

A BILL

FOR

AN ACT TO ESTABLISH THE DIRECTORATE OF TECHNICAL COOPERATION IN AFRICA AND FOR RELATED MATTERS, 2017

Sponsored by Hon Samuel Ikon

[] Commencement

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

1 PART 1 - ESTABLISHMENT, MEMBERSHIP, FUNCTIONS AND POWERS OF
2 THE DIRECTORATE OF TECHNICAL COOPERATION IN AFRICA

3 1.-(1) There is hereby established a body to be known as the
4 Directorate of Technical Cooperation in Africa (in this Bill referred to as the
5 "Directorate").

Establishment of the Directorate of Technical Cooperation in Africa

6 (2) The Directorate shall be a body corporate with perpetual
7 succession and a common seal and may sue and be sued in its corporate
8 name.

9 2.-(1) There is hereby established for the Directorate, a Governing
10 Board (in this Bill referred to as "the Board") which shall be responsible for
11 the management of the affairs of the Directorate.

Establishment of the Board

12 (2) The Board shall consist of the following members:

13 (a) the Minister as Chairman;

14 (b) a representative of each of the following Ministries, being

15 persons not below the rank of Director appointed by their respective
16 Ministers:

17 (i) the Federal Ministry of Science and Technology;

18 (ii) the Ministry of Foreign Affairs;

19 (iii) the Federal Ministry of Finance;

20 (c) the Director-General of the Directorate;

21 (d) Director Legal who shall act as the Secretary to the Board.

Schedule 1 (4) The supplementary provisions set out in the Schedule to this Bill
2 shall have the effect with respect to the proceedings of the Board and the other
3 matters contained therein.

Tenure of office 4 3.-(1) The three other members of the Board, referred to in section 2
5 subsection (2) paragraph (c), shall each hold office for a period of 4 years on
6 such terms and conditions as may be specified in their letters of appointment
7 and may be re-appointed for one further period of 4 years and no more.

8 (2) Notwithstanding the provisions of subsection (1) of this section,
9 any member of the Board may, at any time, be removed from office by the
10 Minister, with the approval of the President, for inability to discharge the
11 functions of his office, (whether arising from infirmity of mind or body or any
12 other cause), or for corrupt practices or any act of misconduct.

13 (3) A member of the Board may at any time resign his office by a letter
14 addressed to the President.

Allowances, 15 4. The Chairman and members of the Board shall be paid such
benefits etc. 16 allowances and benefits as may be determined, from time to time, by the
17 Revenue Mobilization, Allocation and Fiscal Commission.

Functions of 18 5. The Directorate shall-

19 (a) promote technology transfer through technical cooperation
20 between Nigeria and other countries in Africa;

21 (b) facilitate capacity building in research and development;

22 (c) promote the exchange of high-level research experts in science,
23 technology and the humanities;

24 (d) generate new ideas for African development through cooperative
25 research and development activities;

26 (e) promote the reversal of the trend of brain drain from Africa to the
27 developed countries and promote the movement of high skilled manpower
28 within Africa and from developed countries;

29 (f) facilitate cooperation and integration in Africa through technology
30 transfer and the diffusion of innovations;

1 (g) provide sustainable funding for the Scientific and Technical
2 Exchange Programme (STEP); and

3 (h) provide database of all Nigerian experts in the humanities, arts,
4 science and technology.

5 6. The Directorate shall have power to-

Powers of the
Directorates

6 (a) enter into collaborative and cooperation agreements or
7 arrangements with international agencies and organizations in respect of
8 international cooperation and regional integration particularly in Africa; and

9 (b) carry out consensus building and awareness programmes
10 among countries in Africa on matters relating to international cooperation
11 and integration.

12 PART II - ESTABLISHMENT OF THE NIGERIA TECHNICAL

13 COOPERATION FUND

14 7.- (1) The Directorate shall establish and maintain a Fund with the
15 African Development Bank Group to be known as the Nigeria Technical
16 Cooperation Fund (in this Bill referred to as "the Fund") pursuant to the
17 Technical Cooperation Agreement between the Government of Nigeria and
18 the African Development Bank Group.

Establishment,
etc. of the
Nigeria Technical
Cooperation Fund

19 (2) The Fund established pursuant to subsection (1) of this section
20 shall consist of money accruing from the resources of the Nigerian Trust
21 Fund with the African Development Bank.

22 (3) The Fund shall be co-managed with the African Development
23 Bank and shall be utilized in financing the activities of the Directorate as
24 specified in the Technical Cooperation Agreement.

25 (4) The African Development Bank shall furthermore, on the
26 advice of the Directorate from time to time, defray from the Fund expenses
27 relating to, among other things, costs, remuneration, allowances and
28 benefits of experts selected, approved and engaged by the Directorate for its
29 programmes. The Directorate shall howsoever not be allowed to draw
30 directly from the Fund.

PART III - STAFF OF THE DIRECTORATE

Director-General
and staff of the
Directorate

1
2 8.-(1) There shall be for the Directorate, a Director General who shall
3 be appointed by the President and shall be the Chief Executive and Accounting
4 Officer of the Directorate responsible for the execution of policy and the day-
5 to-day running of the affairs of the Directorate.

6 (2) The Director General shall hold office for a term of 4 years in the
7 first instance and may be re-appointed for a further term of 4 years and no more
8 on such terms and conditions as may be specified in his letter of appointment.

9 (3) The Board shall appoint for the Directorate such other staff as it
10 may deem necessary and expedient, from time to time, for the proper and
11 efficient performance of the functions of the Directorate.

12 (4) The terms and conditions of service including remuneration,
13 allowance, benefits and pensions of officers and employees of the Directorate
14 shall be determined by the Board after consultation with the National Salaries
15 and Wages Commission.

16 (5) Without prejudice to any future re-structuring, the Directorate
17 shall for the smooth running of its affairs and in pursuance of its set goals and
18 objectives, have among others the following-

19 (a) Departments:

20 (i) Administration;

21 (ii) Diaspora;

22 (iii) Finance;

23 (iv) Programme Management;

24 (v) Research Monitoring and Information Services; and

25 (vi) Legal.

26 (b) Units:

27 (i) Anti-Corruption and Transparency;

28 (ii) Internal Audit;

29 (iii) Public Relations; and

30 (iv) SERVICOM.

Pension Reforms
Act 2004

1 9.-(1) It is hereby declared that service in the Directorate shall be
2 approved for the purpose of Pensions, and accordingly, officers and
3 employees of the Directorate shall be entitled to pensions, gratuities and
4 other retirement benefits as prescribed under the Pension Reform Act 2004.

5 (2) Without prejudice to the provisions of subsection (1) of this
6 section, nothing in this Bill shall prevent the appointment of a person to any
7 office on terms which preclude the grant of a pension, gratuity or other
8 retirement benefits in respect of that office.

9 (3) For the purpose of the application of the provisions of the
10 Pension Reform Act 2004, any power exercisable by the Minister or other
11 authority of the Federal Government, other than the power to make
12 regulations, under section 22 thereof, is hereby vested in and shall be
13 exercisable by the Board and not by any other person or authority.

14 PART IV - FINANCIAL PROVISIONS

Fund of the
Directorates

15 10.-(1) Except as otherwise provided in this Bill, the Directorate
16 may, from time to time, defray its expenses from funds accruing to it from
17 the following sources:

18 (a) any allocation to the Directorate from the Consolidated
19 Revenue Fund of the Federation;

20 (b) such moneys as may, from time to time, be granted to the
21 Directorate by the Federal Government;

22 (c) rents, fees and other internally generated revenues from
23 services provided by the Directorate in such a manner as prescribed by the
24 National Assembly;

25 (d) grants, loans and other facilities from national, bilateral and
26 multilateral agencies or organizations; and

27 (e) all other sums accruing to the Directorate, from time to time.

28 (2) The Directorate shall apply the proceeds of the fund accruing to
29 it to-

30 (a) the cost of administration of the Directorate;

1 (b) the payment of salaries, fees, remuneration, allowances and such
2 other moneys payable to members of the Board, employees and/or officers of
3 the Directorate;

4 (c) the payment for all contracts, including mobilization, fluctuations,
5 variations, legal fees and costs on contract administration;

6 (d) the payment for all purchases; and

7 (e) undertaking such other activities as are connected with all or any
8 of the functions of the Directorate under this Bill.

Power to borrow

9 **11.** The Directorate may, with the approval of the Minister or in
10 accordance with the general authority given by the Federal Government,
11 borrow by way of loan or overdraft from any source any moneys required by
12 the Directorate to meet its obligations and its functions under this Bill.

Power to accept
gifts

13 **12.-(1)** The Directorate may accept any gift of land, money or other
14 property on such terms and conditions, if any, as may be specified by the person
15 or organization making the gift.

16 (2) The Directorate shall not however accept any gift if the conditions
17 attached by the Person or organization offering the gift are inconsistent with the
18 functions of the Directorate or the policy of the Federal Government of
19 Nigeria.

Investment Act,
Cap. 449, LFN

20 **13.** The Directorate may, with the approval of the Minister, invest any
21 of its funds in any security prescribed by the Trustee Investments Act or in such
22 other securities in accordance with the provisions of this Bill and the conditions
23 of any trust created in respect of any property.

Annual estimates
and accounts

24 **14.-(1)** The Directorate shall, not later than the 30th day of September
25 in each year, submit to the Minister through the Board, budgetary estimates of
26 its expenditure for the following year.

27 (2) The Directorate shall keep proper accounts in respect of each year
28 and proper records in relation to those accounts and shall cause its accounts to
29 be audited within six months after the end of each year by auditors appointed in

1 accordance with the guidelines supplied by the Auditor-General of the
2 Federation.

3 15. The Directorate shall, not later than six months after the end of
4 each year and in collaboration with the African Development Bank, prepare
5 and submit annual report to the Federal Executive Council through the
6 Board and the Minister, in such form as may be prescribed by the Minister,
7 on the activities of the Directorate during the preceding year and such report
8 shall include a copy of the audited accounts of the Directorate for that year
9 and the auditors' report on the accounts.

Annual report
of the Directorate

10 PART V - LEGAL PROCEEDINGS

11 16.-(1) Subject to the provisions of this Bill, the provisions of the
12 Public Officers Protection Act shall apply in relation to any suit instituted
13 against any officer or employee of the Directorate.

Limitation of the
suits against the
Directorate, etc.
Cap. 379, LFN

14 (2) No suit against the Directorate, a member of the Board or the
15 Director-General or any officer or employee of the Directorate for any act
16 done or omitted to be done or any alleged neglect or default in pursuance or
17 execution of the functions of the Directorate or in exercise of any powers
18 pursuant to this Bill or any other enactment or law, or of any public duty or
19 authority shall lie or be instituted unless it is commenced-

20 (a) within twelve months next after the act, omission, neglect or
21 default complained of; or

22 (b) in the case of continuation of damage or injury, within six
23 months next after the ceasing thereof.

24 (3) No suit shall be commenced against the Directorate, a member
25 of the Board or the Directorate-General or any officer or employee of the
26 Directorate before the expiration of a period of one month after written
27 notice of intention to commence the suit shall have been served on the
28 Directorate by the intending plaintiff or his agent.

29 (4) The notice referred to in subsection (3) of this section shall
30 clearly and explicitly state the cause of action, the particulars of the claims,

1 the name and place of abode of the intending plaintiff and the relief which he
2 claims.

Service of documents

3 17. A notice, summons or other document required or authorized to
4 be served on the Directorate under the provisions of this Bill or any other
5 enactment or law may be served by delivering it to the Director-General or by
6 sending it by registered post and addressed to the Director-General at the
7 principal office of the Directorate.

Restriction of execution against the property of the Directorate

8 18.-(1) In any action against the Directorate, no execution or
9 attachment of process in the nature thereof shall be issued against the
10 Directorate unless a prior notice, of not less than three months, of the intention
11 to execute or attach has been given to the Directorate

12 (2) Any sums of money which by the judgment of any court, awarded
13 against the Directorate shall, subject to any direction given by the court where
14 notice of appeal against the judgment has been given, be paid from the Fund of
15 the Directorate with the African Development Bank.

Indemnity of Officers

16 19. A member of the Board or the Director-General or any officer or
17 employee of the Directorate shall be indemnified out of the assets of the
18 Directorate against any liability incurred by him in defending any proceeding,
19 whether civil or criminal, if the proceeding is brought against him in his
20 capacity as a member of the Board, Director-General, officer or employee of
21 the Directorate.

Secrecy

22 20.-(1) A member of the Board or the Director-General or any officer
23 or employee of the Directorate shall-

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

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

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

4 (2) Any person who contravenes the provisions of subsection (1) of
5 this section commits an offence and is liable on conviction to a fine not
6 exceeding N500,000 or imprisonment for a term not exceeding 2 years or to
7 both such fine and imprisonment.

8 PART VI -MISCELLANEOUS PROVISIONS

9 21. Subject to the provisions of this Bill, the Minister may give to
10 the Directorate directives of a general nature or relating generally to matters
11 of policy with respect to the performance by the Directorate of its functions
12 and it shall be the duty of the Directorate to comply with the directives.

Directives by the
Minister, etc.

13 22. The Minister may, on the recommendation of the Directorate,
14 make Regulations generally for the purposes of this Bill or for giving effect
15 to the provisions of this Bill.

Powers to make
regulations

16 23. In this Bill, except the context otherwise requires-
17 "Directorate" means the Directorate of Technical Cooperation in Africa
18 established under section 1 of this Bill;
19 "Board" means the Governing Board established under section 2 of this Bill.
20 "Minister" and "Ministry" means the Minister and Ministry respectively
21 charged with the responsibility for matters relating to Cooperation and
22 Integration in Africa;
23 "Technical Cooperation" includes but is not limited to any arrangement or
24 measures for collaborative interactions between nations or organizations on
25 matters relating to technical expertise; technology transfer; capacity
26 building; research and development; project or programme formulation
27 and implementation; funding; etc.

Interpretation

28 24. This Bill may be cited as Directorate of Technical Cooperation
29 in Africa (Establishment, etc.) Bill, 2017.

Citation

1 SCHEDULE

2 *Section 2 (3)*

3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

4

5 1. The Board shall for the purposes of this Bill, meet quarterly in each
6 year and whenever it is summoned by the Chairman.

7 2. Where the Board desires to obtain the advice of any person on a
8 particular matter, the Board may co-opt him for such period as it thinks fit; but a
9 person who is a member by virtue of this paragraph shall not be entitled to vote
10 at any meeting of the Board and shall not count towards a quorum.

11 3.-(1) The Board may appoint one or more subcommittees to carry
12 out, on behalf of the Board, such of its functions under this Bill as the Board
13 may determine.

14 (2) A subcommittee appointed under this paragraph shall consist of
15 such number of persons (not necessarily members of the Board) as may be
16 determined by the Board; and a person, other than a member of the Board shall
17 hold office on the subcommittee in accordance with the terms of his
18 appointment.

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

21 4.-(1) Fixing of the seal of the Directorate shall be authenticated by
22 both the signature of the Chairman or of any other person authorized generally
23 or specifically to act for that purpose by the Board or Directorate and the
24 Director General.

25 (2) Any contract or instrument, which if made or executed by a person
26 not being a body corporate, would not be required to be under seal may be made
27 or executed on behalf of the Board or Directorate by the Director General or
28 any person generally or specially authorized by the Board to act for the
29 purpose.

30 (3) Any document purporting to be a document duly executed under

1 the seal of the Directorate shall be received in evidence and shall, unless and
2 until the contrary is proved, be presumed to be so executed.

3 5. The validity of any proceeding of the Board or of a sub-
4 committee thereof shall not be adversely affected by any vacancy in the
5 membership of the Board or of a subcommittee, or by reason that a person
6 not entitled to do so took part in the proceedings of the Board subcommittee.

7 6.-(1) Any member of the Board who is directly or indirectly
8 interested in any matter being deliberated upon or considered by the Board
9 or is interested in any contract made or proposed to be made by the
10 Directorate shall, as soon as possible after relevant facts have come to his
11 knowledge, disclose the nature of his interest in writing or at a meeting of the
12 Board.

13 (2) A disclosure made under subparagraph (1) of this paragraph
14 shall be recorded in the minutes of meetings of the Board considering the
15 matter or contract in respect of which the interest was disclosed and the
16 member shall not participate in the meeting.

EXPLANATORY MEMORANDUM

*(This note does not form part of the above Bill but is intended to
explain its purport)*

This Bill seeks to establish the Directorate of Technical Cooperation in Africa to, among other things, coordinate, facilitate and promote technological transfer through technical cooperation between Nigeria and other African Countries in order to stimulate growth and development.

