

# A BILL

## FOR

AN ACT TO PROVIDE FOR IMPROVED AID EFFECTIVENESS,  
ACCOUNTABILITY AND CO-OPERATION FOR DONOR, RECIPIENT AND  
OTHER MATTERS CONNECTED THEREWITH

*Sponsored by Hon. Ini Udoka*

*Co-sponsors:*

Hon. Aminu Jonathan

Hon. Babangida Ibrahim

Hon. Saviour Udoh

Hon. Nkoyo Toyo

Hon. Eucharia Anazodo

Hon. Bilyaminu Shinkafi

Hon. Dawari George

Hon. Odeneye Kehinde

[ ] Commencement

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

1           1. Notwithstanding anything to the contrary contained in any Act  
2 or in any other enactment or Law, the provisions of this Act shall apply to all  
3 matters pertaining to donations and receipt of aids in Nigeria.

4           2. -(1) All Donors involved in donation of funds to Nigeria in aid,  
5 grants and other financial assistance shall consider and align their aid  
6 delivery with Nigeria's national development strategies.

7           (2) Compliance with the provisions of this Act and the promotion  
8 of Nigeria's economic plans shall be a major criteria for partnership with  
9 Donors.

10          3. Upon the commencement of this Act, the National Planning  
11 Commission (hereinafter called the Commission) shall:

1 (a) make definite Procedures, guidelines as well as monitor and  
2 implement the provisions of this Act with a view to ensuring a measurable and  
3 continuous improvement in aid delivery;

4 (b) register existing donor agencies operating in Nigeria, regulate and  
5 coordinate their activities;

6 (c) take the lead in coordinating aid at all levels in conjunction with  
7 other development resources in dialogue with donors and encouraging the  
8 participation of civil society and the private sector;

9 (d) work with donors to establish mutually agreed frameworks that  
10 provide reliable assessments of performance, transparency, accountability and  
11 implementation;

12 (e) encourage and enforce the prioritization and use of local personnel  
13 and resources in the administration of development and donor assistance in  
14 Nigeria;

15 (f) develop a frame work for reporting and disclosure by all donors  
16 and development partners of the application of funds in Nigeria;

17 (g) publish timely, transparent and reliable reporting on aid  
18 assessment and performance;

19 (h) provide clear views on donors' comparative advantage and on how  
20 to achieve donor complementarities in Nigeria;

21 (i) reinforce participatory approaches by systematically involving a  
22 broad range of donors when formulating and assessing progress in  
23 implementing national development strategies;

24 (j) monitor and ensure that development funds given by donors and  
25 development partners to any government institution is in line with the national  
26 development strategies and objectives of the Nigerian government and its  
27 citizens.

28 **4.** It shall be the responsibility of Donors to:

29 (a) liaise with the Commission to harmonise and align their aid  
30 delivery with Nigeria's developmental needs;

1 (b) furnish the Commission with details of projects and  
2 programmes they intend to directly execute and within 3 weeks of their  
3 completion, give account on them to the Commission;

4 (c) link their programming and resources to results and align them  
5 with the Nigeria's performance assessment frameworks;

6 (d) refrain from requesting the introduction of performance  
7 indicators that are not consistent with the Nigeria's national development  
8 strategies;

9 (e) harmonize their monitoring and reporting requirements with  
10 the statistical, monitoring and evaluation systems of the Commission to the  
11 maximum extent possible on joint formats for periodic reporting;

12 (f) provide reliable indicative commitment of aid over a multi-year  
13 frame work and disburse aid in a timely and predictable fashion according to  
14 agreed schedules;

15 (g) avoid activities that undermine Nigeria's economic program  
16 such as bypassing national budget processes;

17 (h) provide timely, transparent and comprehensive information on  
18 aid flows so as to enable the Commission to present comprehensive budget  
19 reports to the legislature.

20 **5. The Commission in conjunction with Donors shall:**

21 (a) ensure that aid delivery does not bring about duplication of  
22 projects in the national budget;

23 (b) encourage collaborative behaviour and progressive alignment  
24 with Nigeria's priorities, development strategies, systems and procedures;

25 (c) provide more predictable and multi-year commitments on aid  
26 flows to Nigeria;

27 (d) ensure that humanitarian assistance in times of disaster are  
28 harmonised within the growth and poverty reduction agenda of Nigeria;

29 (e) set targets designed to track and encourage progress in  
30 partnership;

1 (f) periodically assess, qualitatively as well as quantitatively the  
2 mutual progress in the implementation of agreed commitment on aid  
3 effectiveness.

4 **6.** -(1) Any government ministry, department, agency and non-  
5 governmental organization that receives donation, aid, grant and other  
6 financial assistance from a Donor shall:

7 (a) within seven days from the receipt of the donation, aid or financial  
8 assistance, furnish the Commission with details of the assistance;

9 (b) cause the details of the donation, aid, grant or financial assistance  
10 to be published in two national dailies;

11 (c) cause the donation, aid, grant and or financial assistance to be  
12 utilized strictly for the purpose for which it is meant for.

13 (2) It is a punishable offence for a government ministry, department,  
14 agency and non-governmental organization to under utilize or misapply  
15 donation, aid, grant or financial assistance made by a donor.

16 **7.** -(1) Any recipient of donation, aid, grant or financial assistance  
17 who:

18 (a) with intent to deceive, wilfully makes false declaration or  
19 publication about the donation, aid, grant or financial assistance it receives;

20 (b) under-utilize or misapply donation, aid, grant or financial  
21 assistance made by a donor is guilty of an offence under this section;

22 (2) Any recipient that commits an offence under this section shall be  
23 prosecuted and if found liable shall be convicted to imprisonment for a term not  
24 exceeding 2 years or to a fine of N400,000.00 or both.

25 **8.** The Commission shall have powers to recommend for prosecution,  
26 any person or group of persons in a government ministry, department, agency  
27 or non-governmental organization that have caused the under utilization or  
28 misapplication of donations, aids, grant or financial assistance made by a  
29 donor.

30 **9.** In this Act, unless the context otherwise requires:

1 “Donor” means a person, an organization and a country involved in the  
2 donation of funds to Nigeria in aid, grants and other financial assistance;

3 “Recipient” means a person, non-governmental organization, government  
4 agency that receives donation, aid, grant and financial assistance from a  
5 donor;

6 “Partner” means a person, an organization and a country that has an  
7 agreement with Nigeria to make donation of funds to Nigeria in aid, grant  
8 and other financial assistance towards the actualization of a purpose.

9           10. This Bill shall be cited as Improved Aid Effectiveness,      Citation  
10      Accountability and Co-operation for Donor, Recipient Act, 2013.

#### EXPLANATORY MEMORANDUM

This Bill seeks to adopt the Paris Declaration on Aid Effectiveness by harmonizing and aligning all aid delivery to Nigeria with Nigeria's national development strategies.

Accelerate and deepen the implementation of existing commitments to strengthen the role of parliaments in the oversight of development processes.

To this effect, we will rethink what aid should be spent on and how, in ways that are consistent with agreed international rights, norms and standards, so that aid catalyses development.

Continue to support national climate change policy and planning as an integral part of developing countries' overall national development plans, and ensure that where appropriate, these measures are re-financed, delivered and monitored through developing countries' systems in a transparent manner.

Continue to share lessons learnt in development effectiveness with those entities engaged in climate activities and ensure that broader development co-operation is also informed by innovations in climate finance.