgium	Haiti	Paraguay
Benin	Holy See	Peru
Bolivia	Honduras	Philippines
Brazil	Hungary	Poland
Brunei	Iceland	Portugal
Bulgaria	India	Romania
Burkina	Indonesia	Russia
Burma	Iran	San Marino
Burundi	Ireland	Senegal
Cambodia	Israel	Seychelles
Cameroon	Italy	Sierra Leone
Canada	Japan	Singapore
Cape Verde	Kazakhstan	Slovakia
Central African Republic	Kenya	Slovenia
Chile	Korea, South	South Africa
China	Liberia	Spain

Colombia	Lithuania	Sri Lanka
Comoros	Luxembourg	Sweden
Congo	Madagascar	Switzerland
Cook Islands	Malawi	Tajikistan
Costa Rica	Malaysia	Thailand
Cote d'Ivoire	Mali Malta	Togo
Croatia	Marshal Islands	Tunisia
Cuba	Mauritania Mauritius	Turkey
Cyprus	Mexico Micronesia,	Uganda
Czech Republic	States of Uruguay	Ukraine
Denmark	Moldova Monaco	United Kingdom
Dominican Republic	Mongolia Morocco	Federation United States
Ecuador	Zambia Zimbabwe	
El Salvador	March 2, 1998	Venezuela Vietnam
Equatorial Guinea		Western Samoa
Estonia		Zaire
Ethiopia		
Fiji		
Finland		

CHEMICAL WEAPONS CONVENTION SIGNATORIES/RATIFIERS

The Chemical Weapons Convention bans the development, production, acquisition, stockpiling, retention and direct or indirect transfer of Chemical Weapons. It also prohibits the use or preparation for use of CW and the assistance, encouragement, or inducement of anyone else to engage in activities prohibited by the CWC.

Signed by 130 countries in Paris on Jan. 12, 1993, the CWC entered into force on April 29, 1997. As of February 9, 165 countries have signed the CWC, of which 107 have ratified it. See attached list of countries. (Changes from previous list are in bold type.)

CHEMICAL WEAPONS CONVENTION SIGNATORIES/RATIFIERS

As of February 9, 1998

TOTAL: MEMBERS = 107; NON-RATIFYING SIGNATORIES = 61

Afghanistan	Ghana (Ratified 7/9/97)	Norway (Ratified 4/7/94)
Albania (Ratified 5/11/94)	Greece (Ratified 12/22/94)	Oman (Ratified 2/8/95)
Algeria (Ratified 8/14/95)	Grenada (Signed 4/9/97)	Pakistan (Ratified 10/28/97)
Argentina (Ratified 10/02/95)	Guatemala	Panama (Signed 6/16/93)
Armenia (Ratified 1/27/95)	Guinea (Ratified 6/9/97)	Papua New Guinea (Ratified 4/17/96)
Australia (Ratified 5/6/94)	Guinea-Bissau	Paraguay (Ratified 12/1/94)
Austria (Ratified 8/17/95)	Guyana (Ratified 9/12/97)	Peru (Ratified 7/20/95)
Azerbaijan	Haiti	Philippines (Ratified 12/11/96)
Bahamas (Signed 3/2/94)	Holy See	Poland (Ratified 2/15/95)
Bahrain (Ratified 4/28/97)	Honduras	Portugal (Ratified 9/10/96)
Bangladesh (Ratified 4/25/97)	Hungary (Ratified 10/31/96)	Qatar (Ratified 9/3/97)
Belarus (Ratified 7/11/96)	Iceland (Ratified 4/28/97)	Romania (Ratified 2/15/95)
Belgium (Ratified 1/27/97)	India (Ratified 9/3/96)	Russian Federation (Ratified 11/5/97)
Benin	Indonesia	Rwanda (Signed 5/17/93)
Bhutan (Signed 4/24/97)	Iran (Ratified 11/3/97)	Samoa
Bolivia	Ireland (Ratified 6/24/96)	San Marino
Bosnia-Herzegovina (Ratified 2/25/97)	Israel	Saudi Arabia (Ratified 8/9/96)
Brazil (Ratified 3/13/96)	Italy (Ratified 12/8/95)	Senegal
Brunei Darussalam (Ratified 7/28/97)	Jamaica (Signed 4/18/97)	Seychelles (Ratified 4/7/93)
Bulgaria (Ratified 8/10/94)	Japan (Ratified 9/15/95)	Sierra Leone
Burkina Faso (Ratified 7/8/97)	Jordan (Ratified 10/29/97)	Singapore (Ratified 5/25/97)
Burma (Myanmar)	Kazakhstan	Slovak Republic (Ratified 10/27/95)

Burundi	Kenya (Ratified 4/27/97)	Slovenia (Ratified 6/11/97)
Cambodia	Korea (Rep of) (Ratified 4/28/97)	South Africa (Ratified 9/13/95)
Cameroon (Ratified 9/16/96)	Kuwait (Ratified 5/29/97)	Spain (Ratified 8/3/94)
Canada (Ratified 9/26/95)	Kyrgyzstan (Signed 2/22/93)	Sri Lanka (Ratified 8/19/94)
Cape Verde	Laos (P.D.R.) (Ratified 2/25/97)	St. Kitts & Nevis (Signed 3/16/94)
Central African Rep.	Latvia (Ratified 7/23/96)	St. Lucia (Ratified 4/9/97)
Chad (Signed 10/11/94)	Lesotho (Signed and Ratified 12/7/94)	St. Vincent and The Grenadines (Signed 9/20/93)
Chile (Ratified 7/12/96)	Liberia	Suriname (Ratified 4/28/97)
China (Ratified 4/25/97)	Liechtenstein (Signed 7/21/93)	Swaziland (Ratified 11/20/96)
Colombia	Lithuania	Sweden (Ratified 6/17/93)
Comoros	Luxembourg (Ratified 4/15/97)	Switzerland (Ratified 3/10/95)
Congo	Macedonia (Ratified 6/20/97)	Tajikistan (Ratified 1/11/95)
Cook Islands (Ratified 7/15/94)	Madagascar	Tanzania (Signed 2/25/94)
Costa Rica (Ratified 5/31/96)	Malawi	Thailand
Cote d'Ivoire (Ratified 12/18/95)	Malaysia	Togo (Ratified 4/23/97)
Croatia (Ratified 5/23/95)	Maldives (Ratified 5/31/94)	Trinidad and Tobago (Ratified 6/24/97)
Cuba (Ratified 4/29/97)	Mali (Ratified 4/28/97)	Tunisia (Ratified 4/15/97)
Cyprus	Malta (Ratified 4/28/97)	Turkey (Ratified 5/12/97)
Czech Republic (Ratified 3/6/96)	Marshall Islands	Turkmenistan (Ratified 9/29/94)
Denmark (Ratified 7/12/95)	Mauritania (Ratified 2/9/98)	Uganda
Djibouti (Signed 9/28/93)	Mauritius (Ratified 2/9/93)	Ukraine
Dominica (Signed 8/2/93)	Mexico (Ratified 8/29/94)	United Arab Emirates (Signed 2/2/93)
Dominican Republic	Micronesia	United Kingdom (Ratified 5/13/96)
Ecuador (Ratified 9/6/95)	Moldova (Rep of) (Ratified 7/8/96)	United States (Ratified 4/25/97)
El Salvador (Ratified 10/30/95)	Monaco (Ratified 6/1/95)	Uruguay (Ratified 10/6/94)
Equatorial Guinea (Ratified 4/25/97)	Mongolia (Ratified 1/17/95)	Uzbekistan (Ratified 7/23/96)
Estonia	Morocco (Ratified 12/28/95)	Venezuela (Ratified 12/3/97)
Ethiopia (Ratified 5/13/96)	Namibia (Ratified 11/27/95)	Vietnam
Fiji (Ratified 1/20/93)	Nauru (Rep of)	Yemen (Signed 2/8/93)
Finland (Ratified 2/7/95)	Nepal (Ratified 11/18/97)	Zaire
France (Ratified 3/2/95)	Netherlands (Ratified 6/30/95)	Zambia
Gabon	New Zealand (Ratified 7/15/96)	Zimbabwe (Ratified 4/25/97)
Gambia	Nicaragua (Signed 3/9/93)	
Georgia (Ratified 11/27/95)	Niger (Ratified 4/9/97)	
Germany (ratified 8/12/94)	Nigeria	

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of Whole considered the Report of the Committee on Foreign Affairs on the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and Other Destructions and for purposes connected therewith, 2006 and approved the recommendations without amendment.

Question: "Will the Senate concur in the Report of the Committee of the Whole?"

Resolved in (he Affirmative.

Question: "Will the Senate consent and advise in the implementation of the Convention in the form agreed to?"

Resolved in the Affirmative.

Motion made and Question Proposed: That the Bill to domesticate the Treaty be now read the Third Time (Deputy Senate Majority Leader).

Question resolved in the Affirmative.

Bill accordingly read the Third Time and Passed.

9. Committee on Public Accounts:

Report on Auditor-General for the Federation and for Other Related Matters Bill 2006 (SB. 266):

Report recommitted to the Committee for further legislative action to represent within one week.

10. Committee on Establishment and Public Service:

Report on Institute for Democratic Students Bill, 2006 (SB. 118):

Motion made and Question Proposed: That the Senate do receive and consider the Report of the Committee on Establishment and Public Service on a Bill for an Act to Establish the Institute for Democratic Studies Bill, 2006 and approve the recommendations (Senator Felix O. Ibru).

Question put and agreed to.

Report presented. Debate:

Motion made and Question Proposed: That the Senate do resolve into a Committee of the Whole to consider the Report (Deputy Senate Majority Leader).

Question put and agreed to.

(SENATE IN COMMITTEE OF THE WHOLE)

A BILL FOR AN ACT FOR THE ESTABLISHMENT OF THE INSTITUTE FOR DEMOCRATIC STUDIES 2004 (SB. 118)

Clause 1: Establishment of the Institute for Democratic Studies:

- (1) Establishment, etc of the Institute for Democratic Studies hereby established.

Committee's Recommendation:

Immediately after the word "Democratic" insert the words "and Legislative" where ever it exists (Senator Felix O. Ibru) — Agreed to.

- (2) The Institute for Democratic Studies (hereinafter called "The Institute") shall be a body corporate with perpetual succession and a common seal.
- (3) The Institute shall maintain its head office in Abuja within the vicinity of the National Assembly or such other places as the Governing Council established hereunder shall determine.

Committee's Recommendation:

Leave out the provision in sub-clause 3 and insert a new one as follows:

The institute shall be located in Abuja (Senator Felix O. Ibru) ~- Agreed to.

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

Clause 2: Functions and Objectives of the Institute:

- (1) Subject to the provisions of the Act, the Institute shall be charged with the responsibility of conducting quality academic and professional research, training and advocacy on democratic governance. In furtherance of this vision the Institute shall do the following:

Committee's Recommendation:

Immediately after the word "governance" in line 3 insert the words "and Legislative practice and procedures" where ever it exists (Senator Felix O. Ibru) — Agreed to.

- (a) act as a centre of excellence for research and publication on legislative practice and procedure.

- (b) act as a centre for continuing education on democracy and legislation.
- (c) promote and disseminate among Legislative Assemblies in Nigeria the practice of science based methodologies of law-making.
- (d) promote and protect constitutional due process in legislative practices.
- (e) provide critical research material and policy insights as background materials for committees of the National Assembly.
- (f) improve the capacity of legislators to sustain and consolidate democratic governance through deliberation and policy formulation.
- (g) improve the technical capacity of legislative staff, committee secretaries and political aides to process appropriation bills and policy oversight of the executive.
- (h) document and publish for public use the history and politics of the legislature in governance in Nigeria from colonial period to the present.
- (i) conduct study tours for members of the National Assembly.
- (j) periodic training on democratic principles for members of the Armed Forces.
- (k) monitoring of elections.
- (l) provide interface between democratic institutions and the civil societies.
- (m) conscientise the Nigerian public to imbibe, support and defend democratic ethics.

Committee's Recommendation:

Leave out the word "conscientise" and insert the word "sensitise" instead thereof (Senator Felix O. Ibru) — Agreed to.

- (n) undertake such other and incidental responsibilities relating to the development, consolidation and advancement of legislative independence and oversight of democratic governance in Nigeria.
- (2) In order to realize its objectives, the Institute shall have power to:
- (a) conduct periodic short and refresher courses for Legislators, legislative staff, secretaries and political aides on democracy and good governance.

Committee's Recommendation:

Immediately after the word "for" in line 1 insert the words "National and State Legislators," (Senator Felix O. Ibru) — Agreed to.

- (b) provide research reports for legislations for either chamber of the National Assembly, their Committees or the drafting units of the National Assembly.
- (c) produce independent policy responses to legislation or policies pending before either Chamber of the National Assembly.
- (d) initiate and encourage legislative drafting courses in tertiary institutions in Nigeria and abroad.

- (e) collaborate with national and international organizations on research and training on issues relevant to its mandate.

Committee's Recommendation:

Insert the words "Encourage private sector participation and" before the word "collaborate" inline 1 (*Senator Felix O. Ibru*) — Agreed to.

- (f) run and maintain quality and world class libraries and database on the legislative system and democratic governance.
- (g) it shall be involved in teaching, training and research on political culture and political development among others.

Committee's Recommendation:

Leave out the provision in sub-clause 2 (g) and insert a new subclause as follows: "Be Involved in teaching, training and research on political culture and political development" (*Senator Felix O. Ibru*) — Agreed to.

- (h) to develop training curricula for schools and tertiary institution on democracy, political culture, civics, ethics and political development.
- (i) to provide training courses on democracy, political culture and political development.
- (j) The Institute shall provide internship for scholars.
- (k) The Institute shall engage visiting scholars/fellows to participate in its academic research programmes.
- (l) The Institute shall provide endowments to enhance its training and teaching offered to its clients.

Committee's Recommendation:

Immediately after the word "enhance" in line 1 leave out the word "its" and insert the word "the" (*Senator Felix O. Ibru*) — Agreed to.

- (m) Initiate and execute any project that help to generate ideas and policies and recognized for good governance.

Committee's Recommendation:

Immediately after the word "that" in line 1 insert the word "would" (*Senator Felix O. Ibru*) — Agreed to.

- (n) Award appropriate certificate according to the training and teaching offered to its clients.

Committee's Recommendation:

Immediately after the word "appropriate" in line 1 insert the words "professional certificates and testimonials" (*Senator Felix O. Ibru*) — Agreed to.

- (3) The Institute shall not through its program, policies or however endorse any candidate or any political party for elective office or campaign on behalf of any religious, ethnic or cultural organization (*Senator Felix O. Ibru*) — Agreed to.

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

Clause 3:

Governing **Council** of the Institute:

- (1) There is hereby established for the Institute a Governing Council (hereinafter called "Council").

- (2) Except as herein otherwise provided, the Council is vested with the powers to make decision and formulate general policies for the guidance of the Institute or in order to realize its objectives.

Committee's Recommendation:

Leave out the provision and sub-clause 3 (2) and **insert** a new subclause 3(2) as follows:
"The Council is vested with the powers to make decisions and formulate general policies for the guidance of the Institute" (*Senator Felix O. Ibru*) — *Agreed to.*

Membership of the Council & Tenure of Office

- (3) (a) A Chairman, who shall be the Honourable Minister of Finance of the Federal Republic of Nigeria.
- (b) The Director-General, who shall be scholar in the field of Political Science or Law;

Committee's Recommendation:

Leave out the provision in sub-clauses 3 (a) and (b) and insert new sub-clauses 3 (a) and (b) as follows:

"The Council shall consist of the following members:

- (a) A part-time Chairman who shall be an experienced legal officer or any eminent Nigerian considered suitable for the office of Chairman.
- (b) The Rector, who shall be a professional in the field of Political Science or Law and shall have at least 12 years cognate experience in tertiary institutions (*Senator Felix O. Ibru*) — *Agreed to.*
- (c) The President of Nigerian Political Science Association (NPSA);
- (d) The President Nigerian Society of International Affairs (NSIA);
- (e) The President of National Council of Women Societies, Nigeria (NCWS);
- (f) A representative from each of the six (6) geo-political zones of the country;
- (g) The Chairman shall hold office as long as he or she is a Honourable Minister of the Federal Republic of Nigeria.

Committee's Recommendation:

Leave out the provision in sub-clauses 3(f) and (g) and **insert** new subclauses (f) and (g) as follows:

- (f) A representative from each of the six (6) geo-political zones of the country. Each representative shall have at least 5yrs cognate experience in legislation and governance.
- (g) The Chairman shall hold office for a period of 4 years and may be re-appointed for another term of 4 years (*Senator Felix O. Ibru*) — *Agreed to.*

Another Committee's Recommendation:

Insert additional clauses (h) to (j) as follows:

- (h) A representative of the Clerk of the National Assembly.
- (i) A representative of the National Assembly Service Commission.
- (j) A representative of the Parliamentary Senior Staff Association of Nigeria.

The Rector shall serve as the Secretary to the Council (*Senator Felix O. Ibru*) —
Agreed to.

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

Clause 4:

Appointment of Council Members:

- (1) The members of the Council shall be appointed by the President of the Federal Republic of Nigeria, subject to the confirmation of the Senate.
- (2) The members of the Council shall hold office for one term of 5 years; and may be appointed for one more term only.
- (3) The office of a member of the Council under this Bill shall become vacant if:

Committee's Recommendation:

Immediately after the word "of" in line 1 insert the words "Chairman, Rector or any" (*Senator Felix O. Ibru*) — *Agreed to.*

- (a) he resigns his office by notice in writing under his hand addressed to the President. Commander-in-Chief of the Armed Forces;
- (b) The President, Commander-in-Chief of the Armed Forces is satisfied that it is not in the interest of the Institute for the person appointed to continue in office and notifies the member in writing to that effect subject to Senate approval.
- (c) protracted ill-health.
- (d) death.

Committee's Recommendation:

Leave out the provision in sub-clauses (c) and (d) and insert new sub-clauses (c) to (f) as follow:

- (c) If he is a victim of protracted ill-health or he is severely incapacitated by accident and confirmed by constituted medical board.
- (d) If he suffers death.
- (e) If found guilty of financial impropriety.
- (f) If he is declared bankrupt (*Senator Felix O. Ibru*) — *Agreed to.*

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

Clause 5:

Director General of the Institute:

- (1) There shall be for the Institute, a Director-General who shall possess appropriate qualifications and cognate experience;

Committee's Recommendation:

Leave out the word "Director-General" and insert the word "Rector" where ever it exists (*Senator Felix O. Ibru*) — *Agreed to.*

- (2) The Director-General shall be appointed by the President, Commander-in-Chief of the Armed Forces from a list of three persons nominated by the Council.

Committee's Recommendation:

Immediately after the word "persons" in line 2 insert the word "recommended" (*Senator Felix O. Ibru*) — *Agreed to.*

- (3) The Director-General shall hold office for a period of four years and shall be eligible for re-appointment for a further term of four years, and no more.

Committee's Recommendation:

Substitute sub-clause 5(3) with a new one as follow:

"The Rector shall hold office for a period of five years and may be re-appointed for another term of five years, as generally applies in similar institutions"
(Senator Felix O. Ibru) — Agreed to.

- (4) The Director-General shall be the Chief Executive and Academic Officer of the Institute and shall be charged with general responsibility for matters relating to the day-to-day management and operations of the Institute; and
- (5) The Director-General shall be responsible to the Council.

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

Clause 6: The Structure of the Institute:

- (1) There shall be established for the Institute the following Departments:
 - (a) Department of Legislative Studies;
 - (b) Department of Governance and Public Policy Analysis
 - (c) Department of Democracy and Development; and
 - (d) Department of Programmes and Studies.

Committee's Recommendation:

Leave out the provision in sub-clause 6(1) and *insert* new sub-clauses 1 and 2 as follows:
"There shall be established for the Institute two (2) Schools of three (3) Departments each namely:

- (1) School of Democratic Studies:
 - (a) Department of Governance, Democracy and Development (GDD)
 - (b) Department of Public Policy Analysis and Programme (PPAP)
 - (c) Department of Social Sciences and General Services (SSGS)
 - (2) School of Legislative Studies:
 - (a) Department of Legislative Practices and Procedures (LLP)
 - (b) Department of Sergeant-at-Arms and Security Services (SASS)
 - (c) Department of Information, Publicity and Official Reporters (IPOR)
- (Senator Felix O. Ibru) — Agreed to.

- (2) The Department shall each be headed by a Director who shall be a professionally qualified person appointed through a competitive process after an open advertisement.

Committee's Recommendation:

Leave out the words "the department shall each be headed by a Director" and *insert* the words "Each school shall be headed by a Deputy Rector" instead thereof
(Senator Felix O. Ibru) — Agreed to.

- (3) The Director-General and the Management Board may approve the creation of more Departments as it may deem necessary and expedient to realize the objectives of the Institute.

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

Clause 7: Establishment of the Management Board:

- (1) There shall be established for the Institute a Management Board comprising the Director-General who shall act as the Chairman and the Heads of Department.

Committee's Recommendation:

Immediately after the word "the" in line 1 insert the words "Rector who shall act as the Chairman, two (2) Deputy Rectors, Registrar, Bursar, Librarian and six (6) Heads of Department (*Senator Felix O. Ibru*) — *Agreed to.*

- (2) The Management Board shall be responsible for general administration of the Institute, particularly recruitment, discipline and promotion of staff.
- (3) There shall be maintained in the office of the Director General, administrative finance and accounts, and audit units to perform relevant functions.
- (4) Each unit shall be headed by Chief Administrative Officer, Chief Auditor respectively.

Committee's Recommendation:

Leave out the provisions in sub-clauses 7(3) and (4) and insert new sub-clauses 7(3) and (4) as follows:

"(3) The Rector and Deputy Rectors shall perform such functions as their counterparts in tertiary institutions.

(4) There shall be positions of Registrar, Bursar, Librarian as contained in Clause 7(2) whose schedule of duties shall be specified by the Council" (*Senator Felix O. Ibru*) — *Agreed to.*

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

Clause 8: Academic Research Board:

- (1) There shall be established for the Institute an Academic Board;
- (2) The Academic Board shall have the Director-General of the Institute as Chairman, Heads of Department and other Senior Academic staff as members;
- (3) Subject to the provisions of this Act, the Academic Board shall advise the Director-General on research and training programs as they relate to the objectives of the Institute and the management of Academic staff (*Senator Felix O. Ibru*) — *Agreed to.*

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

Clause 9: Appointment of staff:

- (1) Staff of the Institute other than those mentioned in the Act shall be empowered according to procedure of employment in the civil service of the Federal Republic of Nigeria where its conditions of service are in place.

Committee's Recommendation:

Immediately after the word "be" in line 1 Leave out the word "empowered" and insert the word "employed" instead thereof (*Senator Felix O. Ibru*) — *Agreed to.*

- (2) Apart from members of the Governing Council, staff of the Institute shall be entitled to benefits under the Pension Act of Nigeria.

Committee's Recommendation:

Leave out the provision of sub-clause 9(2) and insert a new subclause 9(2) as follow:

" Staff of the Institute shall be entitled to benefits under the Pension Reform Act 2004 of Nigeria" (*Senator Felix O. Ibru*) — *Agreed to.*

- (3) Nothing in (1) and (2) shall prevent the employment of a person to any office on temporary or permanent basis on terms which preclude the grant of pension and gratuity to holder of such office.

Committee's Recommendation:

Leave out the provision in sub-clause 9(3) and insert a new subclause 9(3) as follow:

- (3) Nothing in subsections (1) and (2) of this Section shall prevent the employment of a person to any office on temporary or permanent basis on terms which preclude the grant of pension (*Senator Felix O. Ibru*) — *Agreed to.*

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

Clause 10:**Staff regulation:**

- (1) The Council may, subject to the provision of this Bill, make staff regulations relating generally to the conditions of service of the employees of the Institute and without prejudice to the generality of the foregoing such regulations may provide for —
- (a) the appointment, promotion and disciplinary control (including dismissal) of employees of the Institute; and
- (b) 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 public officers shall be applicable, with such modification as may be necessary, to the employees of the Institute.
- (2) Staff regulation made under subsection (1) of this section, shall not have effect until approved by the Governing Council of the Institute and; when so approved shall be officially Gazetted 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, determine.

Committee's Recommendation:

That the provision in clause 10 be retained (*Senator Felix O. Ibru*) — *Agreed to.*

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

Clause 11:**Financial Provisions:**

- (1) The Institute shall establish and maintain a fund which shall be applied towards the promotion of the objectives specified in this Act.
- (2) At the beginning of every budget year, Government shall approve a budget for the Institute.
- (3) There shall be paid and credited to the fund establish for the Institute:

Committee's Recommendation:

Leave out the word "establish" and insert the word "established" instead **thereof**/*Senator Felix O. Ibru*) — *Agreed to.*

- (a) sums appropriated from the Federal budget for the fiscal year;
- (b) gifts and donations and contributions from national and international institutions and philanthropic persons and organizations;
- (c) fees charged for services rendered by the Institute.

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

Clause 12:**Powers to accept gifts:**

- (1) The Institute may accept gifts and bequests upon such terms that do not compromise its capability to fulfill its objectives and sustain its non-partisan policy,

- (2) The Institute may with approval in writing of the Council, and subject to other guidelines and policies of the Federal Government, borrow such money needed for the exercise of its functions as the Management Board may determine under the Act, provided that such borrowing shall be made on terms that does not compromise the independence and competence of the Institute.

Committee's Recommendation:

Leave out the word "does" in line 4 and insert the word "do" instead thereof (*Senator Felix O. Ibru*) — Agreed to.

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

- Clause 13: Establishment of funds for the Institute:
The Institute shall manage its fund in accordance with rules made by the Management Board with the general direction of the Council, and without prejudice to the power to make rules under this section, the rules shall contain provisions specifying:

- (a) the manner in which the assets or funds of the Institute are to be held;
- (b) the keeping of proper accounts and records for the purpose of the fund in such manner as may be safe and effective.

Committee's Recommendation:

That the provision in clause 13 be retained (*Senator Felix O. Ibru*) — Agreed to.

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

- Clause 14: The Institute shall apply its fund to the cost of administration of the Institute, including but not limited to, payment of salaries, gratuities, allowances and fees and the payment of other contracts, consultancies and purchase made for the benefits of the Institute.

Committee's Recommendation:

Immediately after the word "and" in line 3 leave out all the words and insert the words "purchases made for the benefit of the Institute" instead thereof (*Senator Felix O. Ibru*) — Agreed to.

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

- Clause 15: The Rector budget shall, not later than 30th of September each year, present to the Council for approval an estimate of the expenditures and incomes of the Institute for the next fiscal year.

Committee's Recommendation:

That the provision in clause 15 be retained (*Senator Felix O. Ibru*) — Agreed to.

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

- Clause 16: The Chairman of Council shall not later than 30th September each year or other date stipulate by law or administrative policy, submit to the Presidency an estimate of the expenditure and incomes of the Institute approved by the Council for the next fiscal year for incorporation in the Budget of the Presidency.

Committee's Recommendation:

Leave out the word "Presidency" inline 1 and insert the words "National Assembly" where ever it exists (*Senator Felix O. Ibru*) — Agreed to.

Another Committee's Recommendation:

Leave out the word "Presidency" in line 4 and insert the word "Federation" instead thereof (*Senator Felix O. Ibru*) — Agreed to.

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

- Clause 17: Financial Reports of the Institute:
- (1) The Rector shall submit to the National Assembly quarterly reports of the Finances of the Institute.
 - (2) The Chairman of Council shall present yearly report of the activities of the Institute to the National Assembly for decision-making of government.

Committee's Recommendation:

That the provision in clause 17 be retained (*Senator Felix O. Ibru*) — *Agreed to.*

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

- Clause 18: Provisions to this Act:
- Subject to the provisions of this Act, the Presidency may give to the Institute directives of general nature and relating to general policies in the form of recommendations and the Council and Board of the Institute shall comply with the directives, provided that no such directives shall be given as to take away the discretion of the Director-General and the Council on matters of Research and Academics Programmes and scholarly opinions.

Committee's Recommendation:

Leave out the entire provision (*Senator Felix O. Ibru*) — *Agreed to.*

Question that Clause 18 be deleted, put and agreed to.

- Clause 19: Meeting;
- Subject to this Act and other applicable laws, the Council may make standing orders regulating its proceedings.

Committee's Recommendation:

That the provision in clause 19 be retained (*Senator Felix O. Ibru*) — *Agreed to.*

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

- Clause 20: The Council shall meet whenever summoned by the Chairman, as long as it meets at least four in a year, and at the instance of four members who issue 14 days notice in writing in advance to the Chairman to summon a meeting.

Committee's Recommendation:

Leave out all the provision in Clause 20 and insert a new one as follow:

"The Council shall meet whenever summoned by the Chairman, or if required to do so by at least 4 members of the Council and shall meet 4 times a year on consultation with the Secretary of the Council who shall issue 14 days notice of meeting in writing" (*Senator Felix O. Ibru*) — *Agreed to.*

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

- Clause 21: The Chairman shall preside at the meeting of the Council but if the Chairman is absent, the members present at the meeting may appoint one of them to preside.

Committee's Recommendation:

That the provision in clause 21 be retained (*Senator Felix O. Ibru*) — *Agreed to.*

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

- Clause 22: The quorum for the Council shall be formed whenever the Chairman and three (3) other members, or in the absence of the Chairman, six (6) members are in attendance and decision shall be taken by consensus or simple majority.

Committee's Recommendation:

Leave out the provision in clause 22 and insert a new one as follow:

"The quorum for the Council shall be formed whenever the Chairman and four (4) other members are present at a scheduled meeting. In the absence of the Chairman, six (6) members including the Secretary shall form a quorum. Decisions shall be by simple majority" (*Senator Felix O. thru*) — *Agreed to.*

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

Clause 23:

Miscellaneous:

- (1) The Institute may, subject to the provisions of the Land Use Act and any other applicable law, lease, rent or howsoever acquire an interest in land and other properties and build and maintain offices and premises for its activities.
- (2) For the purpose of its administrative and business activities, the provisions of the Public Officers Protection Act shall apply with such modification as necessary to promote the effective realization of the objectives of the Institute.
- (3) Subject to provisions of this Act the Council shall have powers to issue subsidiary rules relating to legal liabilities and indemnities of officials and staff of the Institute.
- (4) Members of the Council may receive allowances proportionate to allowance in government agencies and Institutes or may be stipulated by the Council and in accordance with applicable Federal Government regulations.

Committee's Recommendation:

Immediately after the word "allowances" leave out the word "proportionate" and insert the words "as applies" instead thereof (*Senator Felix O. Ibru*) — *Agreed to.*

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

Clause 24:

Interpretation:

In this Act, except the context otherwise permits -

"Chairman" means the Chairman of the Governing Council.

Question, That the word "Chairman" be as defined in the Interpretation to this Act, put and agreed to.

"Institute" means the Institute for Democratic and Legislative Studies.

Question, That the word "Institute " be as defined in the Interpretation to this Act, put and agreed to.

"Rector" means the Chief Executive of the Institute.

Question, That the word "Rector" be as defined in the Interpretation to this Act, put and agreed to.

"Party" means a political party registered under the electoral law in Nigeria and participated in national elections.

Question, That the word "Party" be as defined in the Interpretation to this Act, put and agreed to.

Committee's Recommendation:

That the provision in clause 24 be retained (*Senator Felix O. Ibru*) — *Agreed to.*

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

Clause 25: Citation:

Committee's Recommendation:

The Act may be cited as the Institute for Democratic and Legislative Studies Bill 2006.

(Senator Felix O. Ibru) — Agreed to.

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

Chairman to Report **Bill**.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of Whole considered the Report of the Committee on Establishment and Public Service on a Bill for an Act to Establish the Institute for Democratic Studies Bill, 2006.

*Question, that the Senate do approve the Report of the Committee of **Whole**, resolved in the Affirmative.*

Motion made and Question Proposed: That the Bill be read the Third Time (Deputy Senate Majority Leader).

Question put and agreed to. Bill accordingly read the Third Time and passed.

11. Adjournment:

Motion made and Question Proposed: That the Senate do adjourn till Tuesday, 13th June, 2006 at 10:00 a. m. (Deputy Senate Majority Leader).

Adjourned accordingly at 1. 20 p. m.

Ken Nnamani
President of the Senate