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

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

PART I - ESTABLISHMENT OF THE NEW PARTNERSHIP FOR AFRICA’S DEVELOPMENT COMMISSION

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

(2) The Commission-

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

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

(c) may enter into contracts and incur obligations.

2. The objectives of the Commission shall be:

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

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

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

(d) to eradicate extreme poverty and hunger;

(e) to promote women empowerment.

3.-(1) There is established for the Commission a Board (in this Bill...
referred to as "a Board" charged with the administration of the affairs of the Commission.

(2) The Board shall consist of:

(a) the Chairman;

(b) Minister of Foreign Affairs;

(c) Minister of National Planning Commission;

(d) Minister of Finance;

(e) 2 members from Civil Society Organization;

(f) 2 members from the organized private sector;

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

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

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

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

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

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

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

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

(c) he dies;
(d) he becomes of unsound mind or incapable of carrying out his duties;

(e) he becomes bankrupt;

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

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

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

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

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

7. The Board shall:

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

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

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

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

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

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

(g) make standing orders regulating its proceedings and those of its Committee; and
(h) give such directives and perform such other functions as may be necessary to achieve the objectives of the Commission.

8. The functions of the Commission shall be to:

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

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

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

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

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

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

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

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

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

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

(k) monitor and evaluate the implementation of NEPAD's
Programme in the Ministries, Department and Agencies (MDA's) and ensure compliance with NEPAD goals;

(1) carry out sectoral pilot schemes of the programmes of projects

as may be determined by the Commission;

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

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

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

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

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

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

PART II - STRUCTURE OF THE COMMISSION

10. There is established in the Commission, the following Departments:

(a) Administration and Finance;

(b) Governance;

(c) Partnership;

(d) Planning, Research and Evaluation;

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

PART III - STAFF OF THE COMMISSION

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

(2) (a) The Commission may appoint such number of officers as may be expedient for the effective discharge of the objectives of the Commission;
(b) On coming into force of this Bill, any staff who so wishes may opt out of the Commission within three months of coming into force of this Bill.

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

13.-(a) The Commission shall develop and submit to the Board for approval, appropriate condition of service covering remunerations, welfare packages, pension scheme, fringe benefits and other benefits which would enable it attract and retain high quality manpower;
(b) Notwithstanding the provisions of the Pensions Act, service in the Commission shall be approved schedule of service for the purposes of this Bill, and accordingly officers and staff of the Commission shall in respect of their service in the Commission, be entitled to pensions, gratuities and other retirement benefits as prescribed under the Pensions Act;
(c) Notwithstanding the provisions for this section, nothing in this Bill shall prevent the appointment of a person to any office on terms which preclude the granting of a pension, gratuity or other retirement benefit in respect of that office;
(d) For the purpose of the application of the Pension Act, any power exercise by a Minister or other Authority of the Federal Government, other than the power to make regulations under section 23 of the Act thereof, is hereby vested in and shall be exercisable by the Commission and not by any other person or authority.

14. -(1) Appointment and promotion into any posts shall be made from time to time by the Commission in accordance with the requirements by it.
(2) The Commission shall also have the power to discipline any staff
of the Commission in accordance with its regulations.

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

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

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

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

17. The Commission shall have the powers to:

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

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

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

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

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

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

(g) certify and register Civil society Organizations, and
Private/Public Sector Organizations wishing to partner in the
implementation of NEPAD plan of action.

18. There shall be established an APRM Council consisting of representatives of the organized private sector, civil society organizations and private individuals who shall be responsible for the activities of the APRM (African Peer Review Mechanism).

19. Without prejudice to any other law the Commission shall be a member of any Board or Committee of the Federal government that may be established for monitoring the implementation of government projects.

PART IV - FINANCIAL PROVISION

20.- (1) There shall be established and maintained for the Commission a Fund, to be approved by the Commission from which shall be paid all expenditures incurred by it and which shall be applied towards the promotion of the objectives of the Commission.

(2) There shall be paid, credited and retained in the Fund established pursuant to subsection (1) of this section-

(a) the annual subvention received from the Government of the Federation;

(b) such monies as may, from time to time, be lent, deposited with or granted to the Commission by the Government of the Federation, the State or Local Government, or any other body;

(c) all subventions, fees and charges for services rendered or publications made by the Commission;

(d) all monies as may be raised for the purpose of the Commission by way of gift, loan, grants- in-aid from continental, regional, sub-regional, bilateral, multilateral and local Agencies, testamentary disposition etc.

(e) all interest received in respect in respect of monies invested by the Commission; and

(f) all other assets which may, from time to time accrue to the Commission.
21.- (a) There shall be established and replenished annually a fund for the Commission for possible intervention in the areas under its purview based on guidelines prescribed by it.

(b) The relevant stakeholders shall have access to this fund having satisfied the guidelines that may be prescribed by the Commission.

(c) The Commission may directly apply the fund it so wishes in the areas of intervention.

22. The fund of the Commission shall be managed in accordance with the rules made by it which shall be in conformity with the Federal Government Accounting Rules.

23. The Commission shall keep proper accounts in a form which conforms with existing laws on auditing of its receipts, payments, assets and liabilities, and shall submit the account annually for auditing by qualified auditors from the list of auditors supplied by the Auditor General of the Federation.

24. The Commission may, with the consent of or in accordance with the general authority given by the Federal Government to the Commission borrow by way of loan or overdraft from any bank or other financial Institutions to meet its obligations and discharge of its functions.

25. The Commission may, subject to the provisions of this Bill and the conditions of any trust created in respect of any property, invest all or any of its funds as may be approved by the Board.

26. The Commission shall be responsible for the supervision of all bodies, dealing on NEPAD programmes, projects or activities.

27. The Commission shall within six months after the end of each financial year submit to the President, a report on the activities of the Commission including the state of implementation of NEPAD Plans of Action and its administration during the preceding year and shall include in such Report a copy of the audited account of the Commission for that year and the Auditors report thereon.
PART V - MISCELLANEOUS PROVISION

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 explicitly 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.

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, weather civil or criminal, provided the litigation arose from the performance of his duty.

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
contains national best practices, governance challenges as well as recommendations on policies and practices required to overcome such challenges which are identified in the Country Self-Assessment Report (CSAR) and the Country Review Report, (CRR);
"NEPAD Plan of Action" - This refers to the NEPAD’s strategy for achieving sustainable development in the 21st Century;
"Partners"-means CSO’s, NGO’s MDA’s, Corporate Bodies (both local and international) and such other bodies that the Commission may deem fit to collaborate and work with on any programme or project;
"Six Geo-Political Zones"-means:
North-West
North-East
North-Central
South-East
South-South
South-West

31. This Bill may be cited as the New Partnership for Africa’s Development Commission Bill, 2019.

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