

NIGERIANS IN DIASPORA COMMISSION (ESTABLISHMENT) BILL, 2015

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A BILL

FOR

AN ACT TO ESTABLISH THE NIGERIANS IN DIASPORA COMMISSION, PROVIDE FOR THE ENGAGEMENT OF NIGERIANS IN DIASPORA IN THE POLICIES, PROJECTS AND PARTICIPATION IN THE DEVELOPMENT OF NIGERIA AND FOR THE PURPOSE OF UTILISING THE HUMAN, CAPITAL AND MATERIAL RESOURCES OF NIGERIANS IN DIASPORA TOWARDS THE OVERALL SOCIOECONOMIC, CULTURAL AND POLITICAL DEVELOPMENT OF NIGERIA; AND FOR RELATED MATTERS, 2015

Sponsored by Hon. Joan Onyemaechi Mrakpor

[] Commencement

ENACTED by the National Assembly of the Federal Republic of

Nigeria-

1 PART I - ESTABLISHMENT OF THE NIGERIANS IN DIASPORA COMMISSION

2 1. -(1) There is established for the Federation, the Nigerians in
3 Diaspora Commission (in this Bill referred to as the "Commission") which
4 shall:

- 5 (a) be under the Federal Ministry of Foreign Affairs; and
- 6 (b) be constituted in accordance with and have such powers and
- 7 functions as conferred on it by this Bill.

8 (2) The Commission-

- 9 (a) shall be a body corporate with perpetual succession and a
- 10 common seal;
- 11 (b) may sue and be sued in its corporate name;
- 12 (c) may, for the purposes of its functions, acquire, hold or dispose
- 13 of property (whether moveable or immovable);
- 14 (d) is a designated Commission in Nigeria charged with the
- 15 responsibility of coordinating and providing an organized system of
- 16 collaborations of Nigerians in Diaspora for their contributions by

Establishment of
the Nigerians in
Diaspora
Commission
(NIDCOM)

1 identifying, preserving and mobilizing the human, capital and material
2 resources and expertise to the general development of Nigeria.

Composition of
the Board of the
Commission

3 2.-(1) There shall be for the Commission a Governing Board (in this
4 Bill referred to as "the Board) which shall consist of-

5 (a) a Chairman who shall:

6 (i) be the chief executive and accounting officer of the Commission;

7 (ii) be a person of high integrity; and

8 (iii) possess not less than 15 years' experience in Public Service.

9 (b) a representative each-

10 (i) from the Ministry of Foreign Affairs;

11 (ii) employed in the Civil Service, not below the rank of a Director;

12 (c) 2 representatives each from Nigerian in Diaspora Organisations

13 in:

14 (i) America;

15 (ii) Europe;

16 (iii) Asia; and 1 in;

17 (iv) Australia;

18 (v) Africa;

19 (d) a legal practitioner of not less than 10 years post-call experience.

20 (2) The Chairman and members of the Commission shall be
21 appointed by the President subject to confirmation by the Senate.

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

Functions of the
Board

25 3. The Board shall be responsible for the general administration of the
26 Commission and, in particular, shall:

27 (a) formulate general policies for the regulation and development of
28 the capital market and the achievement and exercise of the functions of the
29 Commission;

30 (b) approve the audited and management accounts of the

1 Commission;

2 (c) appoint Auditors for the Commission;

3 (d) consider and approve the annual budget of the Commission as
4 may be presented to it by the management;

5 (e) appoint, promote, terminate and exercise disciplinary control
6 over the staff of the Commission;

7 (f) establish zonal offices of the Commission; and

8 (g) carry out such other activities as are necessary and expedient
9 for the purpose of achieving the objectives of the Commission.

10 4. The Commission shall have its head office in the Federal
11 Capital Territory and other offices in any part of Nigeria as may be
12 determined by the Board of the Commission. Head office of
the Commission,

13 5.-(1) The Chairman and members of the Commission shall hold Tenure of office
14 office for a period of 4 years and may be re-appointed for a further term of 4
15 years and no more.

16 (2) Notwithstanding the provision of section 2 of this Bill, the
17 appointment under section 2 (1) (c) shall be on recommendations made by
18 the respective continental Nigerians in Diaspora Organisations (NIDO),
19 professional groups and socio-cultural groups.

20 6. Notwithstanding the provisions of section 3, a member of the Cessation of
office
21 Board shall cease to hold office if he:

22 (a) becomes of unsound mind;

23 (b) becomes bankrupt or makes a compromise with creditors;

24 (c) is convicted of a felony or any offence involving dishonesty;

25 (d) is guilty of serious misconduct in relation to his duties; or

26 (e) is a person who has a professional qualification, and is
27 disqualified or suspended (other than at his own request) from practicing his
28 profession in any part of Nigeria by the order of any competent authority
29 made in respect of him personally.

Vacancy in
membership

- 1 7. Where a vacancy occurs in the membership of the Commission-
- 2 (a) it shall be filled by the appointment of a successor to hold office for
- 3 the remaining term of office of his predecessor; and
- 4 (b) the successor so appointed shall represent the same geo-political
- 5 zone or the continent as the case may be, and the interest of his predecessor.

6 PART II - FUNCTIONS OF THE COMMISSION

Powers of the
Commission

- 7 8. The Commission shall have power to-
- 8 (a) manage the funds, with respect to the day-to-day running of the
- 9 Commission;
- 10 (b) mobilize and execute programmes that will compliment and direct
- 11 the nation on major areas of accelerated development;
- 12 (c) formulate policies as the Commission may, from time to time,
- 13 determine;
- 14 (d) co-ordinate and harmonize all continental Nigeria Diaspora
- 15 Organizations;
- 16 (e) advise the government at all levels on matters related to this Bill;
- 17 (f) carry out various trainings for the staff of the Commission;
- 18 (g) set-up a world-wide council (consisting of continental
- 19 leaderships, regional and local leaderships);
- 20 (h) reach out to Nigerian communities abroad through their various
- 21 groups, organizations and professionals bodies;
- 22 (i) articulate its mandate and that of the Government properly and
- 23 widely;
- 24 (j) strengthen the existing administrative set-up of the Nigerian
- 25 Diaspora Organization;
- 26 (k) work in concert with Nigeria Diaspora Organization, professional
- 27 sub-committees, sub-committees on the professional groups and the various
- 28 socio-cultural groups; and
- 29 (l) design criteria for membership participation.

1 9.-(1) There shall be established such Departments as the Board
2 may deem fit.

Department of
the Commission

3 (2) The functions of the Departments shall be determined by the
4 Board.

5 PART III - STAFF OF THE COMMISSION

6 10.-(1) There is established for the Commission a Secretariat
7 which shall be headed by the Secretary and whose appointment shall be by
8 the President.

Appointment of
the Secretary and
other staff of the
Commission

9 (2) The Secretary shall be-

10 (a) the head of the Secretariat of the Commission;

11 (b) responsible for the administration of the Secretariat and the
12 keeping of the books and records of the Commission;

13 (c) appointed for a term of 4 years in the first instance and may be
14 reappointed for a further term of 4 years subject to satisfactory performance;
15 and

16 (d) subject to the supervision and control of the Chairman and the
17 Commission.

18 (3) The Commission may, from time to time, appoint such other
19 staff or second officers from government Ministries, Embassy, Mission or
20 such other private or public service as it may deem necessary to assist the
21 Commission in the performance of its functions under this Bill;

22 (4) The staff of the Commission appointed under subsection (3) of
23 this section, shall be appointed upon such terms and conditions as the
24 Commission may, after consultation with the Federal Civil Service
25 Commission, determine.

26 11.-(1) The Commission may, subject to the provisions of this Bill,
27 make staff regulations relating generally to the conditions of service of the
28 employees of the Commission and without prejudice to the generality of the
29 foregoing, the regulations may provide for-

Staff regulations

30 (a) the appointment, promotion and discipline of employees of the

1 Commission; and

2 (b) appeals by such employees against disciplinary measures, and
3 until the regulations are made, any instrument relating to the conditions of
4 service of officers in the Civil Service of the Federation shall be applicable,
5 with such modifications as may be necessary, to the employees of the
6 Commission.

7 (2) Staff regulations made under subsection (1) of this section shall
8 not have effect until approved by the Commission, and when so approved, the
9 regulations may not be published in the Gazette but the Commission shall
10 cause them to be brought to the notice of all affected persons in such manner as
11 it may, from time to time, determine.

Pensions Reform
Act, No.2, 2004

12 12. Service in the Commission shall be public service for the
13 purposes of the Pensions Reforms Act and, accordingly, officers and other
14 persons employed in the Commission shall, in respect of their service in the
15 Commission, be entitled to pension and gratuities.

Training
programme

16 13. The Commission shall initiate, develop or improve specific
17 training programme for its officers and other personnel, charged with the
18 responsibility for the implementation of the Commission programmes created
19 by this Bill and such programme shall include-

20 (a) methods used in attending to and collecting information about the
21 NIDO members, professional group members and socio-cultural groups for the
22 purpose of registration and storage of their proposals as specified and created
23 under this Bill;

24 (b) mobilization framework and parameters that will clearly
25 articulate proposals of the NIDO member or organization, professional groups
26 and socio-cultural organisation;

27 (c) mobilization of clearly defined members;

28 (d) clear definition of goals;

29 (e) qualifying attributes for membership and participation;

30 (f) definition of settings for mobilization activities;

- 1 (g) listing of tools needed to employ for effective mobilization;
- 2 (h) funds for mobilization;
- 3 (i) techniques to be used by persons involved in implementing the
- 4 programmes created under this Bill, including the offences thereto and
- 5 appropriate counter-measure;
- 6 (j) detection and monitoring of the movement of funds and
- 7 proceeds and property derived from Governments and endowment fund
- 8 intended to be used by the Commission;
- 9 (k) methods used for the transfer, concealment or disguise of such
- 10 proceeds, property or instruments;
- 11 (l) law enforcement techniques;
- 12 (m) custody of records and evidences;
- 13 (n) legal prosecution, representation and defence;
- 14 (o) dissemination of information on the NIDO member or its
- 15 organization.
- 16 (p) membership recruitment through regional conferences,
- 17 individual contact, or special meetings with existing groups;
- 18 (q) improve administrative facilities at the NIDO Continental
- 19 Headquarters in Washington DC area (NIDO America), London (NIDO
- 20 Europe), Singapore (NIDO), Asia and Accra or Johannesburg (NIDO
- 21 Africa);
- 22 (r) improve administrative facilities at the professional groups and
- 23 socio-cultural groups headquarters all over the world; and
- 24 (s) creation of awareness through press and other media.

25 PART IV - FUNDS AND FINANCIAL PROVISIONS OF THE COMMISSION

26 **14. -(1) The Commission shall establish and maintain a fund from**

27 **which all expenses incurred by the Commission shall be defrayed.**

Fund of the
Commission

28 **(2) The Fund shall comprise funds derived from but not limited to**

29 **the following source-**

- 30 **(a) such money as may be appropriated by the National Assembly**
-

1 or granted or Contributed by a State, local government, statutory body,
2 international body, international donor agency, non-governmental
3 organization and membership due;

4 (b) fees charged by the Commission under this Bill;

5 (c) interests on investments made from the operation of the
6 Commission; and

7 (d) all other assets that may from time to time accrue to the
8 Commission.

Investment of
moneys in the
fund t

9 15. Subject to section 14 of this Bill, moneys in the Fund which may
10 at any time be surplus to the current needs of the Commission shall be invested
11 in such securities as may be approved by the Board.

Borrowing and
investment power

12 16.-(1) The Commission may, in accordance with the general
13 guidelines or authority given by the Government of the Federation borrow by
14 way of loan or overdraft from any source, any money required by the
15 Commission to meet its obligations and its functions under this Bill.

16 (2) The Commission may, subject to the provisions of this Bill and
17 condition of trust in respect of funds held or any property owned by the
18 Commission, invest any but not all of the funds with the same consent or
19 general authority.

20 (3) Without prejudice to the power of the Commission to set aside
21 from the Fund appropriate amounts for replacements, contingencies or other
22 purposes, the Commission may establish and maintain a general reserve.

23 (4) The management of the general reserve, the sums to be carried
24 from time to time to the credit of the general reserve, the charges to be made
25 against the general reserve and any other application of the Commission
26 moneys comprised therein, shall be as the Commission may, with the approval
27 of the Minister, determine:

28 Provided that no part of the moneys comprised in the general reserve shall be
29 applied otherwise than for the purposes of this Bill.

1 (2) Notwithstanding anything contained in any other law or
2 enactment, no suit against a member of the Board, the Executive Secretary or
3 any other officer or employee of the Board, for any act done in pursuance or
4 execution of this Act or any other law or enactment, or of any public duties or
5 authority or in respect of any alleged neglect or default in the execution of this
6 Bill or any other law or enactment, duties or authority, shall lie or be instituted
7 in any court unless it is commenced-

8 (a) within 3 months next after the act, neglect or default complained
9 of; or

10 (b) in the case of a continuation of damage or injury, within six
11 months after the ceasing thereof.

12 (3) No suit shall be commenced against a member of the Board, the
13 Executive Secretary or any other officer or employee of the Commission
14 before the expiration of a period of one month after written notice of the
15 intention to commence the suit shall have been served on the Commission by
16 the intending plaintiff or his agent.

17 (4) The notice referred to in subsection (3) of this section shall clearly
18 and explicitly state-

19 (a) the cause of action;

20 (b) the particulars of the claim;

21 (c) the name and place of abode of the plaintiff;

22 (d) the relief which he claims.

Service of
document

23 **21.** A notice, summons or other document required or authorized to be
24 served on the Commission under the provisions of this Act or any other law or
25 enactment may be served by delivering it to the Secretary or by sending it by
26 registered post addressed to the Executive Secretary at the principal office of
27 the Commission.

Restriction on
execution against
property of the
Commission

28 **22.-(1)** In any action or suit against the Commission, no execution or
29 attachment of process in the nature thereof shall be issued against the
30 Commission unless not less than 3 months' notice of the intention to execute or

1 attach has been given to the Commission.

2 (2) Any sum of money which by the judgment of any court has been
3 awarded against the Commission shall, subject to any direction given by the
4 court, where no notice of appeal against the judgment has been given, be
5 paid from the Account of the Commission.

6 PART VI - MISCELLANEOUS

7 **23.** The Minister may, give directives in writing to be served on a Directives by the
Minister, etc.
8 Director of a Department, requiring the Director to furnish the Minister with
9 all information within his power relating to such matters connected with any
10 activity of the Department as may be specified in the directives and the
11 Director shall comply with the requirements of the directives.

12 **24.** Any official or employee of the Commission shall be Indemnity of
Commission's
officials
13 indemnified out of assets of the Commission against any liability incurred
14 by him in defending any proceeding whether civil or criminal, if the
15 proceeding is brought against him in his capacity as officer or employee of
16 the Commission.

17 **25.** The Board may make regulations, rules or orders to give full Regulations
18 effect to the provision of this Bill.

19 **26.** In this Bill- Interpretation
20 "chapter" refers to the umbrella body of the Continental NIDO, Professional
21 group, socio-cultural group or agency or other similar body established and
22 maintained by government for that purpose; coded "NIDCOM" Card means
23 the coded membership card directed to be issued upon registration of a
24 Nigerian in Diaspora, and as provided under section 6 (b) of this Bill;
25 "Division" means the Division in the Commission established by section 24
26 of this Bill; "function" includes power and duty;
27 "Minister" means the Minister charged with responsibility for matters
28 relating to foreign affairs;
29 "NIDO" means Nigerians in Diaspora Organisation;
30 "Professional and socio-cultural groups" means the professional and socio-

1 cultural groups duly recognized by the Embassies, Consulate or High
2 Commission of that country and Nigeria;

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

Citation

4 27. This Bill may be cited as the Nigerians in Diaspora Commission
5 (Establishment) Bill, 2015.

6 SCHEDULE

7 *Section 2 (3)*

8 PROCEEDINGS OF THE BOARD OF THE COMMISSION

9 1.-(1) Subject to this Bill and section 27 of the Interpretation Act, the
10 Commission may make standing orders regulating its proceedings or those of
11 any of its Committees.

12 (2) At any meeting of the Commission the Chairman shall preside but
13 if he is absent, the members present at the meeting shall appoint one of them to
14 preside at the meeting.

15 (3) The quorum for the meeting of the Board of the Commission shall
16 be 5 members.

17 (4) Where the Commission desires to obtain the advice of any person
18 on a particular matter, the Commission may co-opt him as a member for such
19 period as it thinks fit; but a person who is a member by virtue of this paragraph
20 shall not be entitled to vote at any meeting of the Commission and shall not
21 count towards a quorum.

22 *Committee*

23 2.-(1) The Commission may appoint one or more standing or ad-hoc
24 Committees to carry out on its behalf such of its functions as it may determine.

25 (2) A committee appointed under this paragraph shall consist of such
26 number of persons (not necessarily members of the Commission) as may be
27 determined by the Commission; and a person other than a member of the
28 Commission shall hold office on the Committee in accordance with the terms
29 of his appointment.

30 (3) A decision of a Committee of the Commission shall be of no effect

1 until it is confirmed by the Board.

2 (4) The quorum of a meeting of the committee of the Commission
3 shall be as determined by the Board.

4 (5) The Chairman shall have casting vote.

5 **3.** Any member of the Commission and any person holding office
6 on a committee of the Commission who has a personal interest in any
7 contract or arrangement entered into or proposed to be considered by the
8 Commission or a committee thereof shall forthwith disclose his interest to
9 the Commission and shall not vote on any question relating to the contract or
10 arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to establish Nigerians in Diaspora (Establishment) Commission, provide for the engagement of Nigerians in Diaspora in the policies, projects and participation in the development of Nigeria and for the purpose of utilising the human, capital and material resources of Nigerians in Diaspora towards the overall socio-economic, cultural and political development of Nigeria.