

# A BILL

## FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NEW PARTNERSHIP FOR AFRICA'S DEVELOPMENT COMMISSION AND FOR RELATED MATTERS

*Sponsored by Hon. Gideon Gwani*

[ ] Commencement

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

1 PART I - ESTABLISHMENT OF THE NEW PARTNERSHIP FOR AFRICA'S  
2 DEVELOPMENT COMMISSION

3 1.-(1) There is hereby established a body to be known as the New  
4 Partnership for Africa's Development Commission" (in the Bill referred to  
5 as "the Commission").

Establishment of the New Partnership Africa's Development Commission

6 (2) The Commission-

7 (a) shall be a body corporate with perpetual succession and a  
8 common seal;

9 (b) may sue and be sued in its corporate name;

10 (c) may enter into contracts and incur obligations.

11 2. The objectives of the Commission shall be:

Objectives of the Commission

12 (a) to place Nigeria on the path of sustainable growth and  
13 development;

14 (b) to halt Nigeria's marginalization in the globalization process  
15 and enhance its full and beneficial integration into the global economy;

16 (c) to promote good governance in both the private and public  
17 sector of the economy;

18 (d) to eradicate extreme poverty and hunger;

19 (e) to promote women empowerment.

20 3.-(1) There is established for the Commission a Board (in this Bill

Establishment, membership and appointment of the Board

1 referred to as "a Board" charged with the administration of the affairs of the  
2 Commission.

3 (2) The Board shall consist of:

4 (a) the Chairman;

5 (b) Minister of Foreign Affairs;

6 (c) Minister of National Planning Commission;

7 (d) Minister of Finance;

8 (e) 2 members from Civil Society Organization;

9 (f) 2 members from the organized private sector;

10 (g) in the event any of the members mentioned in (b)-(d) above cannot  
11 attend the Board meeting(s), he shall be represented by an officer of the  
12 Ministry not less than the rank of a Director.

13 (3) The members of the Board shall be nominated by the President  
14 and be confirmed by the Senate of the Federal Republic of Nigeria with the  
15 exception of section 3 (2)(b), (c) and (d) above.

Tenure of Office

16 4. The Board shall make Standing Orders regulating its  
17 proceedings.

Appointment  
of Secretary

18 5.-(1) There shall be appointed for the Commission a Secretary who  
19 shall subject to the general direction of the Chairman be responsible for  
20 keeping the records of the Commission and general administration and control  
21 of the Commission.

22 (2) The Secretary shall be appointed by the President for a term of four  
23 (4) years and may be re-appointed for another term of four years and no more.

Cessation of  
membership

24 6. The office of the member of the Board shall become vacant if:

25 (a) he resigns his appointment by notice in writing under his hand  
26 addressed to the President, and accepted by him;

27 (b) the President is satisfied that it is not in the interest of the  
28 Commission or of the public for the appointed to continue in office;

29 (c) he dies;

1 (d) he becomes of unsound mind or incapable of carrying out his  
2 duties;

3 (e) he becomes bankrupt;

4 (f) he is guilty of gross misconduct relating to his duties;

5 (g) a member shall cease to be a member of the Board if:

6 (i) he ceases to be a member of the organization writes a  
7 notification on the withdrawal of such representative;

8 (ii) he ceases to represent the interest group on whose platform he  
9 becomes a member;

10 (h) where a vacancy occurs in the membership of the Board, it shall  
11 be filled by the appointment of a successor to hold office for the remainder of  
12 the term of office of his predecessor and the successor shall represent the  
13 same interest as his predecessor.

14 7. The Board shall:

Functions of the  
Board

15 (a) advise the Federal Government generally on matters relating to  
16 the New Partnership for Africa's Development and African Peer Review  
17 Mechanism;

18 (b) approve the appointment of Directors of the Commission;

19 (c) be the governing authority responsible for supervising the  
20 activities of the Commission and for the formulation of its policies and also  
21 superintend generally the affairs of the Commission, promoting the  
22 interests, objectives and purpose of the Commission;

23 (d) establish Committees as may be expedient which shall be  
24 charged with specific functions delegated by the Board;

25 (e) appoint, promote and discipline employees for the proper  
26 discharge of the functions of the Commission;

27 (f) establish, encourage and promote capacity development  
28 programmes for the employees of the Commission;

29 (g) make standing orders regulating its proceedings and those of its  
30 Committee; and

Functions of  
the Commission

1 (h) give such directives and perform such other functions as may be  
2 necessary to achieve the objectives of the Commission.

3 **8. The functions of the Commission shall be to:**

4 (a) mainstream and domesticated principles, core values and sectoral  
5 priorities into National Planning Processes;

6 (b) develop and promote participatory mechanisms in planning,  
7 monitoring and delivery effective public services;

8 (c) a knowledge based organization, translate objective and policy  
9 priorities into tangible reform activities based on principles of best practices of  
10 Good Governance;

11 (d) to be a repository of best practices, methodology and tools in  
12 government (public) service;

13 (e) carry out research/studies in the fields of socio-economic,  
14 political and technological issues that help to impact on NEPAD development  
15 agenda, especially for improvement in policies, processes and service  
16 delivery;

17 (f) develop and promote a network of alliances stakeholders at the  
18 Federal, State and Local Government levels as well as with non-governmental  
19 organizations and international organizations to foster result - focused good  
20 governance;

21 (g) disseminate information on NEPAD programmes and activities to  
22 the public;

23 (h) work closely with relevant organs of the Nigeria Government on  
24 foreign technical assistance programmes that support the NEPAD plan of  
25 action;

26 (i) serve as NEPAD focal point and participate regularly in  
27 international meetings on issues concerning Africa's development;

28 (j) monitor all institutions processes and activities in the country  
29 relevant to the pursuance of NEPAD objectives;

30 (k) monitor and evaluate the implementation of NEPAD's

1 Programme in the Ministries, Department and Agencies (MDA's) and  
2 ensure compliance with NEPAD goals;

3 (l) carry out sectoral pilot schemes of the programmes of projects  
4 as may be determined by the Commission;

5 (m) provide secretariat services to the National Council on African  
6 Peer Review Mechanism;

7 (n) convene meetings of relevant stakeholders in any state in  
8 Nigeria including the Federal Capital Territory (FCT);

9 (o) promote and encourage bilateral and multilateral cooperation at  
10 regional and continental levels; and

11 (p) any other function that may be assigned from time to time by  
12 the Board.

13 9.-(1) The Chairman shall be paid such remuneration and Emolument  
14 allowances as may be determined by the Revenue Mobilization, Allocation  
15 and Fiscal Commission.

16 (2) The members of the Board shall be entitled to allowances as  
17 may be approved by the Board.

18 PART II - STRUCTURE OF THE COMMISSION

19 10. There is established in the Commission, the following Structure of the  
20 Departments: Commission

21 (a) Administration and Finance;

22 (b) Governance;

23 (c) Partnership;

24 (d) Planning, Research and Evaluation;

25 (e) and such other departments and units as the Commission may  
26 establish with the approval of the Board.

27 PART III - STAFF OF THE COMMISSION

28 11. -(1) The Chairman shall be the Chief Executive officer of the Duties of the  
29 Commission. Chairman

1 *Staff of the Commission*

2 (2) (a) The Commission may appoint such number of officers as may  
3 be expedient for the effective discharge of the objectives of the Commission;

4 (b) On coming into force of this Bill, any staff who so wishes may opt  
5 out of the Commission within three months of coming into force of this Bill.

Delegation to  
powers

6 12. Unless otherwise precluded by this Bill, the Commission may  
7 exercise any power and perform any of the functions and duties conferred on it  
8 by this Bill through or by its officers and staff duly authorized.

Condition of  
Service

9 13.-(a) The Commission shall develop and submit to the Board for  
10 approval, appropriate condition of service covering remunerations, welfare  
11 packages, pension scheme, fringe benefits and other benefits which would  
12 enable it attract and retain high quality manpower;

13 (b) Notwithstanding the provisions of the Pensions Act, service in the  
14 Commission shall be approved schedule of service for the purposes of this Bill,  
15 and accordingly officers and staff of the Commission shall in respect of their  
16 service in the Commission, be entitled to pensions, gratuities and other  
17 retirement benefits as prescribed under the Pensions Act;

18 (c) Notwithstanding the provisions for this section, nothing in this  
19 Bill shall prevent the appointment of a person to any office on terms which  
20 preclude the granting of a pension, gratuity or other retirement benefit in  
21 respect of that office;

22 (d) For the purpose of the application of the Pension Act, any power  
23 exercise by a Minister or other Authority of the Federal Government, other  
24 than the power to make regulations under section 23 of the Act thereof, is  
25 hereby vested in and shall be exercisable by the Commission and not by any  
26 other person or authority.

Appointment,  
promotion and  
discipline of  
officers

27 14. -(1) Appointment and promotion into any posts shall be made  
28 from time to time by the Commission in accordance with the requirements by  
29 it.

30 (2) The Commission shall also have the power to discipline any staff e

1 of the Commission in accordance with its regulations.

2 15. The Commission may make such regulations with respect to  
3 the exercise of any of the duties, functions or powers of the Commission  
4 under this Bill.

Powers to make  
regulations

5 16.-(1) There shall be establish in each State of the Federation  
6 including the Federal Capital Territory (FCT) by the respective State  
7 Government a NEPAD State Office for the propagation of NEPAD  
8 objectives and programmes;

Establishment of  
state offices

9 (2) The State NEPAD Office shall be headed by an Officer not less  
10 than a Special Adviser to the Governor and shall be of Cabinet rank;

11 (3) The State shall ensure that functional Offices are established in  
12 all its Local Government Areas for effective dissemination and delivery of  
13 NEPAD programmes and projects.

14 17. The Commission shall have the powers to:

Powers of the  
Commission

15 (a) purchase or take a lease of any land, building or property;

16 (b) build, equip and maintain offices and premises for the  
17 performance of its functions under this Bill;

18 (c) lease any office or premises, properties and assets held by it;

19 (d) open and operate ordinary and domiciliary accounts for the  
20 Commission in recognized Banking institutions;

21 (e) accept gifts of lands, money or other properties, upon such  
22 terms and conditions, as may be specified by the person or organization and  
23 conditions, as may be specified by the person or organization giving the  
24 gift, as long as such conditions are consistent with the functions of the  
25 Commission;

26 (f) establish representative offices in all Federal Ministries,  
27 Department and Agencies, for the domestication and implementation of  
28 NEPAD plan of action;

29 (g) certify and register Civil society Organizations, and  
30 Private/Public Sector Organizations wishing to partner in the







## PART V - MISCELLANEOUS PROVISION

Limitation of actions

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28.-(1) Notwithstanding anything to the contrary contained in any other law, no action shall be instituted against the Commission in respect of any act, neglect, or default done or omitted to be done by any officer, servant or agent of the Commission in his capacity as an officer, servant or agent of the Commission with regard to the regulations made pursuant to section 14 of this Bill unless it is commenced within three months next after the act or negligence complained of, or in the case of a continuing damage or injury, within three months after the ceasing thereof.

(2) No suit shall be commenced against the Commission before the expiration of a period of one month of intention to commence the suit shall have been served on the Commission by the intending plaintiff or his authorized agent and the notice shall clearly and explicit state:

(a) the cause of action;

(b) the particulars of the claim;

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

(d) the relief which he claims.

Indemnity of officers

29. A member of the Board or the Chief Executive Officer or any staff of the Commission shall be indemnified by the Commission against any liability incurred by him in the course of defending any proceeding, whether civil or criminal, provided the litigation arose from the performance of his duty.

Interpretation

30. In this Bill, unless the context otherwise requires:

"Assets" - including tangible and intangible things which have been or may be sold or procured for consideration;

"Bodies" means groups, clubs, associations or any agency that the Government may establish;

"NEPAD Programme" - this refers to all activities contained in the NEPAD Plan of Action;

"National Programme of Action (NPoA)" - The NPoA is a document that

1 contains national best practices, governance challenges as well as  
2 recommendations on policies and practices required to overcome such  
3 challenges which are identified in the Country Self-Assessment Report  
4 (CSAR) and the Country Review Report, (CRR);

5 "NEPAD Plan of Action" - This refers to the NEPAD's strategy for achieving  
6 sustainable development in the 21st Century;

7 "Partners"-means CSO's, NGO's MDA's, Corporate Bodies (both local and  
8 international) and such other bodies that the Commission may deem fit to  
9 collaborate and work with on any programme or project;

10 "Six Geo-Political Zones"-means:

11 North - West

12 North - East

13 North - Central

14 South - East

15 South - South

16 South - West

17 **31.** This Bill may be cited as the New Partnership for Africa's Citation  
18 Development Commission Bill, 2019.

#### EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the New Partnership for  
Africa's Development Commission.

