

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NEW PARTNERSHIP
FOR AFRICA'S DEVELOPMENT COMMISSION, 2017

Sponsored by Hon. Samuel Ikon

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE NEW PARTNERSHIP FOR AFRICA'S
2 DEVELOPMENT COMMISSION

3 1.--(1) There is hereby establish a body to be known as the New
4 Partnership for Africa's Development Commission" (in the Bill referred to
5 as "the Commission").

Establishment
of the New
Partnership
Africa's
Development
Commission

6 (2) The Commission-

7 (a) shall be a body corporate with perpetual succession and a
8 common seal;

9 (b) may sue and be sued in its corporate name;

10 (c) may enter into contracts and incur obligations.

11 2. The objectives of the Commission shall be:

Objectives of
the Commission

12 (a) to place Nigeria on the path of sustainable growth and
13 development;

14 (b) to halt Nigeria's marginalization in the globalization process
15 and enhance its full and beneficial integration into the global economy;

16 (c) to promote good governance in both the private and public
17 sector of the economy;

18 (d) to eradicate extreme poverty and hunger;

19 (e) to promote women empowerment.

20 3.--(1) There is established for the Commission a Board (in this Bill

Establishment,
membership and
appointment of
the Board

1 referred to as "a Board" charged with the administration of the affairs of the
2 Commission.

3 (2) The Board shall consist of:

4 (a) the Chairman;

5 (b) Minister of Foreign Affairs;

6 (c) Minister of National Planning Commission;

7 (d) Minister of Finance;

8 (e) 2 members from Civil Society Organization;

9 (f) 2 members from the organized private sector;

10 (g) in the event any of the members mentioned in (b)-(d) above cannot
11 attend the Board meeting(s), he shall be represented by an officer of the
12 Ministry not less than the rank of a Director.

13 (3) The members of the Board shall be nominated by the President
14 and be confirmed by the Senate of the Federal Republic of Nigeria with the
15 exception of section 3 (2) (b), (c) and (d) above.

Tenure of Office

16 4. The Board shall make Standing Orders regulating its
17 proceedings.

Appointment
of Secretary

18 5.-(1) There shall be appointed for the Commission a Secretary who
19 shall subject to the general direction of the Chairman be responsible for
20 keeping the records of the Commission and general administration and control
21 of the Commission.

22 (2) The Secretary shall be appointed by the President for a term of four
23 (4) years and may be re-appointed for another term of four years and no more.

Cessation of
membership

24 6. The office of the member of the Board shall become vacant if:

25 (a) he resigns his appointment by notice in writing under his hand
26 addressed to the President, and accepted by him;

27 (b) the President is satisfied that it is not in the interest of the
28 Commission or of the public for the appointed to continue in office;

29 (c) he dies;

1 (d) he becomes of unsound mind or incapable of carrying out his
2 duties;

3 (e) he becomes bankrupt;

4 (f) he is guilty of gross misconduct relating to his duties;

5 (g) a member shall cease to be a member of the Board, if

6 (i) he ceases to be a member of the organization writes a
7 notification on the withdrawal of such representative;

8 (ii) he ceases to represent the interest group on whose platform he
9 becomes a member;

10 (h) where a vacancy occurs in the membership of the Board, it shall
11 be filled by the appointment of a successor to hold office for the remainder of
12 the term of office of his predecessor and the successor shall represent the
13 same interest as his predecessor.

14 7. The Board shall:

15 (a) advise the Federal Government generally on matters relating to
16 the New Partnership for Africa's Development and African Peer Review
17 Mechanism;

18 (b) approve the appointment of Directors of the Commission;

19 (c) be the governing authority responsible for supervising the
20 activities of the Commission and for the formulation of its policies and also
21 superintend generally the affairs of the Commission, promoting the
22 interests, objectives and purpose of the Commission;

23 (d) establish Committees as may be expedient which shall be
24 charged with specific functions delegated by the Board;

25 (e) appoint, promote and discipline employees for the proper
26 discharge of the functions of the Commission;

27 (f) establish, encourage and promote capacity development
28 programmes for the employees of the Commission;

29 (g) make standing orders regulating its proceedings and those of its
30 Committee; and

Functions of
the Commission

Functions of the
Board

Functions of
the Commission

- 1 (h) give such directives and perform such other functions as may be
2 necessary to achieve the objectives of the Commission.
- 3 **8. The functions of the Commission shall be to:**
- 4 (a) mainstream and domesticated principles, core values and sectoral
5 priorities into National Planning Processes;
- 6 (b) develop and promote participatory mechanisms in planning,
7 monitoring and delivery effective public services;
- 8 (c) a knowledge based organization, translate objective and policy
9 priorities into tangible reform activities based on principles of best practices of
10 Good Governance;
- 11 (d) to be a repository of best practices, methodology and tools in
12 government (public) service;
- 13 (e) carry out research/studies in the fields of socio-economic,
14 political and technological issues that help to impact on NEPAD development
15 agenda, especially for improvement in policies, processes and service
16 delivery;
- 17 (f) develop and promote a network of alliances stakeholders at the
18 Federal, State and Local Government levels as well as with non-governmental
19 organizations and international organizations to foster result - focused good
20 governance;
- 21 (g) disseminate information on NEPAD programmes and activities to
22 the public;
- 23 (h) work closely with relevant organs of the Nigeria Government on
24 foreign technical assistance programmes that support the NEPAD plan of
25 action;
- 26 (i) serve as NEPAD focal point and participate regularly in
27 international meetings on issues concerning Africa's development;
- 28 (j) monitor all institutions processes and activities in the country
29 relevant to the pursuance of NEPAD objectives;
- 30 (k) monitor and evaluate the implementation of NEPAD's

1 Programme in the Ministries, Department and Agencies (MDA's) and
2 ensure compliance with NEPAD goals;

3 (l) carry out sectoral pilot schemes of the programmes of projects
4 as may be determined by the Commission;

5 (m) provide secretariat services to the National Council on African
6 Peer Review Mechanism;

7 (n) convene meetings of relevant stakeholders in any state in
8 Nigeria including the Federal Capital Territory (FCT);

9 (o) promote and encourage bilateral and multilateral cooperation at
10 regional and continental levels; and

11 (p) any other function that may be assigned from time to time by
12 the Board.

13 9.-(1) The Chairman shall be paid such remuneration and Emolument
14 allowances as may be determined by the Revenue Mobilization, Allocation
15 and Fiscal Commission.

16 (2) The members of the Board shall be entitled to allowances as
17 may be approved by the Board.

18 PART II - STRUCTURE OF THE COMMISSION

19 10. There is established in the Commission, the following Structure of the
20 Departments: Commission

21 (a) Administration and Finance;

22 (b) Governance;

23 (c) Partnership;

24 (d) Planning, Research and Evaluation;

25 (e) and such other departments and units as the Commission may
26 establish with the approval of the Board.

27 PART III - STAFF OF THE COMMISSION

28 11. -(1) The Chairman shall be the Chief Executive officer of the Duties of the
29 Commission. Chairman

Staff of the Commission

(2) (a) The Commission may appoint such number of officers as may be expedient for the effective discharge of the objectives of the Commission;

(b) On coming into force of this Bill, any staff who so wishes may opt out of the Commission within three months of coming into force of this Bill.

Delegation to powers

12. Unless otherwise precluded by this Bill, the Commission may exercise any power and perform any of the functions and duties conferred on it by this Bill through or by its officers and staff duly authorized.

Condition of Service

13. (a) The Commission shall develop and submit to the Board for approval, appropriate condition of service covering remunerations, welfare packages, pension schemes, fringe benefits and other benefits which would enable it attract and retain high quality manpower;

(b) Notwithstanding the provisions of the Pensions Act, service in the Commission shall be approved schedule of service for the purposes of this Bill, and accordingly officers and staff of the Commission shall in respect of their service in the Commission, be entitled to pensions, gratuities and other retirement benefits as prescribed under the Pensions Act;

(c) Notwithstanding the provisions for this section, nothing in this Bill shall prevent the appointment of a person to any office on terms which preclude the granting of a pension, gratuity or other retirement benefit in respect of that office;

(d) For the purpose of the application of the Pension Act, any power exercise by a Minister or other Authority of the Federal Government, other than the power to make regulations under section 23 of the Act thereof, is hereby vested in and shall be exercisable by the Commission and not by any other person or authority.

Appointment, promotion and discipline of officers

(1) Appointment and promotion into any posts shall be made from time to time by the Commission in accordance with the requirements by it.

(2) The Commission shall also have the power to discipline any staff

1 of the Commission in accordance with its regulations.

2 **15.** The Commission may make such regulations with respect to Powers to make regulations

3 the exercise of any of the duties, functions or powers of the Commission

4 under this Bill.

5 **16.-(1)** There shall be establish in each State of the Federation Establishment of state offices

6 including the Federal Capital Territory (FCT) by the respective State

7 Government a NEPAD State Office for the propagation of NEPAD

8 objectives and programmes;

9 (2) The State NEPAD Office shall be headed by an Officer not less

10 than a Special Adviser to the Governor and shall be of Cabinet rank;

11 (3) The State shall ensure that functional Offices are established in

12 all its Local Government Areas for effective dissemination and delivery of

13 NEPAD programmes and projects.

14 **17.** The Commission shall have the powers to: Powers of the Commission

15 (a) purchase or take a lease of any land, building or property;

16 (b) build, equip and maintain offices and premises for the

17 performance of its functions under this Bill;

18 (c) lease any office or premises, properties and assets held by it;

19 (d) open and operate ordinary and domiciliary accounts for the

20 Commission in recognized Banking institutions;

21 (e) accept gifts of lands, money or other properties, upon such

22 terms and conditions, as may be specified by the person or organization and

23 conditions, as may be specified by the person or organization giving the

24 gift, as long as such conditions are consistent with the functions of the

25 Commission;

26 (f) establish representative offices in all Federal Ministries,

27 Department and Agencies, for the domestication and implementation of

28 NEPAD plan of action;

29 (g) certify and register Civil society Organizations, and

30 Private/Public Sector Organizations wishing to partner in the

1 implementation of NEPAD plan of action.

Membership
of APRM Council

2 18. There shall be established an APRM Council consisting of
3 representatives of the organized private sector, civil society organizations and
4 private individuals who shall be responsible for the activities of the APRM
5 (African Peer Review Mechanism).

Membership of
project monitoring
board of
committee

6 19. Without prejudice to any other law the Commission shall be a
7 member of any Board or Committee of the Federal government that may be
8 established for monitoring the implementation of government projects.

9 PART IV - FINANCIAL PROVISION

Funds of the
Commission

10 20.-(1) There shall be established and maintained for the Commission
11 a Fund, to be approved by the Commission from which shall be paid all
12 expenditures incurred by it and which shall be applied towards the promotion
13 of the objectives of the Commission.

14 (2) There shall be paid, credited and retained in the Fund established
15 pursuant to subsection (1) of this section-

16 (a) the annual subvention received from the Government of the
17 Federation;

18 (b) such monies as may, from time to time, be lent, deposited with or
19 granted to the Commission by the Government of the Federation, the State or
20 Local Government, or any other body;

21 (c) all subventions, fees and charges for services rendered or
22 publications made by the Commission;

23 (d) all monies as may be raised for the purpose of the Commission by
24 way of gift, loan, grants- in-aid from continental, regional, sub-regional,
25 bilateral, multilateral and local Agencies, testamentary disposition etc.

26 (e) all interest received in respect in respect of monies invested by the
27 Commission; and

28 (f) all other assets which may, from time to time accrue to the
29 Commission.

1	21.-(a) There shall be established and replenished annually a fund	Intervention fund
2	for the Commission for possible intervention in the areas under its purview	
3	based on guidelines prescribed by it.	
4	(b) The relevant stakeholders shall have access to this fund having	
5	satisfied the guidelines that may be prescribed by the Commission.	
6	(c) The Commission may directly apply the fund it so wishes in the	
7	areas of intervention.	
8	22. The fund of the Commission shall be managed in accordance	Expenditure of the Commission
9	with the rules made by it which shall be in conformity with the Federal	
10	Government Accounting Rules.	
11	23. The Commission shall keep proper accounts in a form which	Accounts/Audit
12	conforms with existing laws on auditing of its receipts, payments, assets and	
13	liabilities, and shall submit the account annually for auditing by qualified	
14	auditors from the list of auditors supplied by the Auditor General of the	
15	Federation.	
16	24. The Commission may, with the consent of or in accordance	Powers to borrow
17	with the general authority given by the Federal Government to the	
18	Commission borrow by way of loan or overdraft from any bank or other	
19	financial Institutions to meet its obligations and discharge of its functions.	
20	25. The Commission may, subject to the provisions of this Bill and	Powers to invest
21	the conditions of any trust created in respect of any property, invest all or any	
22	of its funds as may be approved by the Board.	
23	26. The Commission shall be responsible for the supervision of all	Powers to supervise
24	bodies, dealing on NEPAD programmes, projects or activities.	
25	27. The Commission shall within six months after the end of each	Annual report
26	financial year submit to the President, a report on the activities of the	
27	Commission including the state of implementation of NEPAD Plans of	
28	Action and its administration during the preceding year and shall include in	
29	such Report a copy of the audited account of the Commission for that year	
30	and the Auditors report thereon.	

	1	PART V - MISCELLANEOUS PROVISION
Limitation of actions	2	28.-(1) Notwithstanding anything to the contrary contained in any
	3	other law, no action shall be instituted against the Commission in respect of any
	4	act, neglect, or default done or omitted to be done by any officer, servant or
	5	agent of the Commission in his capacity as an officer, servant or agent of the
	6	commission with regard to the regulations made pursuant to section 14 of this
	7	Bill unless it is commenced within three months next after the act or negligence
	8	complained of, or in the case of a continuing damage or injury, within three
	9	months after the ceasing thereof.
	10	(2) No suit shall be commenced against the Commission before the
	11	expiration of a period of one month of intention to commence the suit shall
12	have been served on the Commission by the intending plaintiff or his	
13	authorized agent and the notice shall clearly and explicit state:	
14	(a) the cause of action;	
15	(b) the particulars of the claim;	
16	(c) the name and place of abode of the intending plaintiff; and	
17	(d) the relief which he claims.	
Indemnity of officers	18	29. A member of the Board or the Chief Executive Officer or any staff
	19	of the Commission shall be indemnified by the Commission against any
	20	liability incurred by him in the course of defending any proceeding, weather
21	civil or criminal, provided the litigation arose from the performance of his	
22	duty.	
Interpretation	23	30. In this Bill, unless the context otherwise requires:
	24	"Assets" - including tangible and intangible things which have been or may be
	25	sold or procured for consideration;
	26	"Bodies" means groups, clubs, associations or any agency that the Government
	27	may establish;
	28	"NEPAD Programme" - this refers to all activities contained in the NEPAD
	29	Plan of Action;
	30	"National Programme of Action (NPoA)" - The NPoA is a document that

1 contains national best practices, governance challenges as well as
2 recommendations on policies and practices required to overcome such
3 challenges which are identified in the Country Self-Assessment Report
4 (CSAR) and the Country Review Report, (CRR);

5 "NEPAD Plan of Action" - This refers to the NEPAD's strategy for achieving
6 sustainable development in the 21st Century;

7 "Partners"-means CSO's, NGO's MDA's, Corporate Bodies (both local and
8 international) and such other bodies that the Commission may deem fit to
9 collaborate and work with on any programme or project;

10 "Six Geo-Political Zones"-means:

11 North - West

12 North - East

13 North - Central

14 South - East

15 South - South

16 South - West

17 31. This Bill may be cited as the New Partnership for Africa's Citation
18 Development Commission Bill, 2017.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the New Partnership for
Africa's Development Commission.

