

# A BILL

## FOR

AN ACT TO ESTABLISH THE NATIONAL INSTITUTE FOR ARID RESEARCH AND DESERTIFICATION CONTROL AND TO MAKE FOR COMPREHENSIVE PROVISION FOR IT'S MANAGEMENT ADMINISTRATION AND FOR RELATED MATTERS

*Sponsored by Hon. Ahmed Babba Kaita*

[ ] Commencement

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

1           1.-(1) There is hereby established the National Institute for Arid  
2           Research and Desertification Control (here referred to as "the institute")  
3           which shall be situated in Abuja the Federal Capital Territory.

Establishment of  
the National  
Institute for Arid  
Research  
Desertification  
Control

4           2. The institute shall have offices across the front-line states of  
5           Northern Nigeria for the effective monitoring of the Arid condition and  
6           desert encroachment.

7           3. The Institute:

8           (a) Shall be a body corporate with perpetual succession and a  
9           common seal to be kept in such custody as provided for in this Act;

10           (b) May sue or be sued in corporate name; and

11           (c) May subject to the provisions of the land use Act hold or dispose  
12           of property whether moveable or immovable.

13           4.- (1) The institute shall have the responsibilities of:

Responsibilities  
of the institution

14           (a) Researching into modern methods of ways of combating and  
15           controlling desertification;

16           (b) investing in analysis and research through the holding of  
17           conferences, workshops, seminars and symposia;

18           (c) From time to time publishing and gazzeting it's research  
19           findings in a journal of the institute and it's website;

1 (d) Provide a forum for intellectuals and expert in the field of study  
2 into Arid conditions and desertification;

3 (e) Homonizing and unifying all research works carried out by the  
4 institute and ensuring; the professional status necessary for promoting research  
5 work and mitigation methods;

6 (f) Awarding certificate to researchers for excellence;

7 (g) Partnering and affiliating with reputable institutions around the  
8 world, corporate bodies or individual who may be interested in the functions of  
9 the institution;

10 (h) The institution may solicit for or accept grants to aids it's research,  
11 provided that such grants are known to the government and the public.

12 PART 11- ESTABLISHMENT OF THE GOVERNING BOARD OF THE  
13 INSTITUTION

Establishment  
of the Governing  
Board of the  
Institution

14 5. There is hereby established for the institution a Governing Board  
15 (in the Act referred to as "The Board") which shall be responsible for  
16 coordinating all research policies of the institution and decisions.

17 The board shall be appointed by the president:

18 (a) There shall be for the institute, a Director General who shall be;

19 (b) Appointed by the president on the recommendation of the  
20 minister;

21 (c) The Director General of the institution shall possess a Masters  
22 Degree or a PHD from a reputable institution and shall have a cognate  
23 experience of 15 years in a relevant field of practice;

24 (d) The board and the Director General shall be appointed to serve a  
25 term of five years and may be appointed for another term of five years or more.

Membership of  
Board

26 6.-(1) The board shall consist of the following members:

27 (a) The Hon. Minister who shall be the chairman;

28 (b) The Director General;

29 (c) The Deputy Director General;

30 (d) The registrar of the institution;

1 (e) and one member each representing the seven front-line states of  
2 the North.

3 (2) The provision set out in the first schedule of this Act shall have  
4 full effect with respect to the Qualifications and appointment into the board  
5 and tenure of members of the board. First Schedule

6 7. Subject to the provision of this Act the board shall have powers  
7 to do anything which in it's opinion will help the functions of the institution,  
8 as follows:

9 (a) representing the institution locally and internationally in all  
10 matters concerning the institution;

11 (b) convening annual general or periodic meetings as the board  
12 may deem fit;

13 (c) determining the policy thrust and functions to be carried out by  
14 the institution;

15 (d) considering the audited statement of account of the institution;

16 (e) removal of members of the board and other officers of the  
17 institution in accordance with the provisions of this Act;

18 (f) determining the remunerations and conditions of service of  
19 employee of the institution;

20 (g) appointing external auditors for the purpose of carrying out  
21 annual comprehensive audit of the financial records of the institution as and  
22 when due;

23 (h) constituting committees to carry out specific functions for the  
24 board.

25 8.-(i) (i) The president shall appoint into the office of the Director  
26 General of the institution on the recommendations of the minister, an  
27 eligible person whenever the office becomes vacant; Appointment of  
the Director-  
General of the  
Institution

28 (ii) the duties and function of the Director General of the institution  
29 shall be assigned to him by the board.

30 (2) the board shall declare the office of the Director General of the

1 institution vacant:

2 (a) three month before the expiration of the tenure of the incumbent;

3 (b) if the incumbent dies;

4 (c) if the incumbent Director General in the opinion of the board  
5 becomes inactive, unavailable or difficult to reach for a period of not less than 3  
6 months;

7 (d) if the incumbent Director General resigned under his hand and  
8 addressed the minister;

9 (e) where the incumbent Director has been convicted of a criminal  
10 offence by a court of competent jurisdiction, whether before or after  
11 assumption of office.

12 (3) When the office of the Director General becomes vacant by reason  
13 of any' cause other than the expiration of tenure of office, the most senior  
14 research fellow shall perform in the capacity of the Director General pending  
15 the appointment of a new D.G.

16 9.-(i)(a) The board shall cause to be appointed into the office of the  
17 registrar of the institution eligible person;

18 (ii) the duties and functions of the registrar shall be set out according  
19 to the by-laws of the institution.

Removal of  
member of the  
Board of the  
Institute

20 10.-(1) without prejudice to the already stated manner of removing  
21 the Director General any other person or member of the board shall cease to  
22 hold office if he:

23 (a) ceases to be member of the institution;

24 (b) acts in a manner prejudicious to the interest or tenant of the  
25 institution or engages in any activity that is capable of maligning the reputation  
26 of the institution

27 PART 111- STAFF OF THE INSTITUTION

Appointment  
of Staff

28 11. The director General of the institution may with the approval of  
29 the board be assisted by the following, who shall be employed by the  
30 institution:

- 1 (a) Assistant Director General Administration;
- 2 (b) Assistant Director General Finance and Accounts;
- 3 (c) Assistant Director General Research and Development;
- 4 (d) Assistant Director General's planning;
- 5 (e) The secretary of the board, who shall be the legal adviser to the
- 6 board.

7 **12.-(1)** The board shall have the power to appoint directors, or from

8 any public service of the federation, any number of staff and other

9 employees as it may from time to time consider necessary under the Act.

10 (2) the terms and condition of service of members of staff may be

11 determined by the board and in accordance with prevailing terms and

12 condition for the public service:

13 (a) that service in the institution shall be approved under the

14 provision of the pensions Act and accordingly, staff and employees of the

15 institution shall be entitled to provision, gratuities and other retirement

16 benefits as prescribed under the pension Act;

17 (b) without prejudice to the provision of subsection (a) of this

18 section nothing in this Act shall prevent the appointment of any person to

19 any office on term which, precludes the grant of pension, gratuity or other

20 retirement benefits with respect to that office.

21 **13.** The board shall determine the remuneration to be paid to its

22 officers to give such security as it demand proper for the due execution of

23 his office.

Remuneration of  
office

24 **14.-(1)** The fund and resources of the institution:

25 (a) all sums, or properties vested in the institution by virtue of the

26 provision of this Act;

Funds and  
resources of the  
institution

27 (b) such sums or other advances by way of loans or grants to the

28 institution by government;

29 (c) such sums or other property as may from time to time be

30 advanced by way of loans or grants to the institution by any Government

1 statutory body, the Federal Government or any agency or institution of  
2 Government, international organizations, private foundation or any individual;

3 (d) any money earned or arising from researches.

4 (2) The institution shall ensure that its funds and resources are  
5 adequate to meet its research expenses, debt servicing and its annual capital  
6 expenditure as may be determined by government.

Bank account

7 **15.** The institution shall operate Bank account with a reputable bank  
8 or in such a manner that shall be determined by the ministry; with signatories  
9 been the Director General or in his absence his designated representative; as  
10 the case may be and the head of account or in his absence any person duly  
11 authorized by the board.

Gifts

12 **16.-(1)** The institution may accept gifts of land, money or other  
13 property on such terms and condition, if any as may be specified by the person  
14 or organization that is making the gift.

15 (2) the institution shall not accept gifts if the condition attached by the  
16 person or organization offering the gift are inconsistent with the policies of the  
17 institution.

18 1. "Institute", means the National Institute for Arid Research and  
19 Desertification Control;

20 2. "Arid" means, a hot dry place with minimum precipitation;

21 3. "Front-line states", mean states in the North that are threatened by  
22 desertification;

23 4. "Research" mean method or ways of study through gradual  
24 evaluation analyses and scientific experiment to reach an outcome;

25 5. "Desertification" means gradual encroachment of sand dunes into  
26 hitherto vegetated or arid savannah land areas in the North;

27 6. "Board" means the board of the institution;

28 7. "Director General" means the head of the institution;

29 8. "Minister" means minister of Environment;

30 9. "Grants" means funds or funding;

- 1 10. "Combating" means prevention;  
2 11. "Remuneration" means salaries and other entitlement;  
3 12. "Control" means method of mitigation or ways of stopping the  
4 further advance of the desert.

5 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

6 1. Subject to this Act and section 27 of the interpretation Act  
7 (which provides for decision of a statutory body to be taken by a majority of  
8 it's members and for the person presiding at any meeting when a vote is  
9 ordered to have a' second or casting vote); the Board may make standing  
10 order to regulate it's proceedings and meetings.

11 2. At every meeting of the Board the chairman shall preside and in  
12 his absence the members present shall appoint one of their member to  
13 preside.

14 3. Four times each year and subject to the decision of members the  
15 Board shall meet whenever it summoned the chairman and if required to do  
16 so, by notice given him by no less than 5 other members, he shall summon a  
17 meeting of the Board to be held within 14 days.

18 4. Where the Board desires to obtain the advice of an expert on a  
19 particular matter, the Board may co-opt him for the period which his time is  
20 needed.

21 17. This may be cited as the National institute for Arid Research Short title  
22 and Desertification Control (Establishment) Bill, 2016.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the National Institute for Arid Research and Desertification Control in other to research into ways and methods of controlling desertification in the Northern fringes of Nigeria.

