

NIGERIAN INSTITUTE OF INTERNATIONAL AFFAIRS ACT

ARRANGEMENT OF SECTIONS

Establishment, objects and functions of the Institute

SECTION

1. Establishment of the Nigerian Institute of International Affairs.
2. Objects
3. Functions.
4. Officers and servants of the Institute.
5. Director-General of the Institute.
6. Appointment of secretary and Director of Administration, etc., of the Institute.
7. Pensions.
8. Membership of the Institute.

Financial provisions, etc.

1. Financial provisions.
2. Power to accept gifts.
3. Expenditure of the Council.
4. Borrowing power, etc.
5. Annual report.

Supplemental

1. Provisions of library facilities.
2. Regulations.
3. Consequential provisions.
4. Transitional provisions.
5. General restriction as to the powers of the Institute.
6. Interpretation.
7. Short title.

SCHEDULES

FIRST SCHEDULE

Membership of the Council, etc.

Transitional provisions as to property

NIGERIAN INSTITUTE OF INTERNATIONAL AFFAIRS ACT

An Act to establish the Nigerian Institute of International Affairs as a corporate body to encourage and facilitate the understanding of international affairs, circumstances, conditions and attitudes of people of other countries and for matters connected therewith and other related matters.

[1971 No. 35.]

[18th August, 1971]

[Commencement.]

Establishment, objects and functions of the Institute

1. Establishment of the Nigerian Institute of International Affairs

(1) There is hereby established a body to be known as the Nigerian Institute of International Affairs (in this Act referred to as "the Institute") which shall have the functions assigned to it by this Act.

(2) The Institute shall be a body corporate with perpetual succession and a common seal.

(3) Subject to paragraph 13 of the First Schedule to this Act the government of the Institute and the management of its affairs shall vest in the Council of the Institute (in this Act referred to as "the Council").

[First Schedule.]

(4) The provisions of the First Schedule to this Act relating to-

(a) the membership, powers and the proceedings of the Council;

(b) the committees of the Council; and

(c) the other matters there mentioned, shall have effect as therein prescribed.

(5) The Institute shall be exempted from stamp duties.

1. Objects

The objects of the Institute shall be to-

- (a) encourage and facilitate the understanding of international affairs and of the circumstances, conditions and attitudes of foreign countries and their peoples;
- (b) provide and maintain means of information upon international questions and promote the study and investigation of international question by means of conferences, lectures and discussions, and by the preparation and publication of books, records, reports, or otherwise as may seem desirable so as to develop a body of informed opinions on world affairs;
- (c) establish contacts with other organisations with similar objects.

3. Functions

Subject to the provisions of this Act, the Institute is hereby charged with the general function of promoting the scientific study of international politics, economics and jurisprudence and without prejudice to the generality of the foregoing provisions, the Institute shall-

- (a) provide such information to the Government of the Federation and members of the public as respects matters concerning international relations;
- (b) provide facilities for the training of Nigerian diplomats and personnel and those of other countries whose vocations relate to international affairs;
- (c) promote and encourage the study of and research into all aspects of international affairs;
- (d) from time to time arrange international seminars and conferences on any matter relating to its objects;
- (e) promote and undertake such other things and carry out such other activities as may in the opinion of the Institute be deemed necessary for the attainment of the objects of the Institute.

4. Officers and servants of the Institute

(1) Subject to sections 5 and 6 of this Act, there shall be in the employment of the Institute, such number of officers and servants as may appear expedient and necessary to the Council, for the proper and efficient conduct of the functions of the Council.

(2) Unless otherwise precluded by this Act, the Institute may exercise any of the powers and perform any of the functions and duties conferred and imposed on the Institute by this Act through or by any of its officers and servants duly authorised by the Council in that behalf.

(3) Appointment of officers and servants of the Institute, other than those referred to in sections 5 and 6 of this Act, shall be made by an Appointments and Promotion Committee,

which shall be set up by the Council after consultation with the Director-General.

(4) The Appointments and Promotion Committee shall be presided over by the Director-General and shall comprise the following members-

- (a) a Professor of political science;
- (b) a Professor of history;
- (c) a Professor of law;
- (d) a Professor of Economics, to be drawn from Nigerian universities; and
- (e) a member of the Council, other than the Director-General, to be appointed by the chairman.

(5) Officers and servants of the Institute shall be answerable directly to the Director-General who may, after due consultation with the Appointments and Promotion Committee, terminate the appointment of any such officer or servant of the Institute.

5. Director-General of the Institute

(1) There shall be an officer of the Institute to be known as the Director-General who shall be appointed by the President.

[1986 No. 16.]

(2) The Director-General shall be the chief executive of the Institute.

1. Appointment of secretary and Director of Administration, etc., of the Institute

(1) There shall be appointed by the Council, the following officers of the Institute-

[1986 No. 16.]

(a) the secretary and Director of Administration, who shall be responsible to the Director-General for the day-to-day administration and for the finances of the Institute and shall act as secretary to the Council;

(b) the Director of Research and Studies, who shall be selected from within or outside the Institute and-

(i) be responsible to the Director-General for co-ordinating the research staff and research projects of the Institute and the collection and publication of research materials; and

(ii) hold office for one term of five years only;

(c) the Director of Library and Documentation Services, who shall be responsible to the Director-General for the activities and maintenance of the library of the Institute.

(2) The power to discipline, suspend, reprimand and interdict any officer or servant above grade level 07 shall be exercised by the Appointments and Promotion Committee:

Provided that any officer or servant who is aggrieved by the decision of the Appointments and Promotion Committee may appeal to the Council through the Director-General.

(3) The power to appoint and discipline junior officers of grade level 07 and below shall be exercised by the Director-General.

7. Pensions

(1) It is hereby declared, that service in the Institute shall be public service for the purposes of the Pensions Act and accordingly, officers and other persons employed in the Institute shall in respect of their service in the Institute, be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder, so however that nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension and gratuity in respect of that office.

[1986 No. 16. Cap. P4.]

(2) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Government of the Federation (not being the power to make regulations under section 23 thereof), is hereby vested in and shall be exercisable by the Council and not by any other person or authority.

(3) Nothing in subsection (2) of this section shall prevent a person from being appointed to any office declared to be pensionable under subsection (1) of this section on terms which preclude, or will, if he is not confirmed in that office, preclude the grant of a pension or gratuity under the Pensions Act to him, in respect of his service in that office.

8. Membership of the Institute

(1) Membership of the Institute shall be open only to persons who are citizens of Nigeria and to non-Nigerians on the recommendations of the Council and approval of the President and it shall be the duty of members of the Institute generally, to promote and undertake such things as may be deemed necessary for the attainment of the objects of the Institute.

(2) Subject to any regulations made under section 15 of this Act, any person who immediately before the appointed day was a member of the Institute shall on that day become a member of the Institute under this Act.

Financial provisions, etc.

9. Financial provisions

(1) The Institute shall establish and maintain a fund, which shall be applied towards the promotion of the objects of the Institute.

(2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section-

(a) such moneys as may be supplied to the Institute by the Federal Government or a State Government;

(b) all moneys as may be raised for the purposes of the Institute, by way of gifts, loans, grants in aid, testamentary disposition or otherwise;

(c) all interests received in respect of moneys invested by the Institute; and

(d) all other assets, from time to time, accruing to the Institute.

(3) The fund shall be managed in accordance with rules made by the Minister of Finance and without prejudice to the generality of the power to make rules under this sub-section, the rules shall in particular contain provisions-

(a) specifying the manner in which the assets of the fund are to be held, and regulating the making of payments into and out of the fund;

(b) requiring the keeping of proper accounts and records for the purposes of the fund in such form as may be specified in the rules;

(c) for ensuring that the accounts are audited periodically by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation; and

(d) requiring copies of the accounts and of the auditor's report on them to be furnished to the President through the Ministry of Foreign Affairs.

10. Power to accept gifts

(1) Subject to subsection (2) of this section, the Institute may accept gifts of land, money or other property, upon such terms and conditions, if any, as may be specified by the person making the gifts and the Institute shall not pay tax on any such gift or donation; and

corporate

bodies who give gifts or donations shall be exempted from tax on the gift or donations.

[1986 No. 16.]

(2) The Institute shall not accept any gift if the conditions attached to such gift by the person proposing to make the gift are inconsistent with the functions of the Institute.

11. Expenditure of the Council

(1) The Institute may, from time to time, as the Council may direct, apply the funds at its disposal-

(a) to the cost of the administration of the Institute and for the purposes of any research under its administration;

(b) the provision of fellowships and other awards, for the training of persons in international relations;

(c) for reimbursing members of the Institute or members of any committee set up by the Council or the Director-General;

(d) to the payment of the salaries, fees or other remuneration or allowances payable to the officers and servants of the Institute, so however that no payment of any kind under this paragraph (except such as may be expressly authorised by the Minister) shall be made to any person who is in receipt of emoluments from the Federal or a State Government;

(e) for the maintenance of any property vested in the Institute or under its administration; and

(f) for and in connection with all or any of the functions of the Institute under this Act or any other enactment.

(2) Except as provided for in subsection (1) of this section, no other remuneration shall be paid to any member of the Council or of any committee.

12. Borrowing power, etc.

(1) The Council may, with the consent or in accordance with the general authority given by the President, borrow by way of loan from any source any moneys required by the Council for meeting its obligations and discharging the functions of the Institute under this Act.

(2) The Council may, subject to the provisions of this Act 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 President.

(3) The Minister may, with the approval of the President, issue directives to the Council as to the disposal of surplus funds of the Institute.

13. Annual report

The Institute shall within six months after the end of each financial year, submit to the President, a report on the activities of the Institute and its administration during the last preceding year.

Supplemental

14. Provisions of library facilities

(1) The Institute shall provide and maintain a library comprising such books and publications as may be provided by the Council for the advancement of knowledge of international affairs and relations, for research purposes, and for other purposes concerned with the objects and functions of the Institute.

[1986 No. 16.]

(2) A certified true copy of every treaty entered into by the Federal Republic of Nigeria shall be deposited at the library of the Institute.

15. Regulations

(1) The Council may, subject to the provisions of this Act, make regulations generally for the purposes of this Act; and without prejudice to the generality of the foregoing regulations may provide for-

- (a) the functions and responsibilities of the Director-General and the secretary;
- (b) the disciplinary control of all officers and servants of the Institute;
- (c) matters concerning-
 - (i) membership of the Institute;
 - (ii) annual subscriptions;
 - (iii) annual general meetings and extraordinary general meetings of the members of the Institute, the regulations of the conduct of the meetings, and matters which may be dealt with at such meetings; and
 - (iv) appointment to the offices of Patron and Vice Patrons of the Institute; and
- (d) such other matters as the Minister may approve.

(2) Notwithstanding anything in the foregoing provisions of this section, the first meeting of the Council shall be summoned by the Minister, on such day after the appointed day, as he may think fit.

(3) Regulations made under subsection (1) of this section shall not have effect until they are approved by the President, and when so approved they shall be published in the *Federal Gazette*.

16. Consequential provisions

(1) The trustees appointed by the Institute who for the purposes of the Companies and Allied Matters Act became an incorporated body under that Act with powers to accept, acquire and hold in trust all land belonging to the Institute shall, as from the appointed day, cease to be an incorporated body and to have or to exercise such power, and accordingly-

[Cap. C20.]

(a) the certificate of registration of the said trustees granted under that Act shall as from that appointed day become null and void;

(b) the constitution and bye-laws and other instruments which may be in operation immediately before the appointed day and which, among other things, relate to the aims and objects of the Institute and deal with the appointment and powers of the trustees, membership of the Institute and the proceedings of its annual general meetings shall no longer have effect; and

(c) any holder of an office of the Institute who was or became by virtue of the said constitution and bye-laws, an officer of the Institute before the appointed day shall, as from that appointed day, vacate his office which shall thereupon become vacant.

(2) Nothing in this section shall affect the appointment under this Act of any servant or other member of the staff of the Institute or his tenure of office.

17. Transitional provisions

(1) All property which immediately before the appointed day was held by the trustees of the Institute (hereby dissolved) or by some other body or person on behalf of or in trust for the Institute, shall on that appointed date, by virtue of this section and without further assurance vest in the Institute and be held by it on behalf of or, as the case may be, on the like trust for the benefit of the Institute.

(2) The transitional provisions set out in the Second Schedule to this Act relating to the rights, liabilities and obligations arising out of any contract or other arrangement and other matters therein mentioned shall apply accordingly.

[Second Schedule.]

18. General restriction as to the powers of the institute

Nothing in this Act shall be construed as permitting the Institute to express an opinion on any aspect of international affairs on behalf of the Federal Government.

19. Interpretation

In this Act, unless the context otherwise requires-“**appointed day**” means the 18th day of August 1971;

“**Council**” has the meaning given to it in section 1 of this Act;

“**Institute**” means the Nigerian Institute of International Affairs established by this Act;

“**Minister**” means the Minister of Foreign Affairs; and

“**trustees**” means the former trustees of the Institute incorporated before the appointed day under the Companies and Allied Matters Act.

[Cap. C20.]

20. Short title

This Act may be cited as the Nigerian Institute of International Affairs Act.

SCHEDULES

FIRST SCHEDULE

[Section 1(3).]

Membership of the Council

1. Subject to this Act and notwithstanding anything in any other enactment, the Council shall consist of the following members to be appointed by the President, that is to say-

- (a) a chairman;
- (b) the Director-General;
- (c) a representative of the Presidency;

(d) three persons from the Federal Universities in the Federation, so however that no two persons shall be appointed from the same University;

(e) six persons with special interest in international affairs.

2. The Council may appoint one of their number to act in the place of the chairman during a long absence or during a temporary incapacity from long illness of the chairman, and that person while so acting, shall exercise all the functions of the chairman of the Council under this Act.

3. The President may by order published in the Federal *Gazette*, increase the membership of the Council.

Proceedings of the Council

4. Subject to this Act, and to section 27 of the Interpretation Act (which provided for decisions of a statutory body to be taken by a majority of its members and for the chairman to have a second or casting vote) the Council may make standing orders regulating the proceedings of the Council or any committee thereof.

[Cap. 123.]

5. The quorum of the Council shall be one third of the number of its membership and the quorum of any committee of the Council shall be determined by the Council.

6. At any meeting of the Council, the chairman or any person appointed to act in that behalf shall preside, but if neither is present, the members present at the meeting shall elect one of their number to preside at the meeting.

Terms of service of members of the Council

7. Subject to paragraph 9 of this Schedule, a member of the Council shall hold office for period of four years, from the date of his appointment and shall be eligible for re-appointment for one further period of three years; thereafter he shall no longer be eligible for re-appointment.

8. Any member may resign his appointment by a letter addressed to the President and that member's resignation shall have effect from the date of receipt of the letter by the President.

9. The provisions of paragraph 8 of this Schedule shall be without prejudice to section 11 of the Interpretation Act relating to appointments.

[Cap. 123.]

Committees of the Council

10. The Council may, where appropriate, appoint a management committee to administer the Institute.

11. The Council may appoint such other standing and ad hoc committees as the Council thinks fit to consider and report on any matter with which the Council is concerned.

12. Every committee appointed under the provisions of paragraph of this Schedule shall be presided over by a member of the Council and shall be made up of such number of persons, not being necessarily members of the Institute, as the Council may determine in each case.

13. Every committee shall have the power to co-opt more than one-third of its number and such co-opted members shall have full voting rights.

Meetings and membership of the Institute etc.

14. (1) Notwithstanding anything in this Act, the Council shall make regulations providing for the holding of meetings of members of the Institute, in conjunction with meetings of the Council; and at any such joint meeting, decisions may be taken with respect to the government of the Institute and the management of its affairs; and in this paragraph, "meetings" include annual general meetings and extra-ordinary meetings.

(2) Anyone third of members of the Council may, in writing, demand a Council meeting and the chairman shall cause such a meeting to be summoned.

(3) Anyone third of the members of the Institute may, in writing, demand a general meeting and the chairman shall cause such a meeting to be summoned.

(4) The chairman shall preside over any joint meeting of the Council and members of the Institute.

(5) The chairman shall preside over any meeting of the members including the annual general meeting.

15. (1) The Patron and the Vice-Patron of the Institute and members of the Council of the Institute, appointed pursuant to the foregoing provisions of this Act, shall be members of the Institute.

(2) The chairman shall preside over any joint meeting of the Council and members of the Institute or any meeting of the members, including the annual general meeting.

Miscellaneous

16. The fixing of the seal of the Institute shall be authenticated by the signature of the chairman of the Council and by that of the Director-General.

17. Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Institute by the Director-General or any person generally authorised to act for that purpose by the Council.

18. Any document purporting to be a document duly executed under the seal of the Institute shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.

19. The validity of any proceedings of the meetings of the Institute, Council or of any committee of the Council shall not be affected-

(a) by any vacancy in the membership of the Institute, Council or of any such committee; or

(b) by any defect in the appointment of any member; or

(c) by reason that a person not entitled to do so, took part in the proceedings.

SECOND SCHEDULE

[Section 17 (2).]

Transitional provisions as to property

Transfer of property

1. Every agreement which had been entered into by the Institute immediately before the appointed day, whether in writing or not and whether or not of such a nature, that the rights, liabilities and obligations thereunder could be assigned, shall, unless its terms or subject matters make it impossible that it should have effect as modified in the manner provided hereunder, have effect from the appointed day, so far as it relates to property transferred by this Act to the Institute as if-

(a) the Institute has been a party to the agreement;

(b) for any reference (however worded and whether express or implied) to the trustees there were substituted, as respects anything failing to be done on or after the appointed day, a reference to the Institute; and

(c) for any reference (however worded and whether express or implied) to a member of the Institute or an officer thereof there were substituted, as respects anything failing to be done on or after the appointed day, a reference to a member or an officer of the Institute, as may be to the member or officer in question of the Institute, as established by this Act.

2. Other documents which refer, whether specially or generally, to the trustees or other persons, shall be construed in accordance with paragraph 1 of this Schedule, so far as applicable.

3. Without prejudice to the generality of the foregoing provisions, where, by the operation of any of them, any right, liability or obligation is vested in the Institute, the Institute and all other persons shall, as from the appointed day, have the same rights, powers and remedies for ascertaining, perfecting or enforcing that right, liability or obligation, as they would have had if it had at all times been a right, liability or obligation of the Institute.

4. Any legal proceedings or application to any authority pending on the appointed day by or against the trustees and relating to property transferred by this Act to the Institute may be continued on or after that day by or against the Institute.

5. If the law in force, at the place where any property transferred by this Act is situated, provides for the registration of transfers of property of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provides for alternations of a register (but not for avoidance of transfers, the payment of fees or any other matter) apply with the necessary modifications to the transfer of the property aforesaid; and it shall be the duty of the Institute to furnish the necessary particulars of the transfer to the proper officer of the registration authority and of that officer to register the transfer accordingly without payment of any fee by the Institute.

NIGERIAN INSTITUTE OF INTERNATIONAL AFFAIRS ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation