

A BILL

FOR

AN ACT TO PROVIDE FOR IMPROVED AID EFFECTIVENESS,
ACCOUNTABILITY AND CO-OPERATION FOR DONOR, RECIPIENT AND FOR
RELATED MATTERS

Sponsored by Hon. Ochiglegor Idagbo

[] Commencement

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

1 1. Notwithstanding anything to the contrary contained in any Act
2 or in any other enactment or Law, the provisions of this Act shall apply to all
3 matters pertaining to donations and receipt of aids in Nigeria.

4 Donor alignment with national development strategy

Donor alignment
with National
Development
Agency

5 2.-(1) All Donors involved in donation of funds to Nigeria in aid,
6 grants and other financial assistance shall consider and align their aid
7 delivery with Nigeria's national development strategies.

8 (2) Compliance with the provisions of this Act and the promotion
9 of Nigeria's economic plans shall be a major criteria for partnership with
10 Donors.

11 3. Upon the commencement of this Act, the National Planning
12 Commission (hereinafter called the Commission) shall-

Commission's
guideline

13 (a) make definite Procedures, guidelines as well as monitor and
14 implement the provisions of this Act with a view to ensuring a measurable
15 and continuous improvement in aid delivery;

16 (b) register existing donor agencies operating in Nigeria, regulate
17 and coordinate their activities;

18 (c) take the lead in coordinating aid at all levels in conjunction with
19 other development resources in dialogue with donors and encouraging the
20 participation of civil society and the private sector;

1 (d) work with donors to establish mutually agreed frameworks that
2 provide reliable assessments of performance, transparency, accountability and
3 implementation;

4 (e) encourage and enforce the prioritization and use of local personnel
5 and resources in the administration of development and donor assistance in
6 Nigeria;

7 (f) develop a frame work for reporting and disclosure by all donors
8 and development partners of the application of funds in Nigeria;

9 (g) publish timely, transparent and reliable reporting on aid
10 assessment and performance;

11 (h) provide clear views on donors' comparative advantage and on how
12 to achieve donor complementarities in Nigeria;

13 (i) reinforce participatory approaches by systematically involving a
14 broad range of donors when formulating and assessing progress in
15 implementing national development strategies;

16 (j) monitor and ensure that development funds given by donors and
17 development partners to any government institution is in line with the
18 national development strategies and objectives of the Nigerian government
19 and its citizens.

Responsibilities
of Donor

20 **4. It shall be the responsibility of Donors to-**

21 (a) liaise with the Commission to harmonise and align their aid
22 delivery with Nigeria's developmental needs;

23 (b) furnish the Commission with details of projects and programmes
24 they intend to directly execute and within 3 weeks of their completion, give
25 account on them to the Commission;

26 (c) link their programming and resources to results and align them
27 with the Nigeria's performance assessment frameworks;

28 (d) refrain from requesting the introduction of performance indicators
29 that are not consistent with the Nigeria's national development strategies;

30 (e) harmonize their monitoring and reporting requirements with the

1 statistical, monitoring and evaluation systems of the Commission to the
2 maximum extent possible on joint formats for periodic reporting;

3 (f) provide reliable indicative commitment of aid over a multi-year
4 frame work and disburse aid in a timely and predictable fashion according to
5 agreed schedules;

6 (g) avoid activities that undermine Nigeria's economic program
7 such as bypassing national budget processes;

8 (h) provide timely, transparent and comprehensive information on
9 aid flows so as to enable the Commission to present comprehensive budget
10 reports to the legislature.

11 **5. The Commission in conjunction with Donors shall-**

12 (a) ensure that aid delivery does not bring about duplication of
13 projects in the national budget;

14 (b) encourage collaborative behaviour and progressive alignment
15 with Nigeria's priorities, development strategies, systems and procedures;

16 (c) provide more predictable and multi-year commitments on aid
17 flows to Nigeria;

18 (d) ensure that humanitarian assistance in times of disaster are
19 harmonised within the growth and poverty reduction agenda of Nigeria;

20 (e) set targets designed to track and encourage progress in
21 partnership;

22 (f) periodically asses, qualitatively as well as quantitatively the
23 mutual progress in the implementation of agreed commitment on aid
24 effectiveness.

25 **6. Any government ministry, department, agency and non-**
26 **governmental organization that receives donation, aid, grant and other**
27 **financial assistance from a Donor shall -**

28 (1) (a) within seven days from the receipt of the donation, aid or
29 financial assistance, furnish the Commission with details of the assistance;

30 (b) cause the details of the donation, aid, grant or financial

Collaboration
between
Commission and
Donor

Responsibility of
agency in receipt

1 assistance to be published in two national dailies;
 2 (c) cause the donation, aid, grant and or financial assistance to be
 3 utilized strictly for the purpose for which it is meant for;

4 (2) It is a punishable offence for a government ministry, department,
 5 agency and non-governmental organization to under utilize or misapply
 6 donation, aid, grant or financial assistance made by a donor.

False Declaration
and misapplication

7 7.-(1) Any recipient of donation, aid, grant or financial assistance
 8 who-

9 (a) with intent to deceive, wilfully makes false declaration or
 10 publication about the donation, aid, grant or financial assistance it receives;

11 (b) under-utilize or misapply donation, aid, grant or financial
 12 assistance made by a donor is guilty of an offence under this section ;

13 (2) Any recipient that commits an offence under this section shall be
 14 prosecuted and if found liable shall be convicted to imprisonment for a term not
 15 exceeding 2 years or to a fine of N400,000.00 or both.

Powers to
prosecute

16 8. The Commission shall have powers to recommend for prosecution,
 17 any person or group of persons in a government ministry, department, agency
 18 or non-governmental organization that have caused the under utilization or
 19 misapplication of donations, aids, grant or financial assistance made by a
 20 donor.

Interpretation

21 9. In this Act, unless the context otherwise requires -
 22 'Donor' means a person, an organization and a country involved in the donation
 23 of funds to Nigeria in aid, grants and other financial assistance;
 24 'Recipient' means a person, non-governmental organization, government
 25 agency that receives donation, aid, grant and financial assistance from a donor;
 26 'Partner' means a person, an organization and a country that has an agreement
 27 with Nigeria to make donation of funds to Nigeria in aid, grant and other
 28 financial assistance towards the actualization of a purpose.

Citation

29 10. This Bill may be cited as Improved Aid Effectiveness,
 30 Accountability and Co-operation for Donor, Recipient Bill, 2016.

EXPLANATORY MEMORANDUM

This Bill seeks to adopt the Paris Declaration on Aid Effectiveness by harmonizing and aligning all aid delivery to Nigeria with Nigeria's national development strategies.