

# A BILL

FOR

AN ACT TO ESTABLISH THE FOREIGN SERVICE COMMISSION, CHARGED WITH THE RESPONSIBILITY OF ENSURING EXCELLENCE AND PROFESSIONALISM IN CONDUCTING THE FOREIGN AFFAIRS OF THE FEDERAL REPUBLIC OF NIGERIA; AND FOR RELATED MATTERS

*Sponsored by Hon. Hassan Omale*

[ ] Commencement

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

1 PART 1 - ESTABLISHMENT, ETC OF THE FOREIGN SERVICE COMMISSION

2 1.-(1) There is established the Foreign Service Commission "the Establishment  
3 Commission".

4 (2) The Commission:

5 (a) shall be a body corporate with perpetual succession and a  
6 common seal;

7 (b) may incur obligations, sue and be sued in its corporate name;

8 (c) acquire, hold, mortgage and deal with property whether  
9 movable or immovable, real or personal; and

10 (d) do all such things as are necessary or incidental to carry out its  
11 functions and powers under this Bill.

12 (3) The Commission shall be under the Presidency.

13 2.-(1) The Commission shall comprise:

14 (a) Chairman who shall be a retired career diplomat; and

15 (b) 12 other members knowledgeable in:

16 (i) international relations;

17 (ii) political economy;

18 (iii) law; and

19 (iv) arbitration.

Membership of  
the Board of the  
Commission

1 (2) Chairmanship of the commission shall be rotated amongst the six  
2 geo-political zones of Nigeria.

3 (3) At least 2 members of the Commission shall be drawn from each of  
4 the six geo-political zones of Nigeria.

5 (4) A member of the Commission shall hold office for a period of five  
6 years from the date of his appointment and may be re-appointed for another one  
7 term only.

8 (5) Where a vacancy occurs in the membership of the Commission, it  
9 shall be filled by the appointment of a successor to hold office for the remainder  
10 of the term of office of his predecessor and such successor shall represent the  
11 same geo-political interest.

12 (6) Appointment of members of the Commission shall be confirmed  
13 by the Senate.

14 (7) The supplementary provision set out in the schedule to tills Bill  
15 shall have effect with respect to the proceedings of the commission.

Qualification  
for membership  
of the  
Commission's  
Board

16 3.-(1) A person shall not be qualified for appointment as a member of  
17 the Commission if:

18 (a) he is not qualified for election as a member of the National  
19 Assembly, and

20 (b) within the proceedings 5 years, he has been removed as a member  
21 of any of the bodies established by section 153 of the constitution of the Federal  
22 Republic of Nigeria or as a holder of any office on the ground of misconduct.

23 (2) A person employed in public service of the Federation or of a state  
24 shall not be disqualified as a chairman or member of the commission.

25 (3) Where such a person has been duly appointed on full time basis, he  
26 shall, on his appointment, be deemed to have resigned or retire from his former  
27 office as from the date of his appointment.

Allowances of  
Board Members

28 4. A member of the Board of the commission shall be paid such  
29 allowances and expenses as the Revenue Mobilization Allocation and Fiscal  
30 Commission may, direct from time to time.

1                   5. A member of the Board of the Commission shall hold office: Tenure of Office

2                   (a) for a term of 5 years in the first instance and may be re-  
3 appointed for another term of 5 years and no more; and

4                   (b) on such terms and conditions as may be specified in his letter of  
5 appointment.

6                   6.-(1) The chairman or any member of the Commission shall be Removal from  
office  
7 removed by the President acting upon an address supported by two-thirds  
8 majority of the Senate praying that he be so removed for inability to  
9 discharge the functions of the office (whether arising from infirmity of mind  
10 or of body or any other cause) or for misconduct.

11                   (2) A member of the Commission shall cease to hold office if any  
12 circumstance arise that, if he was not a member of the Commission, would  
13 cause him to be disqualified for appointment as a member.

14                   7.-(1) There shall be a secretary of the Commission who shall: Secretary to the  
Commission

15                   (a) be a Director in the Federal Civil Service;

16                   (b) be appointed by the commission;

17                   (c) be the accounting officer of the commission; and

18                   (d) Hold office on terms and conditions as to emolument and other  
19 conditions attached to the office.

20                   (2) Subject to the general direction of the commission the secretary  
21 shall be responsible for:

22                   (a) the day to day administration of the Commission; and

23                   (b) keeping the books and proper records of proceedings of the  
24 Commission.

25                   8.-(1) The Commission shall: Functions of the  
Commission

26                   (a) formulate and implement guide lines for its functions;

27                   (b) liaise with heads of agencies providing foreign services, to  
28 develop policies and procedures for efficient foreign services;

29                   (c) in consultation with the ministry of Foreign Affairs,  
30 recommend to the President, in order of seniority, representing each state of

1 the Federation, career foreign service officer, qualified for appointment as  
2 Ambassadors;

3 (d) recommend to the minister of foreign affairs persons to be  
4 appointed as Chief of mission who must:

5 (i) demonstrate competence to perform the duties of a chief of  
6 mission;

7 (ii) demonstrate a useful knowledge of the principal language or  
8 (dialect of the country in which he is to serve;

9 (iii) must have a knowledge and understanding of the history, culture,  
10 economic and political institutions of that country; and

11 (iv) understand the interest and people of that country in relation to  
12 Nigeria; and

13 (e) in consultation with the ministry of foreign affairs, advise the  
14 President on the need to increase or reduce Nigerian consular missions,

15 (2) The Commission may:

16 (a) make appointments, confirmation, promotion and transfer; and

17 (b) dismiss and exercise disciplinary control over persons holding or  
18 acting in such offices.

19 (3) Where the Commission thinks it expedient that a vacancy should  
20 be filled by a person holding office in the civil service of the Federation, the  
21 Commission may cause such vacancy to be filled by way of secondment or  
22 transfer.

23 (4) Where a member of a civil service is seconded under subsection  
24 (3) of this section, he shall be notified of the terms and conditions of the  
25 secondment and the secondment shall be without prejudice to any pension  
26 rights which, but for the secondment, would still accrue to him.

27 (5) A person seconded pursuant to subsection (3) of this section may  
28 elect, subject to the approval of the Commission to be transferred to the service  
29 of the commission, in which case any previous service shall count as service for  
30 the purpose of pension subsequently payable by the Commission.

1 (6) A member of staff of the commission may elect to transfer or be  
2 seconded to any other public service of the Federation and such right of  
3 transfer or secondment shall not be to the disadvantage of the officer  
4 concerned.

5 (7) In exercising its powers to make appointment or exercise  
6 disciplinary control over its employees, the Commission shall not be subject  
7 to the direction of any person or authority.

8 (8) The Commission shall have power to pay its staff such  
9 remunerations as are approved by the National Assembly.

10 (9) Appointments in the Commission shall reflect the Federal  
11 character of Nigeria.

12 (10) The Commission shall take over from the Federal Civil  
13 Service Commission, appointments, promotions and discipline of staff of  
14 ministry of foreign affairs.

15 9. The Commission may delegate any of its powers to:

16 (a) any of its committee members; or

17 (b) a committee consisting of such persons (one of whom shall be  
18 the chairman);

19 (c) an officer in the service of the Commission; but no such  
20 delegation shall prevent the exercise by the Commission of any power under  
21 this bill.

22 10.-(1) Notwithstanding the provision of the Pension Act, service  
23 in the commission shall be service in the Public Service of the Federation for  
24 the purpose of that Act, and accordingly officers' and other staff of the  
25 Commission shall, in respect of their services in the Commission be entitled  
26 to pensions, gratuities and other retirement benefits as are prescribed in the  
27 Act.

28 (2) Nothing shall prevent the appointment of a person to any office  
29 in the Commission on terms which precludes the grant of pension or gratuity  
30 in respect of service in the office.

Delegation of  
power and certain  
restrictions

Pension Act  
Cap. 346 LFN

Staff Regulations

1 11.-(1) The Commission may make regulations generally relating to  
2 the conduct of service, including the power to fix salaries and allowances of  
3 staff of the Commission and the regulations may provide for:

4 (a) the composition Of membership of the committee referred in  
5 section 7 of this Bill;

6 (b) the appointment/promotion and disciplinary control (including  
7 dismissal) of staff of the Commission;

8 (c) appeals by staff or other disciplinary measures and until such  
9 regulations are made, the conditions of service of persons in the service of the  
10 Federation shall, with such modifications as may be necessary, be applicable to  
11 the staff of the Commission.

12 (2) Any regulation made under subsection (1) of this Section need not  
13 be published in the Federal Gazette.

Fund of the  
Commission

14 12.-(1) The Commission shall establish a fund and provision for the  
15 fund shall be in the annual budget of the National Assembly.

16 (2) There shall be paid and credited into the fund established:

17 (a) the annual budget;

18 (b) such monies as may from time to time be granted or deposited with  
19 the Commission by any institution within or outside the country;

20 (c) money raised by the Commission by way of gifts, loans, grants-in-  
21 aid, testamentary dispositions or otherwise; and

22 (d) proceeds from all other assets that may from time to time accrue to  
23 the Commission.

24 (3) The Commission shall defray from the fund, all expenditure  
25 incurred by it and include but not limited to:

26 (a) the cost of administration;

27 (b) the payment of salaries, fees or other remunerations, allowances,  
28 pension and gratuities payable to members and employees of the Commission;

29 and

1 (c) anything done in connection with any of its functions under  
2 this Bill.

3 13.-(1) The Commission shall, not later than 31st August, each Annual estimates  
4 year submit to the President an estimate of incomes and expenditure of the and expenditures  
5 Commission during the succeeding year.

6 (2) The commission; shall cause to be kept proper account of the  
7 Commission in respect of each year, proper records of such account which  
8 shall be audited not later than six months after the end of each year by  
9 auditors appointed by the commission from the list of auditors.

10 14. The Commission shall prepare and submit to the President, Annual reports  
11 Federal Republic of Nigeria, not later than 31st August in each year, a report  
12 on the activities of the commission during the immediate proceeding year  
13 and shall include in the report a copy of the audited accounts of the  
14 Commission for that year and the auditor's report thereon supplied by the  
15 Auditor-General of the Federation.

16 15. The Commission may, subject to the approval of the ministry Borrowing  
17 of finance and the Senate Committee on foreign affairs borrow, by way of power  
18 loan or overdraft from any source within or outside the country such sums  
19 required by the Commission for meeting its obligation and discharging its  
20 function under this Bill.

21 16. For the purpose [of providing offices and premises necessary Office of the  
22 for the performance of its functions under this Bill, the Commission may: Commission

23 (a) purchase or take on lease any interest in land or other property;  
24 and

25 (b) Equip and maintain same.

26 17.-(1) Civil action shall not be commenced against the Restriction on  
27 Commission before the expiration of a period of 30 days, after a written legal, proceedings  
28 notice of intention to commence the action have been filed and served on the against the  
29 Commission by the intending plaintiff or his agent, stating clearly: Commission

30 (a) cause of action;

- 1 (b) particulars of claim;  
2 (c) name of the plaintiff; and  
3 (d) relief claimed.

4 (2) The notice referred to in subsection (1) of this section and any  
5 summons or other documents authorized to be served under this or any other  
6 enactment, may be served by:

- 7 (a) delivery to the Commission; or  
8 (b) sending it by registered post addressed to the commission.

Restriction on  
execution against  
property of the  
Commission

9 **18.** In any action 'or suit against the Commission, no execution shall  
10 be levied or attachment process issued against the Commission unless not less  
11 than one month's notice of intention to execute or attach has been given to the  
12 Commission.

Gifts

13 **19.** The Commission may accept gift or grants of money or aids or  
14 other property from any national, bilateral or multi-lateral organization and  
15 upon such terms and condition, if any, as may be agreed between the donor and  
16 the Commission provided that such gifts are not inconsistent with the functions  
17 of the Commission.

Department of  
the Commission

18 **20.** For the purpose 'of discharging its duties under the Bill, the  
19 Commission shall carry out its function through the following departments:

- 20 (a) Personnel management and administration;  
21 (b) Finance and accounts;  
22 (c) Foreign and consular services;  
23 (d) Research and foreign policy; and  
24 (e) Such other departments as the commission may require in the  
25 effective discharge of its functions under this Bill.

Directives by  
the President

26 **21.** Subject to the provisions of this Bill, the President may give to the  
27 Commission, directives of a general nature or relating generally to matters of  
28 policy with regard to the performance of the Commission's functions.

Interpretation

29 **22.** In this bill:  
30 "Board" means Board of the commission;



1 "Commission" means the Foreign Service Commission established under  
2 section 1 of this Bill;

3 "President" means president of the Federal Republic of Nigeria.

4 23. The Bill may be cited as the Foreign Service Commission Bill, Citation  
5 2018.

6 SCHEDULE

7 Section 2(7)

8 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

9 *Proceedings of the Board*

10 1.-(1) The Commission may make standing orders regulating its  
11 proceedings or those of any of its committees.

12 (2) The quorum of the Board shall be the Chairman or the person  
13 presiding at the meeting and 6 other members of the Board and the quorum  
14 of any committee of the Board shall be as determined by the Board.

15 (3) The Board shall meet whenever it is summoned by the  
16 Chairman and if the Chairman is required to do so by notice given to him by  
17 not less than 8 other members, he shall summon a meeting of the Board to be  
18 held within 14 days or the date in which the notice is given.

19 (4) At any meeting of the Board, the Chairman shall preside but if  
20 he is absent, the members present at the meeting shall appoint one of their  
21 numbers to preside at the meeting.

22 (5) Where the Board desires to obtain the advice of any person on a  
23 particular matter, the Board may co-opt him for such period as it deems fit,  
24 but a person who is in attendance by virtue of this sub-paragraph shall not be  
25 entitled to vote at any meeting of the Board and shall not count towards a  
26 quorum.

27 *Committees*

28 2.-(1) The Board may appoint one or more committees to carry out,  
29 on behalf of the Board such functions as the Board may determine.

30 (2) A committee appointed under this paragraph shall consist of

1 such number of persons as may be determined by the Board and a person shall  
2 hold office on the committee in accordance with the terms of his appointment.

3 (3) A decision of a committee of the Board shall not take effect until it  
4 is confirmed by the Board.

5 *Miscellaneous*

6 3.-(1) The fixing of the seal of the Commission shall be authenticated  
7 by the signatures of the Chairman, or any person generally or specifically  
8 authorized by the Board to act for that purpose.

9 (2) Any contract or instrument which, if made or executed by a person  
10 not being a body corporate, would not be required to be under seal may be made  
11 or executed on behalf of the Commission by the chairman or any person  
12 generally or specifically authorized by the Board to act for that purpose.

13 (3) A document purporting to be a document duly executed under the  
14 seal of the Commission shall be received in evidence and shall, unless and until  
15 the contrary is proved, be presumed to be so executed.

16 4. The validity of any proceedings of the Board or of a committee  
17 shall not be adversely affected by:

18 (a) a vacancy in the membership of the Board or committee;

19 (b) a defect in the appointment of a member of the Board or  
20 committee; or

21 (c) reason that a person not entitled to do so took part in the  
22 proceedings of the Board or committee.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Nigerian Foreign Service Commission charged with the responsibility of ensuring excellence and professionalism in the conduct of foreign affairs of the Federal Republic of Nigeria. This Bill also seeks to co-ordinate activities of agencies providing foreign services.