

A BILL

FOR

AN ACT TO ESTABLISH THE NIGERIA FOREIGN SERVICE COMMISSION WITH RESPONSIBILITY TO PROMOTE, MONITOR AND ENFORCE THE BASIS FOR NIGERIA'S NATIONAL INTEREST ABROAD AND FOR RELATED MATTERS

Sponsored by Hon. Yusuf Buba Yakub

[] Commencement

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

1 PART I - ESTABLISHMENT AND FUNCTIONS, ETC., OF NIGERIA FOREIGN
2 SERVICE COMMISSION

3 1.-(1) There is hereby established a body to be known as the
4 Nigeria Foreign Service Commission (in this Act referred to as "the
5 Commission").

Establishment
of Nigeria Foreign
Service Commission,
etc.

6 (2) The Commission:

7 (a) shall be a body corporate with perpetual succession;

8 (b) may sue or be sued in its corporate name;

9 (c) shall have its headquarters in the Federal Capital Territory,
10 Abuja; and

11 (3) The Commission shall not be subject to the direction, control or
12 supervision of any other authority or person in the performance of its
13 functions under this Act other than the President.

14 2.-(1) The Commission shall consist of:

Membership of
the Commission

15 (a) a Chairman who shall be the Chief Executive of the
16 Commission: he/she shall either be a serving or retired diplomat with a
17 minimum of university degree in Political Science, International Relations
18 or a degree in any other relevant field of studies preferably History or
19 Economics and must have not less than 15-year experience in foreign
20 service;

1 (b) a Representative of the Association of Retired Ambassadors of
2 Nigeria;

3 (c) a Representative of the Nigeria Diaspora Commission;

4 (d) a Representative each from Institute of Peace and Conflict
5 Resolution (IPCR), Nigerian Institute of International Affairs (NIIA) ,
6 Directorate of Technical Cooperation in Africa (DTCA), the Nigeria
7 Directorate of Technical Aid Corps (NDT AC), National Intelligence Agency
8 (NIA), Defence Intelligence Agency (DIA), State Security Service (SSS) and
9 the Civil Society.

10 (2) The Chairman and members of the Commission shall, subject to
11 confirmation of the Senate, be appointed by the President, and they must be
12 persons of proven integrity, expertise and experience in foreign affairs.

Tenure of office

13 3.-(1) The Chairman and Members of the Commission shall hold
14 office for a period of five years in the first instance and for a further term of five
15 years on such terms and conditions as may be specified in their letters of
16 appointment.

17 (2) A member of the Commission may only be removed from office
18 by the President acting on an address supported by two-thirds majority of the
19 Senate praying that he/she be so removed for inability to discharge the
20 functions of the office.

21 (3) A member may resign his/her membership by notice in writing
22 addressed to the President and that member shall, on the date of the receipt of
23 the notice by the President, cease to be a member.

24 (4) There shall be paid to every member of the Commission such
25 allowances as the Federal Government may, from time to time, direct.

26 (5) A member shall not while holding office hold any other office of
27 emolument whether in the Federal or State public service.

28 PART II

Functions and
Powers of the
Commission

29 4.-(1) The Commission shall:

30 (a) be responsible in formulating policies and guidelines for

1 appointment, promotion and discipline of persons in the Nigeria Foreign
2 Service Commission and the Ministry of Foreign Affairs;

3 (b) formulate and implement policies for ensuring the efficiency of
4 the Foreign Service Commission and its personnel;

5 (c) stipulate punitive measures aimed at ensuring disciplinary
6 control and the dismissal of any erring persons in the Commission and
7 Foreign Missions in the execution of Nigeria foreign policy goals and
8 agenda;

9 (d) be responsible for setting the policy agenda and foreign service
10 goals in line with Nigeria's Foreign Policy Objectives, as stipulated in
11 Section 19 of the amended 1999 Constitution of the Federal Republic of
12 Nigeria;

13 (e) facilitate training and retraining of foreign service personnel to
14 enable them develop capacity to represent Nigeria in such critical areas as
15 trade, investment and security, thereby, strengthening her foreign policy for
16 increased output and reciprocal gains in line with the agenda, vision and
17 policies set out in (2);

18 (f) advise the Federal Government of Nigeria on the pursuit of its
19 foreign policy goals and agenda from time to time;

20 (g) to effectively utilise, for the purpose of developing, enhancing,
21 managing and maintaining the Foreign Missions and their staff, all
22 monetary allocations, which may include the budget and or any special
23 allocation from the Federal Government of Nigeria, its Ministries, Agencies
24 and Departments; and

25 (h) perform such other functions which, in the opinion of the
26 Commission, may be required in ensuring the optimal efficiency and
27 performance of the Commission.

28 5.-(1) The Commission shall have power to:

29 (a) formulate and provide guidelines for government on the foreign
30 policy/relations of Nigeria;

Powers of the
Commission

1 (b) monitor staff compliance to the foreign policy/relations guidelines
2 by the Federal Government of Nigeria;

3 (c) pay the staff of the Commission such remuneration and
4 allowances as the Chairman may, after consultation with the Salaries and
5 Wages Commission, determine;

6 (d) do anything which, in the opinion of the Commission, is incidental
7 to its functions under this Act.

8 (2) For the purposes of subsection (1) of this section, the Commission
9 shall have power to take such legal action including the prosecution of any
10 person, whether corporate or unincorporate, who being obliged to comply with
11 the provisions of this Act, fails to do so.

Members of the
Commission
disqualified from
holding elective
office

12 6.-(1) Notwithstanding anything to the contrary in any law, a person
13 who holds office as a member of the Commission under this Act shall not be
14 qualified for any elective office or for election as a member of any legislative
15 body.

16 (2) Nothing shall preclude a member of the Commission from
17 resigning his appointment as a member of the Commission at any time for the
18 purposes of contesting for an elective office.

Proceedings, etc.,
of the Commission

19 7.-(1) The Commission shall meet for the conduct of its business at
20 such times, places and on such days as the chairman may appoint.

21 (2) The chairman shall preside at all meetings of the Commission but
22 if he is absent from any meeting of the Commission the members present shall
23 elect one of their number to preside at that meeting.

24 (3) During the chairman's absence on leave or if the chairman is
25 otherwise not available or is unable to perform his functions, the President may
26 appoint any member of the Commission to act as chairman for any specified
27 period.

28 (4) The quorum for a meeting of the Commission shall be not less than
29 one third of the total number of members of the Commission present at the
30 meeting.

1 (5) Questions put before the Commission at a meeting shall be
2 decided by consensus and, where this is not possible, by a majority of the
3 votes of the members present and voting.

4 (6) The chairman shall in the case of an equality of votes have a
5 casting vote in addition to his deliberative vote.

6 (7) Subject to this section, the Commission shall have power to
7 regulate its proceedings and may make standing orders with respect to the
8 holding of meetings, the notice to be given, the procedure thereat, the
9 keeping of minutes of such proceedings and the custody and production for
10 inspection of such minutes.

11 (8) The validity of any proceedings of the Commission shall not be
12 affected by any vacancy in its membership or any defect in the appointment
13 of a member or by reason that a person not entitled to do so took part in the
14 proceedings.

15 8.-(1) The Commission may appoint one or more committees to
16 carry out on behalf of the Commission any of its functions under this Act.

Committees of
the Commission

17 (2) A committee appointed by the Commission under this section
18 shall consist of such number of persons as may be determined by the
19 Commission.

20 PART III - STAFF OF THE COMMISSION

21 9.-(1) There shall be a secretary to the Commission who shall:

Secretary to the
Commission and
other staff

22 (a) have such qualifications and experience as are appropriate for a
23 person required to perform the functions of his office under this Act; and

24 (b) be appointed by the President.

25 (2) Subject to the general direction of the Chairman, the Secretary
26 shall:

27 (a) be responsible for keeping proper records of the proceedings of
28 the Commission; and

29 (b) be the head of the Commission's secretariat and be responsible
30 for the administration thereof and the direction and control of all other

1 employees of the Commission with the approval of the chairman.

2 (3) The chairman shall have power to appoint either directly or on
3 secondment from any Public Service in the Federation, such number of
4 employees as may, in the opinion of the Chairman, be required to assist the
5 Commission in the discharge of any of its functions under this Act and shall
6 have power to pay persons so employed such remuneration (including
7 allowances) as the chairman may, after consultation with the Federal Ministry
8 or Department of Establishment, determine.

9 (4) Nothing in subsection (3) of this section, shall preclude the
10 Chairman from appointing persons outside the Federal or State Public Service,
11 whenever it deems it necessary to do so.

12 (5) All employees of the Commission appointed pursuant to
13 subsections (3) and (4) of this section, excluding such as are appointed on a
14 temporary basis for an honorarium, shall have the same rights and obligations
15 as the members of the Public Service defined by section 24 of the Pensions Act.

16 [Cap. P4.]

17 PART IV - FINANCIAL PROVISIONS

18 10. There shall be established and maintained by the Commission a
19 fund into which shall be paid and credited:

- 20 (a) the annual subvention received from the Federal Government;
- 21 (b) such money as may, from time to time, be lent, deposited with or
22 granted to the Commission by the Government;
- 23 (c) all fees and charges for services rendered by the Commission; and
- 24 (d) all other sums which may, from time to time, accrue to the
25 Commission.

26 (2) The Commission may, from time to time, apply the funds at its
27 disposal:

- 28 (a) to the cost of the administration of the Commission and for the
29 purposes of any research being undertaken by the Commission;
- 30 (b) to the payment of fees, allowances and expenses of members of

1 the Commission or of any committee set up by the Commission;

2 (c) to the payment of the salaries, allowances and benefits of
3 officers and servants of the Commission;

4 (d) for the maintenance of any property vested in the Commission
5 or under its administration; and

6 (e) for and in connection with all or any of the functions of the
7 Commission under this Act or any other written law.

8 11.-(1) The Commission may accept gifts of land, money or other
9 property upon such terms and conditions, if any, as may be specified by the
10 person or organisation making the gift.

Power to accept
gifts

11 (2) The Commission shall not accept any gift if the condition
12 attached by the person or organisation making the gift are inconsistent with
13 the functions of the Commission under this Act.

14 12.-(1) The Commission shall cause to be prepared not later than
15 30 September in each year an estimate of the expenditure and income of the
16 Commission during the next succeeding year and when prepared, they shall
17 be submitted to the President.

Annual Estimates
accounts and audit

18 (2) The Commission shall cause to be kept proper accounts of the
19 Commission and proper records in relation thereto and when certified by the
20 Commission, the accounts shall be audited by auditors appointed by the
21 Commission from the list and in accordance with the guidelines supplied by
22 the Auditor-General for the Federation.

23 13. The Commission shall not later than three months before the
24 end of each year, submit to the President a report on the activities and the
25 administration of the Commission during the immediately preceding year
26 and shall include in such reports audited accounts of the Commission and
27 the auditor's report thereon.

Annual report

28 PART V - OFFENCES, ETC.

29 14.-(1) Information supplied by the Commission shall not be made

Offences

1 public by any person except if it is duly authorised by the chairman of the
2 Commission.

3 (2) Any person who contravenes the provisions of subsection (1) of
4 this section is guilty of an offence under this Act.

5 (3) Any person, body corporate or unincorporate who:

6 (a) required to furnish any information to the Commission under this
7 Act but fails to do so or in purported compliance with such requirement to
8 furnish information knowingly or recklessly makes any statement which is
9 false in any material particular or is incomplete or inaccurate; or

10 (b) fails, refuses or neglects to comply with any directive given by the
11 Commission pursuant to any provision of this Act; or

12 (c) being subject to the provisions of this Act fails, refuses or neglects
13 to apply the principle of federal character in any area or activity within the time
14 frame set by the Commission; or

15 (d) willfully obstructs, interferes with, assaults or resists any member
16 of the Commission or any other officer or servant of the Commission in the
17 performance of his duty under this Act; or

18 (e) aids, invites, induces or abets any other person to obstruct,
19 interfere with, assault or resist any such member of the Commission, officer or
20 servant of the Commission in the discharge of his lawful activity under this Act;

21 (f) fails to produce a clear criteria and comprehensive guidelines on
22 the procedure for determining eligibility for employment and the provisions of
23 services, goods and socio-economic amenities in Nigeria, is guilty of an
24 offence under this Act.

25 (4) Any person who is found guilty of abuse of office in the
26 observance of any matter under this Act, is guilty of an offence.

Penalties

27 **15.-(1)** Any person who commits an offence under section 14 of this
28 Act is liable on conviction to a fine of N500,000 or to imprisonment for a term
29 of six months or to both such fine and imprisonment.

30 (2) Where an offence under this section is committed by a corporate

1 body, any of its directors, managers, officers, employees or partners,
2 recklessly, negligently, willfully acquiesces in the commission of the
3 offence shall jointly and severally be guilty of the offence and liable on
4 conviction to a fine of N100,000 in the case of the corporate body or to a fine
5 of N500,000 in the case of individual.

6 (3) Any person, or body corporate or unincorporate who is in
7 persistent breach of the provisions of this Act is guilty of an offence and
8 liable on conviction to a fine of N500, 000 for every day the offence is
9 committed notwithstanding the fine of N1000,000 specified in subsection
10 (1) of this section and in the case of an individual or staff of such body, to
11 imprisonment for a term of two years without an option of a fine.

12 16. Subject to the Constitution, where any provision of this Act is
13 inconsistent with the provisions of any other law or enactment, the
14 provisions of this Act shall to the extent of that inconsistency prevail.

Inconsistencies
with other Laws

15 PART VI - MISCELLANEOUS

16 17.-(1) The Commission may make regulations generally for the
17 purpose of this Act.

Regulations

18 (2) Without prejudice to the generality of subsection (1) of this
19 section the provisions of the regulations may include but shall not be limited
20 to the following:

- 21 (a) the proceedings of the Commission;
- 22 (b) the setting up of committees and their functions;
- 23 (c) the appointment of consultants, professionals, etc.;
- 24 (d) the structure of the Commission;
- 25 (e) the keeping of records;
- 26 (f) requiring the preparation of annual accounts, audit and
27 estimates;
- 28 (g) the abuse of office;
- 29 (h) to summon persons to appear before the Commission;
- 30 (i) the submission of complaints to the Commission;

1 (j) the pro forma forms for submission of returns and other
 2 information required under this Act; and (k) powers of the Commission to
 3 define an indigene of a State.

Amendment

4 18. The Federal High Court shall have power to try offences under
 5 this Act.

Interpretation

6 19. In this Act, unless the context otherwise requires:

7 "Commission" means the Foreign Service Commission established by section
 8 1 of this Act;

9 "Constitution" means the Constitution of the Federal Republic of Nigeria
 10 1999;

11 "chairman" means the chairman of the Commission appointed pursuant to
 12 section 2(1)(a) of this Act;

13 "functions" includes powers and duties;

14 "member" means a member of the Commission and includes the chairman;

15 "other enterprises" means non-governmental enterprises;

16 "public company" has the meaning assigned to it under section 24 of the
 17 Companies and Allied Matters Act;

18 "President" means the President of the Federal Republic of Nigeria;

19 "Secretary" means the secretary of the Commission appointed pursuant to
 20 section 9 of the Act.

Short title

21 20. This Bill may be cited as the Foreign Service Commission
 22 (Establishment, etc.) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Nigeria Foreign Service Commission with responsibility to promote, monitor and enforce the basis for Nigeria's national interest abroad.