

THE NIGERIAN INSTITUTE OF INTERNATIONAL AFFAIRS
DECREE 1971



ARRANGEMENT OF SECTIONS

*Establishment, Objects and
Functions of the Institute*

Section

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Decree No. 35

[18th August 1971]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

Establishment, Objects and Functions of the Institute

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

Establish-
ment
of the
Nigerian
Institute of
Internation-
al
Affairs.

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

(3) Subject to paragraph 13 of Schedule 1 to this Decree, the government of the Institute and the management of its affairs shall vest in the Council of the Institute (in this Decree referred to as "the Council").

(4) The provisions of Schedule 1 to this Decree 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.

2. The objects of the Institute shall be—

Objects.

(a) to encourage and facilitate the understanding of international affairs and of the circumstances, conditions and attitudes of foreign countries and their peoples ;

(b) to provide and maintain means of information upon international questions and promote the study and investigation of international questions 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) to establish branches of the Institute in Nigeria and to organise, maintain and co-ordinate their activities so as to facilitate the study and discussion of the objects aforesaid ; and

(d) to establish contacts with other organisations with similar objects.

3. Subject to the provisions of this Decree, 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—

Functions.

(a) provide such information and advice 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 to 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.

Officers and servants of the Institute.

4.—(1) Subject to sections 5 and 6 of this Decree, there shall be in the employ 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 Decree, the Institute may exercise any of the powers and perform any of the functions and duties conferred and imposed on the Institute by this Decree through or by any of its officers and servants duly authorised by the Council in that behalf.

Director-General of the Institute.

5.—(1) There shall be an officer of the Institute, to be known as the Director-General, who shall be appointed by the Commissioner with the consent of the Federal Executive Council.

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

Administrative Secretary of the Institute.

6.—(1) There shall be appointed by the Council an officer of the Institute to be known as the Administrative Secretary.

(2) The Administrative Secretary shall be the chief administrative officer of the Institute and shall be responsible to the Director-General for the day-to-day administrative work of the Institute except as regards matters for which the Director-General is responsible in accordance with section 5 (2) of this Decree.

Power to apply Pensions Act to offices in the Institute. Cap. 147.

7.—(1) In the case of any office in the Institute constituted under section 5 or 6 of this Decree or constituted by the Council in the exercise of its powers under section 4 of this Decree, the Commissioner may by order published in the Federal Gazette declare that office to be a pensionable office for the purposes of the Pensions Act.

(2) Subject to subsections (3) and (4) below, the provisions of the Pensions Act shall apply to any office declared to be pensionable under subsection (1) above as if that office were an office in the Public Service of the Federation within the meaning of the Constitution of the Federation.

(3) For the purposes of the application of the provisions of the Pensions Act in accordance with subsection (2) above—

(a) paragraph (1) of subsection (7) of that Act (which confers on the Commissioner power to waive the requirement to give six months' notice of desire to retire in the case of an officer who has attained the age of forty-five years but has not attained the age of fifty) shall have effect as if for the references to the Commissioner there were substituted references to the Council ;

(b) section 9 (1) of that Act which confers power to require an officer to retire at any time after attaining the age of forty-five, subject to his being given six months' notice in writing, shall be exercisable by the Council and not by any other authority.

(4) Nothing in subsection (2) above shall prevent a person from being appointed to any office declared to be pensionable under subsection (1) above 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.—(1) Membership of the Institute shall be open only to persons who are citizens of Nigeria 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.

Membership
of the
Institute.

(2) Subject to any regulations made under section 15 of this Decree, 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 Decree, but nothing in this subsection shall be construed as enabling any person who is not a citizen of Nigeria to be a member of the Institute on or after the appointed day.

Financial Provisions etc.

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

Financial
provisions.

(2) There shall be paid and credited to the fund established pursuant to subsection (1) above—

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

(b) all moneys as may be raised for the purposes of the Institute by way of gift, loan, 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 Federal Commissioner for Finance ; and without prejudice to the generality of the power to make rules under this subsection, 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 securing that the accounts are audited periodically by the Auditor-General of the Federation ; and

(d) requiring copies of the accounts and of the auditor's report on them to be furnished to the Federal Executive Council through the Ministry of External Affairs.

10.—(1) Subject to subsection (2) below, the Institute may accept gifts of land, money or other property, upon such trusts and conditions, if any, as may be specified by the person making the gift.

Power to
accept
gifts.

(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.

Expenditure of the Council.

11.—(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) to 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 for such expenses as may be expressly authorised by the Commissioner ;

(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 Commissioner) shall be made to any person who is in receipt of emoluments from the Federal Military Government or from 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 Decree or any other written law.

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

Borrowing power, etc.

12.—(1) The Council may, with the consent or in accordance with the general authority given by the Federal Executive Council, 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 Decree.

(2) The Council may, subject to the provisions of this Decree 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 Federal Executive Council.

(3) The Commissioner may with the approval of the Federal Executive Council issue directives to the Council as to the disposal of surplus funds of the Institute.

Annual report.

13. The Institute shall as soon as possible after the end of each year submit through the Commissioner to the Federal Executive Council a report on the activities of the Institute and its administration during the last preceding year.

Supplemental

Provision of library facilities.

14. 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.

Regulations.

15.—(1) The Council may subject to the provisions of this Decree make regulations generally for the purposes of this Decree ; and without prejudice to the generality of the foregoing regulations may provide for—

(a) the functions and responsibilities of the Director-General and the Administrative 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 regulation of the conduct of the meetings and matters which may be dealt with at such meetings ; and

(iv) appointments to the offices of Patron and Vice-Patrons of the Institute ; and

(d) such other matters as the Commissioner may approve.

(2) Notwithstanding anything in the foregoing provisions of this section, the first meeting of the Council shall be summoned by the Commissioner not later than six months from the appointed day.

(3) Regulations made under subsection (1) above shall not have effect until they are approved by the Federal Executive Council, and when so approved they shall be published in the Federal Gazette.

16.—(1) The Trustees appointed by the Institute who for the purposes of the Land (Perpetual Succession) 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—

Consequential provisions. Cap. 98.

(a) the certificate of registration of the said Trustees granted under that Act shall as from that 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 day vacate his office which shall thereupon become vacant.

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

17.—(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 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.

Transitional provisions.

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

General restriction as to the powers of the Institute.

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

Interpretation.

19. In this Decree, unless the context otherwise requires, the following expressions respectively have the meanings assigned to them—

“appointed day” means the date of commencement of this Decree ;

“Commissioner” means the Commissioner for External Affairs ;

“Council” has the meaning given to it in section 1 above ;

“Institute” means the Nigerian Institute of International Affairs established by this Decree ; and

“Trustees” means the former trustees of the Institute incorporated before the appointed day under the Land (Perpetual Succession) Act.

Citation, and extent.

20. This Decree may be cited as the Nigerian Institute of International Affairs Decree 1971 and shall apply throughout the Federation.

SCHEDULE 1

Section 1

Membership of the Council

1. Subject to this Decree and notwithstanding anything in any other enactment, the Council shall consist of 24 members to be appointed by the Commissioner with the approval of the Federal Executive Council and shall comprise—

- (a) a Chairman to be appointed by the Commissioner ;
- (b) one member each from all the States in the Federation ;
- (c) the Permanent Secretary, Ministry of External Affairs ;
- (d) eight persons who shall represent the following interests—
 - (i) the Universities ;
 - (ii) any other institutions ;
- (e) four members elected by the Institute at its annual general meeting.

2. The Council may appoint one of their member 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 Decree.

3. The Federal Executive Council may by order in the Federal Gazette increase the membership of the Council.

Proceedings of the Council

4. Subject to this Decree, and to section 26 of the Interpretation Act 1964 (which provides 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.

5. The quorum of the Council shall be eight 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 below, a member of the Council shall hold office for a period of three 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 Commissioner and that member's resignation shall have effect from the date of the receipt of the letter by the Commissioner.

9. The foregoing provisions of this paragraph shall be without prejudice to section 11 of the Interpretation Act 1964 relating to appointments.

Committees of the Council

10. The Council may, where appropriate, appoint a management committee to administer the affairs of 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 foregoing provisions of this paragraph 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.

Meetings and Membership of the Institute etc.

13. Notwithstanding anything in this Decree, 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.

14. 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 Decree shall be members of the Institute.

Miscellaneous

15. 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 Administrative Secretary.

16. 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 any person specially or generally authorised to act for that purpose by the Council.

17. 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.

18. 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.

SCHEDULE 2

Section 17.

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 matter 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 Decree to the Institute, as if—

(a) the Institute had 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 falling 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 falling to be done on or after the appointed day, a reference to a member or an officer of the Institute appointed on or after the appointed day who corresponds as nearly as may be to the member or officer in question of the Institute as established by this Decree.

2. Other documents which refer, whether specially or generally, to the Trustees or other persons shall be construed in accordance with paragraph 1 above 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 vests 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 Decree 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 Decree 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 alterations 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.

MADE at Lagos this 18th day of August 1971.

MAJOR-GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

(This note does not form part of the above Decree, but is intended to explain its purpose)

The Decree establishes the Nigerian Institute of International Affairs as a corporate body with power to sue and to be sued. It also sets out in detail the objects and functions of the Institute, and make provisions concerning the finances of the Institute and such other powers that may be exercised in connection with its objects and functions.

2. The membership of the Council of the Institute will be constituted as provided for under the Decree and the exercise of any powers by the Trustees of the Institute in relation to all trusts and other properties belonging to the Institute will cease as from the commencement of the Decree. The powers are now vested in the Institute. The Institute's Constitution and Bye-Laws will no longer apply and consequently, holders of offices under the Institute by virtue of the said Constitution and Bye-Laws will vacate their respective offices as from the commencement of the Decree, and those offices will thereupon become vacant.

3. The government of the Institute and the management of its affairs now vest in the Council of the Institute.