

A BILL

FOR

AN ACT TO ESTABLISH A FRAMEWORK, FORMULATE GUIDELINES FOR POLITICAL TRANSFER OF ADMINISTRATION FROM ONE DEMOCRATICALLY ELECTED PRESIDENT TO ANOTHER, PROVIDE FOR THE REGULATION OF TRANSFER OF POLITICAL POWER AND FOR OTHER MATTERS CONNECTED THERETO, 2015

Sponsored by Senator Mao Ohuabunwa

[] Commencement

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

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PART ONE

1. -(1) Within twenty-four (24) hours after the declaration of the results of the presidential election and a contestant is declared elected:

The Transition Team

- (a) The Incumbent President shall appoint:
 - (i) The Secretary to the Government of the Federation;
 - (ii) Clerk to the National Assembly;
 - (iii) Inspector General of Police;
 - (iv) Director, Department of State Security;
 - (v) Attorney General of the Federation;
 - (vi) Head of Service;
 - (vii) Ministers of Finance, Defence, Interior and Foreign Affairs;
 - (viii) National Security Adviser;
 - (ix) Governor, Central Bank and such other persons as .may be necessary.

(b) The President Elect shall appoint an equal number of persons as stated in (1) (a) to constitute the Transition Team hereinafter referred to as "The Team"

1 (2) The Incumbent President and the President Elect shall be the co-
2 chairpersons of the Team except that:

3 (a) The Incumbent President may delegate to one of the Persons he
4 appointed, any of the functions of the incumbent President as a co-chairperson
5 of The Team and;

6 (b) The President Elect may delegate to one of the persons he
7 appointed, any of the functions of the President Elect as a co-chairperson of
8 The Team.

9 (3) Where the incumbent President is re-elected for the second term,
10 the President shall appoint members of the Transition Team.

Functions of
the Team

11 2. The functions of the Team are:

12 (a) To make comprehensive practical arrangements to regulate, in
13 accordance with this Bill, the transfer of political power following the
14 Presidential election;

15 (b) To ensure the provision of daily National Security briefing for the
16 President Elect during the period before the assumption of office by the
17 President Elect;

18 (c) To ensure periodic briefings on the state of the economy for the
19 President Elect;

20 (d) To ensure that salaries, allowances and the retiring benefits which
21 are due to the holders of the offices of President and Vice President are paid
22 without undue delay;

23 (e) To take and keep inventory of the assets and properties of the
24 Government;

25 (f) To ensure that where relevant, the assets are properties of the
26 Government are transferred in good condition and tenantable repair; and

27 (g) To undertake any other function which will enable the Team
28 achieve the object of this bill.

Meetings of
the Team

29 3. -(1) For the purpose of this bill, the Team shall first meet not later
30 than forty-eight hours after the declaration of the result of the presidential

1 election and a contestant is declared elected.

2 (2) The co-chairpersons shall convene any other meeting of the
3 Team.

4 (3) The co-chairpersons shall preside at the meetings of the Team
5 and in the absence of the co-chairpersons the two persons to whom functions
6 are delegated under sub-section (2) of section 1 shall preside.

7 (4) Decisions of the Team shall be arrived at by consensus, but
8 where the members fail to agree on an issue, the co-chairpersons shall refer
9 the issue to the Transition Advisory Council.

10 (5) The members of the team unless otherwise provided by this
11 section, shall determine the procedure for the meetings of the Team.

12 (6) The quorum required to transact business at the meeting of the
13 Team shall be 15 members of the Team present.

14 4. -(1) The Team shall establish, from among its members:

Sub-Committees

15 (a) An Inauguration sub-committee, which shall be responsible for
16 the organization of the inauguration of the person elected as president into
17 office, and for taking of the oaths of office by the persons elected as
18 president and vice-president on May 29th;

19 (b) A Government machinery sub-committee, which shall be
20 responsible for arrangements for the handing over to the new administration
21 of the machinery of the civil service including the ministries, departments
22 and agencies;

23 (c) A presidency sub-committee, which shall ensure the orderly
24 transfer of all official assets and liabilities of the president, the vice-
25 president, the ministers and the presidential staff to the new administration;

26 (d) Any other sub-committees which the Team considers relevant
27 in the performance of any of the function of the Team.

28 (2) A sub-committee shall consist of not more than seven persons
29 who shall select one of their numbers to preside at the meetings of the sub-
30 committee.

1 (3) The procedure for the meetings of the team shall as far as
2 practicable apply to meeting of sub-committees of the Team.

3 (4) A sub-committee shall, as soon as practicable, present its report to
4 the team.

Transition
Advisory Council

5 5. -(1) There is established by this bill a transition advisory council
6 consisting of:

7 (a) The serving head of service as the chairperson;

8 (b) Two eminent citizens appointed by the incumbent president; and

9 (c) Two eminent citizens appointed by the person elected as president.

10 (2) For the purposes of sub-section 1, the head of service who
11 becomes the chairperson of the advisory council shall continue as chairperson
12 despite a change in personnel in the office of head of service until the
13 completion of the work of the Team.

14 (3) the advisory council shall determine the issue referred to it
15 expeditiously and the decision of the council binds the team and all of the sub-
16 committees.

17 PART TWO

Handing over
notes

18 6. -(1) The office of the president shall prepare a set of comprehensive
19 handing-over notes covering the term of office of the president.

20 (2) The notes prepared shall include:

21 (a) the handing over notes received by the President and the Ministers
22 on assuming office, and

23 (b) notes on the activities of:

24 (i) the Office of the President and Office of the Vice President and of
25 the Agencies under the portfolio of the President and of the Vice President;

26 (ii) the Ministries, Departments and Agencies.

27 (3) The handing over note shall reflect the accurate developments
28 which have taken place during the tenure of office and the projections of the
29 developments to take place before the end of the full tenure.

30 (4) The original and five other copies of the handing over note shall be

1 presented to the Head of Service not later than 30 days before the date of the
2 Presidential election.

3 (5) The handing over note may in addition be in electronic form.

4 7.-(1) The Head of Service shall make available to the person
5 elected as the President the original copy of the handing-over note.

Availability of
the handing-over
notes

6 (2) Of the five other copies:

7 (a) The Head of Service shall retain one copy, and

8 (b) One copy shall be sent respectively to:

9 (i) Parliament,

10 (ii) the Chief Justice,

11 (iii) the Council of State, and

12 (iv) the Ministry of Information

13 8. -(1) The incumbent President and the incumbent Vice President
14 shall each vacate the official residences before the day of the swearing-in of
15 the person elected as President and if either of them so desires, move into an
16 alternate.

Vacation of
Official Residence

17 9. The Administration by the Chief Justice of the oaths of office to
18 the persons elected as President and Vice President shall take place on May
19 29th following the Presidential election and in accordance with the relevant
20 sections of the constitution of the Federal Republic of Nigeria, 1999 as
21 amended.

Swearing-in of
the President

22 PART THREE

23 10. -(1) On the assumption of the Office of the person elected as
24 President, a person holding any of the offices specified in the bill shall cease
25 to hold that office, and shall be paid the relevant benefits and to that extent
26 the transition team shall stand dissolved.

Transitional
Provision

27 (2) Until the appointment of ministers by the newly sworn in
28 President, the permanent secretaries shall be responsible for the affairs of
29 their respective ministries for a period not exceeding four weeks after which
30 substantive ministers shall take-over.

- Interpretation 1 **11. In this bill, unless the context otherwise requires:**
2 "co-chairpersons" mean the incumbent President and the President-elect as the
3 chairpersons of the transition team;
4 "minister" means a minister of the Federal Republic or a Minister of State;
5 "team" means the transition team constituted under section 1 (1);
6 "council" means transition advisory council;
- Citation 7 **12. This bill may be cited as Presidential Transition Bill, 2015.**

EXPLANATORY NOTES

This Bill seeks to provide for the regulation of a seamless transfer of political power from one democratically elected President to another.