

A BILL

FOR

AN ACT TO AFFIRM THE RIGHTS OF THE CITIZENS OF NIGERIA TO FULL AND FAIR CONSIDERATION FOR PUBLIC APPOINTMENTS AND FOR RELATED MATTERS

Sponsored by Hon. Mojeed Alabi

[] Commencement

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

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1.-(1) The provisions of this Bill shall apply to the underlisted posts:

Coverage and Applicability

(a) Permanent Secretary or equivalents in the Civil Service of the Federation;

(b) Managing Director, Director-General, General Manager, Chief Executive, or equivalents in any arms of the Public Service;

(c) Chairperson or Member of Boards, Commissions, or equivalent Agencies in the Public Service of the Federation;

(d) Ambassador, Special Envoy or equivalent positions in the foreign service;

(e) Inspector-General, DIGs, AIGs, and Commissioners of Police;

(f) Governor, Central Bank of Nigeria;

(g) Head of the Civil Service of the Federation;

(h) Secretary to the Government of the Federation;

(i) Minister in the Government of the Federation; and

(j) Any other post that may from time to time be deemed critical to the effective harmonization of the federal character provisions of the Constitution with the principles of citizen participation and open competition.

(2) Nothing in this Act shall be interpreted as:

1 (a) abrogating, sidetracking, or altering the federal character
2 provisions of the Constitution of the Federal Republic of Nigeria;

3 (b) restricting the power of the President to appoint, deploy, promote,
4 discipline, reassign, or dismiss persons holding any of the designated posts
5 (including posts of confidence) in the Government of the Federal Republic of
6 Nigeria;

7 (c) requiring the President to appoint, deploy, reassign, or dismiss his
8 close aides (like the Chief of Staff, Special Advisers, Special Assistants, and
9 Special Emissaries) in the manner proposed in this Act;

10 (d) prescribing new methods for filling career service vacancies
11 where procedures for open competitive selection already exist;

12 (e) directing or instructing State or Local Governments on how to fill
13 vacancies that are within the constitutional purview of each State or Local
14 Government.

15 (3) This Act does not confer eligibility for public appointments on the
16 following:

17 (a) Foreign nationals resident in Nigeria;

18 (b) Nigerians with criminal records, except a convict that duly applies
19 for and is granted a Presidential Pardon;

20 (c) Nigerian citizens who, prior to the occurrence of designated
21 vacancies, had been indicted by a lawfully constituted panel or commission of
22 inquiry and had been expressly debarred from holding public office;

23 (d) Nigerian citizens with serious mental or physical ailments,
24 particularly ailments likely to impair their ability to perform the designated
25 functions;

26 (e) Individuals that are discovered after the fact to have falsely
27 represented themselves or to have affirmed what eventually turned out to be
28 false.

29 2.-(1) Effective from the date this Act comes into force:

30 (a) all vacancies in the career and the non-career arms of Government

1 of the Federal Republic of Nigeria shall be deemed to be collectively owned
2 by the citizens of the country;

3 (b) no posts falling vacant in the top echelons of Government shall
4 be filled except through open competition;

5 (c) appointing authorities and agencies shall ensure that the federal
6 character provisions of the Constitution are faithfully upheld, and that
7 vacancies are filled after good-faith efforts have been made to look for the
8 best and the most competent from each State and District;

9 (d) no Nigerian citizen shall be debarred from competing for
10 posts falling vacant in the career and the non-career arms of Government of
11 the Federal Republic of Nigeria and none shall be otherwise disadvantaged
12 or made to feel like a second-class citizen in his/her own country;

13 (e) appointing authorities and agencies shall institute mechanisms
14 and design instruments aimed at reconciling the constitutional stipulations
15 on federal character with the principles of merit and inclusiveness.

16 3.-(1) Effective from the date this Act comes into force, it shall be
17 mandatory for all public agencies to notify the President's Office at least
18 three months before designated positions fall vacant;

Procedure for
vacancy declaration
and announcement

19 (2) The Vacancy Declaration Note from each Agency will come
20 with the Title of the designated post, the Qualifications, as well as the type
21 and length of experience required to perform the designated functions
22 successfully, the Expected Deliverables or Impact, and a draft Vacancy
23 Announcement as an Annex;

24 (3) On receipt of the Vacancy Declaration Note and draft Vacancy
25 Announcement, the President's Office will review the contents with a view
26 to:

27 (a) Amending the designated post's terms of reference in light of
28 public expectations of the agency in which the post is located, the
29 Government's medium- to long-term strategies/plans, and performance

1 targets for the sector in which the functions of the office would be performed;

2 (b) Vetting the Qualifications and Experience against standards
3 dictated by the Government's strategic priorities and performance targets;

4 (c) With or without the support of experts/consultants in high-level
5 recruiting, authorizing the preparation, review, and release of Vacancy
6 Announcements;

7 (d) Designing candidate screening instruments and mechanisms.

Obligations of
individual
applicants

8 4.-(1) The onus to sight and respond to Vacancy Announcements by or
9 before the stipulated deadlines shall be on every Nigerian citizen;

10 (2) Nigerian citizens who deem themselves qualified for announced
11 vacancies is obliged to:

12 (a) Complete the application forms on- or offline, and in any format
13 prescribed by the Vacancy Announcements;

14 (b) Indicate how their competencies and personal profiles match the
15 advertised jobs' requirements;

16 (c) Support their applications with the required credentials;

17 (d) Complete a separate Screening Form on which they will briefly
18 state:

19 (i) Their understanding of the advertised posts, and of the challenges
20 the posts are meant to tackle;

21 (ii) Their accomplishments to date, including track records in meeting
22 the designated posts' challenges;

23 (iii) The nature of their participation in the political and/or electoral
24 process;

25 (iv) Their Performance Pledges over periods ranging from two to four
26 years (that is, what they expect to achieve at different time intervals if
27 appointed to the posts);

28 (v) Names and signatures of three sponsors/referees (see below).

29 (3) A copy of the Screening Form is annexed to this Act.

1 5.-(1) By 'sponsor' or 'referee', this Act means any person willing to
2 stake his/her reputation for the candidature of another, in this case, the
3 person applying for a designated vacancy. By appending his/her signature
4 on the candidate's Screening Form, the referee has accepted responsibility
5 for the candidate's competence and integrity, and by implication, for the
6 consequences of the candidate's choices on the image of the Government.

Referees and
Sponsors

7 (2) For the avoidance of doubt, referees and sponsors are not
8 limited to the ranks of professionals. Among those eligible to serve as
9 referees and sponsors are state governors, Senators, Hon. Members of the
10 House of Representatives, senior government officials, party chieftains,
11 traditional rulers, religious and civic leaders, renowned academics, captains
12 of industry, and the applicant's current or past supervisors.

13 (3) Each referee's job is done once the referee's bona fide signature
14 appears on the Screening Form. The President's Office reserves the right to
15 call referees to verify the authenticity of signatures or solicit additional
16 information on candidates.

17 (4) In the interest of transparency, equity, and fairness, referees and
18 sponsors shall refrain from exerting additional and undue pressure on behalf
19 of their candidates.

20 (5) A candidate that relies on extraneous influences to sway the
21 selection process in his/her favor intends nothing but the confiscation of the
22 rivals' rights to full and fair consideration. Such a candidate has forfeited the
23 right to be considered for public office, and shall thus be summarily
24 disqualified.

25 6.-(1) In anticipation of the receipt of applications and completed
26 screening forms, the President's Office shall constitute a panel of experts
27 whose terms of reference shall include:

Screening and
selection process

28 (a) Compiling a set of criteria for the evaluation of candidates,
29 along with the weighting formula;

30 (b) On the expiration of the deadline, preparing a Long List of 7

1 (seven) candidates based on the evaluation of the candidates' applications,
2 credentials, responses to Screening Form questions, geo-political spread, and,
3 depending on the nature of the vacancy, political sponsorship;

4 (c) Vetting the Long List with a view to identifying candidates that
5 have unique qualifications or competencies and placing their names on a Short
6 List of 3 (three);

7 (d) Deciding whether to invite the three shortlisted candidates for
8 personal, face-to-face interviews, or interview them over the phone or via
9 video-conferencing;

10 (e) Preparing for the record, a comprehensive report on the screening
11 process;

12 (f) Transmitting the Short List to the President with brief comments
13 on the strengths or weaknesses of each candidate.

14 (2) On receipt of the Short List from the expert panel, the President
15 has the discretion either to act on the panel's recommendations, or carry out
16 additional consultations before taking a decision.

17 (3) The President's decision on the matter shall be final and not
18 subject to appeal.

Interpretation

19 7. In this Act, unless the contexts otherwise suggests:

20 "Candidate" is a person apply for a post;

21 "Deliverables" in the sense conveyed by this Act stand for Quantifiable and
22 Non quantifiable;

23 "Outputs" (like the amount of revenue collected over a period, the mileage of
24 roads constructed, increase or decrease in electricity connection rates, the
25 number of hours and quantity of gasoline saved by timely clearance of urban
26 gridlocks, the number of stolen vehicles recovered, increase or decrease in
27 offending and re-offending rates, increase/decrease in white collar crimes,
28 vaccination rates, the number of jobs created, time taken to contain pandemics
29 and save lives);

30 "Designated Agency" stands for the agency in which a vacancy is located;

1 "Designated Functions" are the duties and responsibilities of office,
2 including the impact the incumbent of the office is expected to make if and
3 when appointed;

4 "Designated Post" is the post that has been declared vacant. It generally
5 comes with a Title, and in some cases, Index Number, to separate it from
6 others, including others similarly titled;

7 "Referee" is in this Act synonymous with a "Sponsor". Both the referee and
8 the sponsor have more or less the same objective, to place their candidates in
9 vacant slots.

10 8. This Act shall take effect upon the conferment of the Commencement
11 Presidential Assent and effective enactment into law.

12 9. Pending the coming into force of this Act, the President's Office Transitional
13 and the National Assembly shall collaborate on the institution of measures Provisions
14 aimed at ensuring the smooth implementation of the changes. In particular,
15 vacancies which are yet to be filled shall be thrown open in the manner
16 prescribed under the Act.

17 10. This Bill may be cited as the Affirmation of Eligibility for Short Title
18 Public Appointments Bill, 2017.

EXPLANATORY MEMORANDUM

This Bill seeks to affirm the Rights of the Citizens of Nigeria to full and fair consideration for public appointments.

ANNEX A

POLITICAL APPOINTEES' SCREENING FORM (DRAFT)

General instructions

(Please read carefully before you complete this form. The onus for the accuracy of the information appearing thereon is entirely on the affirmant. When you have completed your part of the form, make sure that you obtain your referees' signatures before returning the form, in duplicate, to the President's Office).

Biographical sketch:

- 1. Name of Candidate (in full):
- 2. State of origin:
- 3. Local Government:
- 4. Nationality:
- 5. Gender:
- 6. Married/Single/Widowed/Divorced
- 7. Party affiliation (APCIPDP/APGA etc./No party affiliation):
- 8. Nature of engagement with the electoral process (voting, voter mobilization, electoral observation, etc.)-----

Competencies

- 9. Highest Educational Qualification (and awarding institution):
- 10. Field of specialization/Profession:-----
- 11. National experience (National Career History): COMPLETE TABLE

Date (from start to finish)	Organization	Position Held	Nature of responsibility	Notable accomplishment

12. International experience (if any): COMPLETE TABLE

Date (from start to finish)	Organization	Position Held	Nature of responsibility	Notable accomplishment

13. Notable achievements (List your notable achievements in order of importance):

14. What position do you want to be considered for (include the organization in which the post is located)?

15. Why do you consider yourself qualified for this post? (Say in not more than three simple sentences)

16. What challenges face Nigeria in the area of interest to you? (in 300 words or less)

17. EXACTLY HOW do you see your appointment to the post you seek enabling you to tackle the challenges? (maximum 300 words)

18. What special skills do you have (tick all applicable ones below):

- (a) Computing
- (b) Research and analytical skill
- (c) Written communications/Drafting
- (d) Oral communications
- (e) Diplomatic negotiation
- (f) Management, decision-making and organizational
- (g) Strategic planning/policy formulation

(h) Civic engagement (including co-governorship skill)

(i) Team building and conflict resolution

(j) Other-----

19. Were you at any time indicted for corruption? Yes/No

20. Were you at any time convicted of a crime? Yes/No

21. Are you a fugitive from justice? Yes/No

22. Do you have a history of alcoholism? Yes/No

23. Do you have a history of drug abuse? Yes/No

24. Do you consider yourself physically fit and mentally sound? Yes/No

25. Are you capable of managing ethnic, religious, sectarian diversity? Yes/No

Performance Pledge

26. If appointed, what milestones do you pledge to record:

(a) Within the first year of appointment (list a maximum of three/3 pledged accomplishments);

(b) By the end of the second year of appointment (list below);

(c) By the end of your tenure (list below).

27. I certify that the information supplied on this form is correct (If subsequent to this declaration, it is established that any or all of the information supplied by the prospective candidate is false, the candidate will automatically be disqualified for further consideration. Moreover, in the event that the false information is discovered subsequent to an appointment, any expenses incurred in relation to the position will be recovered).

Signature -----

Date -----

Referees/Sponsors

List 3 (three) referees/sponsors/godfathers ready and willing to testify to your patriotism, commitment to the principles of justice and fairness, loyalty, dedication, competence and integrity. Your referees will be deemed to have so testified if they append their signatures in the appropriate column below. (Referees are strongly advised to exercise utmost discretion in backing any candidate for key state offices as this will reflect on each referee's personal integrity):

Name of Sponsor	Profession/Address	Relationship to Candidate	Referee's Signature (testifying to the candidate's suitability and accepting responsibility for his/her conduct while in office)
1.			
2.			
3.			

TO BE RETURNED IN DUPLICATE TO THE SECRETARY TO THE GOVERNMENT OF THE FEDERATION, ALONG WITH A TWO-PAGE BIOGRAPHICAL SKETCH

