

[HB. 122]**C 1899**

NIGERIAN AGENCY FOR FOREIGN ASSISTANCE

(NAFFA) BILL, 2019

ARRANGEMENT OF SECTIONS

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SCHEDULE

A BILL

FOR

AN ACT TO ESTABLISH THE NIGERIAN AGENCY FOR FOREIGN ASSISTANCE
(NAFFA); 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 AND GOVERNING BOARD OF THE NIGERIAN
2 AGENCY FOR FOREIGN ASSISTANCE

3 1. -(1) There is established an agency to be known as the Nigerian
4 Agency for Foreign Assistance (in this Act referred to as "the Agency").

Establishment of
Nigerian Agency
for Foreign
Assistance
(NAFFA)

5 (2) The Agency:

6 (a) shall be a body corporate with perpetual succession and a
7 Common Seal; and

8 (b) may sue and be sued in its corporate name.

9 2. -(1) There is established for the Agency a governing Board
10 which shall consist of:

Composition of
the Agency's
Governing Board

11 (a) a chairman;

12 (b) a representative of each of the following Federal Ministries and
13 Commissions not below the rank of a Director:

14 (i) Federal Ministry of Co-operation and Integration in Africa, (ii)
15 Federal Ministry of Foreign Affairs;

16 (iii) Federal Ministry of Defence;

17 (iv) Federal Ministry of Information and National Orientation;

18 (v) Federal Ministry of National Planning Commission.

19 (c) a Director - General who shall be the head of administration and
20 also act as the Secretary to the Board;

21 (d) a representative of each of the following bodies:

1 (i) Civil Society Organization on the recommendation of the Minister
2 of Co-operation and Integration in Africa;

3 (ii) association of corporate concerns in Nigeria on the
4 recommendation of the Minister of Co-operation and Integration in Africa;

5 (iii) one person to represent women organizations on the
6 recommendation of the Minister of Co-operation and Integration in Africa; and

7 (e) one representative of the Presidency.

8 (2) The Chairman and other members of the Board shall be appointed
9 by the President of the Federal Republic of Nigeria on the recommendation of
10 the Minister of Co-operation and Integration in Africa.

Schedule

11 (3) The supplementary provisions set out in the Schedule to this Act
12 shall have effect with respect to the proceedings of the Board and the other
13 matters contained therein.

Tenure of
Office, etc.

14 3. The Chairman and other members of the Board other than ex-
15 officio members:

16 (a) shall hold office for a period of 4 years on such terms and
17 conditions as may be specified in their letters of appointment; and

18 (b) may be reappointed for a further period of 4 years and no more.

Removal from
Office

19 4. -(1) Notwithstanding the provisions of Section 3 of this Act, any
20 member of the Board can be removed from office for inability to discharge the
21 functions of his office (whether arising from infirmity of mind or body or any
22 other cause or for misconduct).

23 (2) A member of the Board may resign his appointment by a notice in
24 writing under his hand, addressed to the President and that member shall, on
25 the acceptance of the notice of his resignation by the President cease to be a
26 member of the Board.

Emolument etc.

27 5. A member of the Board shall be paid such emoluments, allowances
28 and benefits as may be determined by the Revenue Mobilization Allocation
29 and Fiscal Commission.

1 6. -(1) A member of the Board who is directly or indirectly
2 interested in any matter being deliberated on by the Board or is interested in
3 any contract made or proposed to be made by the Agency shall, as soon as
4 possible disclose the nature of his interest at a meeting of the Board.

Disclosure of
Interest

5 (2) A disclosure under Subsection (1) of this section shall be
6 recorded in the Minutes of Meetings of the Board and the member
7 concerned shall:

8 (a) after the disclosure not take part in any deliberation or decision
9 of the Board, pertaining to such interest; and

10 (b) be excluded for the purpose of constituting a quorum of any
11 meeting of the Board for any deliberation or decision with regard to the
12 subject matter in respect of which his interest is so disclosed.

13 PART II - FUNCTIONS AND POWERS OF THE AGENCY

14 7. The Agency shall in the spirit of rational generosity, cooperation
15 and in line with Nigeria foreign policy objective in Africa and beyond be
16 responsible for:

Functions of the
Agency

17 (a) Initiating, coordinating and facilitating Nigeria's foreign
18 development assistance and other life-saving assistance to needy African
19 countries and other countries of the world;

20 (b) Providing the underpinning for cooperation and Integration by
21 revitalizing and extending the provisions of education, technical training
22 and health services with high priority given to tackling HIV/AIDS, Malaria
23 and other communicable diseases;

24 (c) Collaborating with other world bodies, donor agencies and
25 various non-governmental organizations (NGOs) to provide development
26 assistance to people of Africa, and beyond including those severely
27 weakened by consecutive failed harvest, extreme poverty, refugees,
28 displaced and drifting persons;

29 (d) Building the capacity of needy African States and beyond
30 towards the development of infrastructure, agriculture, and its

1 diversification into agro-industries and manufacturing to improve living
2 standard of countries concerned;

3 (e) Recommending to the Federal Government, from time to time, in
4 consultation with other relevant agencies and organizations, applicable
5 measures for the attainment of its objectives;

6 (f) Monitoring the implementation and compliance with Federal
7 Government directives, incentives and facilities;

8 (g) Promoting the role of women and youths in social and economic
9 activities by reinforcing their capacity in the domain of education and training
10 as would improve their economic power and human development;

11 (h) Carrying out such other activities connected with or incidental to
12 the other functions of the Agency in order to promote government policies in or
13 outside Nigeria.

Powers of the
Agency

14 8. In pursuance of section 7 of this Act, the Agency shall have power
15 to:

16 (a) obtain relevant information, data and reports on activities relating
17 to the promotion and development of Foreign assistance programme and plans
18 from agencies, countries, institutions, research centers, consultations and other
19 support organizations;

20 (b) enter into joint-venture arrangement and draw up memorandum of
21 understanding and agreement with relevant institutions and organizations for
22 the promotion and development of Foreign Assistance programme; and

23 (c) do such other things as are necessary and incidental for the
24 successful performance of its functions under this Act.

25 PART III - STAFF OF THE AGENCY

Director-General
of the Agency

26 9. -(1) There shall be, for the Agency, a Director-General who shall be
27 appointed by the President of the Federal Republic of Nigeria, on the
28 recommendation of the Minister of Cooperation and Integration in Africa.

29 (2) The Director-General shall be the Chief Executive of the Agency
30 and shall be responsible for the execution of the policies and the day-to-day

1 administration of the polices of the Agency.

2 (3) The Director-General shall hold office:

3 (a) for a term of four years in the first instance and may be
4 reappointed for a further term of four years; and

5 (b) on such terms and conditions as may be specified in his letter of
6 appointment.

7 10. -(1) The Board shall appoint for the Agency, such officers and
8 other employees as it may, from time to time, deem necessary for the
9 purposes of the day to day affairs of the Agency.

Other employees
of the Agency

10 (2) The terms and conditions of service of officers and employees
11 of the Agency shall be as determined by the Board with the approval of the
12 Minister.

13 (3) The staff of the Agency appointed under section (2) of this
14 section shall be appointed upon such terms and conditions as the Agency
15 may, after consultation with the Federal Civil Service Commission,
16 determined.

17 11. -(1) The Agency may, subject to the provision of this Act, make
18 staff regulations relating generally to the conditions of service of the
19 employees of the Agency and without prejudice to the generality of the
20 foregoing, the regulations may provide for:

Staff Regulations

21 (a) the appointment, promotion and disciplinary control (including
22 dismissal) or employees of the Agency; and

23 (b) appeals by such employees against dismissal or other
24 disciplinary measures, and until the regulations are made, any instrument
25 relating to the conditions of service of officers in the Civil Service of the
26 Federation shall be applicable with such modifications as may be necessary,
27 to the employees of the Agency.

28 (2) Staff regulations made under subsection (1) of this section shall
29 not have effect until approved by the Agency, and when so approved the
30 regulations may not be published in the Gazette but the Agency shall cause

1 them to be brought to the notice of all affected persons in such manner as it may,
2 from time to time determine.

Pensions Act
No. 2, 2004,
LFN

3 **12.** -(1) It is hereby declared that service in the Agency shall be
4 approved service for the purpose of the Pensions Act and, accordingly,
5 employees of the Agency shall be entitled to pension, gratuities and other
6 retirement benefits as are prescribed under the relevant pension Act.

7 (2) Notwithstanding the provisions of subsection (1) of this section,
8 nothing in this Act shall prevent the appointment of a person to any office on
9 terms which preclude the grant of a pension, gratuity or other retirement
10 benefits in respect of that office.

11 (3) For the purposes of the application of the provisions of the
12 pensions Act, any power exercisable by a Minister or other authority of the
13 Federal Government, other than the power to make regulations under Section
14 97 of the pensions Act, is hereby vested in and shall be exercisable by the Board
15 of the Agency and not by any other person or authority.

Establishment
of special units

16 **13.** For the effective conduct of the functions of the Agency, the Board
17 shall establish relevant units and committees for effective conduct of its
18 operations.

19 **PART IV — FINANCIAL PROVISIONS OF THE AGENCY**

Funds of the
Agency

20 **14.** -(1) The Agency shall establish and maintain a fund into which
21 shall be paid and credited:

22 (a) the takeoff grant from the Federal Government;

23 (b) annual subvention from the Federal Government;

24 (c) donations and grants-in-aid from individuals, nationals, bilateral
25 and multilateral bodies.

26 (2) The Agency may accept gift of land, money or property (whether
27 within or outside Nigeria) upon such terms and conditions, if any, as may be
28 specified by the person or organization making the gift or donation provided
29 that the terms and conditions are not contrary to the objectives and functions of
30 the Agency under this Act or any other Law in force in Nigeria.

1 15. (1) The Agency shall, from time to time, apply the proceeds of
2 the fund established pursuant of section 14 of this Act:

Expenditure of
the Agency

3 (a) for and in, connection with all or any of its functions under this
4 Act as the Federal Executive Council may from time to time determine and
5 direct, subject to the approval of the National Assembly;

6 (b) to the cost of administration of the Agency;

7 (c) to the paying of the emoluments, allowances and benefits of
8 members of the Board and for reimbursing members of the Board or of any
9 Committee set up by the Board for such expenses as may be expressly
10 authorized by the Board;

11 (d) to the payment of the salaries, fees or other remuneration or
12 allowances, gratuities and pensions, and other benefits payable to the
13 officers and other employees of the Agency, so however that no payment of
14 any kind under this paragraph (except such as may be expressly authorized
15 by the Board) shall be made to any person who is in receipt of emoluments
16 from the Federal or State Government or Local Government; and

17 (e) for the development and maintenance of any property vested in
18 or owned by the Agency.

19 (2) Notwithstanding the provisions of this section, the Agency
20 shall not except on the direction of the Federal Government and subject to
21 the approval of the National Assembly administer any foreign assistance to
22 any country or countries, if it is satisfied that the assistance earlier given by
23 the Nigeria Government was not properly utilized in accordance with the
24 terms of the Assistance.

25 16. The Agency shall keep proper accounts in a form which
26 conforms to internationally accepted accounting standards and practice
27 accepted standards of its receipts, payments, assets and liabilities and shall
28 submit the accounts annually, for auditing by a qualified auditor appointed
29 from the list of auditors and in accordance with the guidelines supplied by
30 the Auditor-General of the Federation.

Accounts and
Audit

Annual report 1 17. The Agency shall, not later than 30th September in each year,
2 submit to the National Assembly, a report of its activities during the immediate
3 preceding year and shall include in such report the audited accounts of the
4 Agency.

Power to accept 5 18. -(1) The Agency may accept any gift of land, money or other
gift 6 property on such terms and conditions, if any, as may be specified by the person
7 or organization making the gift.

8 (2) The Agency shall not accept any gift if the conditions attached by
9 the persons or organization offering the gift are inconsistent with the functions
10 of the Agency or any other law or Federal Government policy in force.

Power to borrow 11 19. -(1) The Agency may, from time to time, borrow by overdraft or
12 otherwise such sums as it may require for the performance of its functions
13 under this Act with the approval of the Minister after consultation with the
14 President.

15 (2) The Agency shall not without the approval of the President,
16 borrow money which exceeds, at any time, the amount set by the Minister.

17 (3) Notwithstanding Subsection (1) of this section, where the sum to
18 be borrowed is in foreign currency, the Agency shall not borrow the sum
19 without the prior approval of the Federal Executive Council.

Investment 20 20. The Agency may, subject to the provisions of this Act and the
Cap. 449 21 conditions of any trust created in respect of any property; invest all or any of its
22 funds in any security prescribed by the Trustee Investments Act or in such other
23 securities as may, from time to time, be approved by the LFN Minister.

24 PART V - LEGAL PROCEEDINGS

Limitation of 25 21. -(1) Subject to the provisions of this Act, the provisions of the
suits against the 26 Public Officers Protection Act shall apply in relation to any suit instituted
Agency, etc. 27 against an officer or employee of the Agency.
Cap. 379, LFN

28 (2) Notwithstanding anything contained in any other enactment, no
29 suit against a member of the Board or the Director-General or any other officer
30 or employee of the Agency for any act done in pursuance or execution of this

1 Act or any other enactment or law, or of any public duty or authority, in
2 respect of any alleged neglect or default in the execution of this Act or any
3 other enactment or law, duty or authority shall lie or be instituted in any court
4 unless it is commenced:

5 (a) within three months after the act, neglect or default complained
6 of;

7 (b) in the case of a continuation of damage or injury, within six
8 months after the ceasing thereof

9 (3) No suit shall be commenced against a member of the Board or
10 the Director-General or any other officer or employee of the Agency before
11 the expiration of a period of one month after written notice of the intention to
12 commence the suit shall have been served on the Agency by the intending
13 plaintiff or his agent.

14 (4) The notice referred to in subsection (3) of this section shall
15 clearly and explicitly state the cause of action, the particulars of the claim,
16 the name and place of abode of the intending plaintiff and the relief which he
17 claims.

18 22. A notice, summons or other documents required or authorized
19 to be served on the Agency under the provisions of this Act or any other
20 enactment or law may be served by delivering it to the Director-General or
21 by sending it by registered post addressed to the Director-General at the
22 principal office of the Agency.

Service of
documents

23 23. -(1) In any action or suit against the Agency, no execution or
24 attachment of process in the nature thereof shall be issued against the
25 Agency unless not less than three months notice of the intention to execute
26 or attach has been given to the Agency.

Restriction on
execution against
property of the
Agency

27 (2) Any sum of money which by the judgment of any court has been
28 awarded against the Agency shall, subject to any direction given by the
29 court, where notice of appeal against the judgment has been given, be paid
30 from the fund of the Agency.

Indemnity of
officers

1 **24.** A member of the Board or the Director-General or any officer or
2 employee of the Agency shall be indemnified out of the assets of the Agency
3 against any liability incurred by him in defending any proceeding, whether
4 civil or criminal, if the proceeding is brought against him in his capacity as a
5 member, Director-General, Officer or other employee of the Agency.

Secrecy

6 **25.** -(1) A member of the Board or the Director-General or any other
7 officer or employee of the Agency shall:

8 (a) not, for his personal again, make use of any information which has
9 come to his knowledge in the exercise of his powers or is obtained by him in the
10 ordinary course of his duty as a member of the Board or as the Director-
11 General, officer or employee of the Agency;

12 (b) treat as confidential any information which has come to his
13 knowledge in the exercise of his powers or is obtained by him in the
14 performance of his duties under this Act;

15 (c) not disclose any information referred to under paragraph (b) of this
16 subsection, except when required to do so by a court or in such other
17 circumstances as may be prescribed by the Board, from time to time.

18 (2) Any person who contravenes the provisions of subsection (1) of
19 this section commits an offence and is liable on conviction to a fine of not less
20 than ₦20,000 or imprisonment for a term not exceeding 2 years or to both such
21 fine and imprisonment.

Directives by
the President,
etc.

22 **26.** The President may give to the Agency or the Director - General
23 such directives of a general nature or relating generally to matters of policy
24 with regard to the exercise of its or his functions as he may consider necessary
25 and it shall be the duty of the Agency or the Director-General to comply with
26 the directives or cause them to be complied with.

Regulations

27 **27.** The Agency may, with the approval of the President make such
28 regulations as in its opinion are necessary or expedient for giving full effect to
29 the provisions of this Act and for due administration of its provision.

| | | |
|----|--|----------------|
| 1 | 28. In this Act, except the context otherwise requires: | Interpretation |
| 2 | “Agency” means the Nigerian Agency for Foreign Assistance (NAFFA) | |
| 3 | established under Section 1 of this Act; | |
| 4 | “Board” means the governing Board established for the Agency under | |
| 5 | Section 2 of this Act; | |
| 6 | “President” means the President of the Federal Republic of Nigeria; | |
| 7 | “Minister” means the Federal Minister in charge of Co-operation and | |
| 8 | Integration in Africa and matters connected therewith; | |
| 9 | “Fund” means the fund of the Agency established under Section 14 of this | |
| 10 | Act. | |
| 11 | 29. This Bill may be cited as the Nigerian Agency for Foreign | Short Title |
| 12 | Assistance Bill, 2019. | |

1 SCHEDULE

2 *Section 2(3)*

3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

4 *Proceedings of the Board Cap. 192 LFN 1990*

5 1. Subject to this Act and Section 29 of the Interpretation Act (which
6 provides for decisions of a statutory body to be taken by a majority of its
7 members and for the person presiding at any meeting, when a vote is ordered, to
8 have a second or casting vote), the Board may make standing orders regulating
9 its proceedings or that of any of its Committees.

10 2. At every meeting of the Board, the Chairman shall preside and in
11 his absence the Members present at the meeting shall appoint one of their
12 members to preside at the meeting.

13 3. The quorum at a meeting of the Board shall consist of the Chairman
14 or the person presiding at the meeting pursuant to paragraph 2 of this Schedule,
15 and four other members.

16 4. The Board shall for the purpose of this Act, meet not less than three
17 times in each year and subject, thereto, the Board shall meet whenever it is
18 summoned by the Chairman, and if required to do so, by notice given to him by
19 not less than five other members, he shall summon a meeting of the Board to be
20 held within 14 days from the date on which the notice is given.

21 5. Where the Board desires to obtain the advice of any person on a
22 particular matter, the Board may co-opt him to the Board for such period, as it
23 thinks fit, but a person who is a member by virtue of this subparagraph shall not
24 be entitled to a vote at any meeting of the Board and shall not count towards a
25 quorum.

26 *Committees*

27 6. Subject to this Act, the Board may appoint such number of
28 committees as it thinks fit to consider and report on any matter with which the
29 Agency is concerned.

30 7. A Committee appointed under this paragraph shall:

1 (a) consist of such number of persons not necessarily members of
2 the Board as may be determined by the Board, and a person, shall hold office
3 on the Committee in accordance with the terms of his appointment;

4 (b) the Committee shall be chaired by a member of the Board.

5 8. The quorum of any committee set up by the Agency shall be as
6 may be determined by the Agency.

7 9. A decision of a Committee of the Agency shall be of no effect
8 until it is confirmed by the Board.

9 *Miscellaneous*

10 10. The fixing of the seal of the Agency shall be authenticated by
11 the signatures of the Chairman or any other person specifically authorized
12 by the Board to act for that purpose and that of the Director-General.

13 11. Any contract or instrument which, if made by a person not
14 being a body corporate, would not be required to be under seal, may be made
15 or executed on behalf of the Agency by the Director-General or by any other
16 person specially authorized by the Board to act for that purpose.

17 12. Any document purporting to be a contract, instrument or other
18 document duly signed or sealed on behalf of the Agency shall be received in
19 evidence and shall, unless the contrary is proved, be presumed without
20 further proof to have been so signed or sealed.

21 13. The validity of any proceedings of the Board or of any of its
22 committees shall not be affected by:

23 (a) any vacancy in the membership of the Board, or Committee;

24 (b) any defect in the appointment of a member of Board or
25 Committee;

26 (c) by reason that any person not entitled to do so, took part in the
27 proceedings of the Board or Committee.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Nigerian Agency for Foreign Assistance (NAFFA) as an agency under the supervision of the Presidency, to coordinate and facilitate the rapid realization of NAFFA programme and process in Nigeria and the entire continent.