

INTERNATIONAL INSTITUTE OF TROPICAL AGRICULTURE ACT

ARRANGEMENT OF SECTIONS

SECTION

- 1 Establishment of the Institute.
2. Functions of the Institute.
3. Incidental powers of the Institute.
4. The board of trustees.
5. Meetings and procedure of the board.
6. Financing of the Institute.
7. Power to lend money to employees of the Institute.
8. Location of principal office.
9. Provision of land.
10. Annual report.
11. Exemption from duties of customs.
12. Exemption from income tax.
13. Entry into Nigeria of professional and other personnel.
14. Requirements for change in basic organisation of the Institute.
15. Disposal of plant, etc., on determination of Institute.
16. Interpretation.
17. Short title.

SCHEDULE

Proposal for an International Institute of Tropical Agriculture located in Nigeria

INTERNATIONAL INSTITUTE OF TROPICAL AGRICULTURE ACT

An Act to establish an International Institute of Tropical Agriculture for the purpose of undertaking high-quality research into tropical agriculture and related matters.

[1967 o. 32. 1990 No. 45.]

[24th July, 1967]

[Commencement.]

1. Establishment of the Institute

(1) There shall be established an institute to be called and known as the International Institute of Tropical Agriculture (in this Act referred to as "the Institute") to exercise the functions and powers and pursue the objectives assigned to it by this Act.

(2) The Institute shall be a body corporate with perpetual succession and a common seal which shall be kept in the custody of the chairman of the board of trustees or of the director if so authorised by the board.

2. Functions of the Institute

(1) The institute shall have the general responsibility for undertaking studies of and research into tropical agriculture and of providing information thereon to authorised representatives of governments or to groups or bodies of persons interested in tropical agriculture.

(2) In carrying out the general responsibility assigned to it by subsection (1) of this section, the Institute may pursue all or any of the following objectives-

(a) to provide in the tropics a high-quality international research organisation devoted to finding ways as quickly as possible to increase the output and improve the quality of tropical food crops;

(b) to provide, in co-operation with universities and research stations concerned with tropical agriculture, high-level professional training for carefully selected persons who expect to become staff members of institutions and organisations in the tropics concerned with increasing food production and improving its quality and distribution;

(c) to publish and disseminate research findings and recommendations of the Institute;

(d) to distribute improved plant materials to other research centres where they might be of significant value in breeding or improvement programmes;

(e) to establish, maintain, and operate an information centre and library which will provide for interested scientists and scholars everywhere a collection of the world's literature on tropical agriculture; and

(f) to organise or hold periodic conferences, forums, and seminars, whether international, regional, local, or otherwise, for the purpose of discussing current problems in the field of tropical agriculture.

3. Incidental powers of the Institute

The Institute shall have the following incidental powers, that is to say, it may-

(a) obtain from any authority or person, charters and concessions necessary for the attainment of its purposes;

[1974 No. 27.]

(b) acquire from any person, by way of gift, purchase, exchange or lease whether absolutely or in trust, any property, real or personal, requisite or necessary to carry out the objects of the Institute, with power, subject to any trust, to hold or dispose of any such property;

(c) borrow money, make loans and guarantee loans made by others with the approval of the board without prejudice to any other provision of this Act relating to the provision of funds;

(d) do and perform anything necessary in the opinion of the Institute, to further the purpose and attain the objects of the Institute.

4. The board of trustees

(1) The affairs of the Institute shall be administered by a board of trustees (in this Act referred to as "the board") composed of not less than nine and not more than seventeen members made up as follows, that is to say-

(a) the Permanent Secretary of the Federal Ministry of Agriculture and Rural Development or his representative;

[1990 No. 45.]

(b) one member appointed by the President by rotation from amongst the Vice-Chancellors of Nigerian universities having colleges or departments of agriculture;

(c) three members who shall be appointed by the Consultative Group on International Agricultural Research;

(d) the director for the time being of the Institute;

(e) the director of Agricultural Sciences, Federal Ministry of Science and Technology or his representative; and

(f) additional members, that is to say members chosen from among the following categories, namely tropical African areas (other than Nigeria), South and South-East Asia, Latin America and the Caribbean and from among eminent specialists in tropical agriculture, the members not exceeding nine in number, being elected from time to time by the board, with the approval of the Government of Nigeria.

(2) Members (other than those serving *ex-officio*) shall hold office for a term of two years and shall be eligible for re-election for one further term of the like duration; but a member appointed by the President shall not be eligible for re-appointment until three years after the expiration of his term.

5. Meetings and procedure of the board

(1) The board shall meet at least once in each year and at such other times as may be required for any reason.

(2) Subject to the provisions of section 27 of the Interpretation Act (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 board may determine its own procedure or that of any committee thereof.

[Cap. I23.]

(3) The quorum at a meeting of the board shall be five and the quorum at a meeting of any committee of the board shall be fixed by the board.

6. Financing of the Institute

(1) Subject to the provisions of this section, the Ford and Rockefeller Foundations have agreed to finance the Institute in accordance with the provisions as to financing set out in the proposal in the Schedule to this Act.

[Schedule.]

(2) However, the Foundations shall at any time during the period covered by the Schedule stated in the Act be empowered to review and revise their intended continuing support; and the Foundations may in their discretion extend financial support of core operations, in whole or in part, for a period to be agreed with the Government, or impose conditions during this same period so as to diminish or curtail financial support as the Foundations think fit.

7. Power to lend money to employees of the Institute

The Institute may make loans to any of its employees or guarantee any loan made to any such employee by any person—

(a) to purchase a motor vehicle required by the employee for the performance of his duty; or

(b) to build a house for the residential use of the employee or of his family, to purchase a plot of land on which a house for the employee may be built or to purchase a house for the residential use of the employee or of his family.

8. Location of principal office

The principal office of the Institute shall be established and maintained in Ibadan.

9. Provision of land

(1) The Government shall make available on leasehold tenure to the Institute, in accordance with the land requirement provisions of the proposal, a suitable site for the location of the Institute adjacent to the University of Ibadan and such other areas of land as the Government and the Institute may, from time to time, agree to be necessary or desirable for experimental work, field tests, demonstrations and conduct of the Institute's business in parts of Nigeria other than where the principal office of the Institute is located.

[1974 No. 27.]

(2) Land so made available by the Government shall be held upon such term or terms as may be agreed and upon payment of, in each case, one peppercorn as annual rental (if demanded).

10. Annual report

The board shall furnish to the President as soon as may be after the end of each year a report on the activities of the Institute during that year with sufficient copies for distribution to interested persons.

11. Exemption from duties of customs

(1) All equipment and supplies required for the establishment and operation of the programmes of the institute, including construction materials and supplies, machinery,

and furnishings owned and imported by the Institute for the purposes of this Act shall be exempted from duties of customs.

(2) Any other things owned and imported by the Institute shall likewise be so exempted:

Provided that the Government may require the Institute to give to it some indication of the nature and quality of any such thing so imported.

(3) The staff of the Institute shall be entitled to first arrival privileges only.

12. Exemption from income tax

(1) It is hereby declared that the Institute is an organisation between which and the Government there exists an arrangement for technical assistance, and-

(a) the income of the Institute; and

(b) the income of any person other than a citizen of Nigeria who is employed in or is engaged by the Institute in a professional capacity,

shall, in so far as and to the extent only that it is derived solely by reason of operations of the Institute in Nigeria, be exempted from liability to income tax.

(2) Income-

(a) of persons on in-service training, fellowship, grants or scholarship; and

(b) derived by non-Nigerians from other sources outside Nigeria,

shall likewise be exempted from income tax.

13. Entry into Nigeria of professional and other personnel

Where any person (other than a Nigerian) seeking entry into Nigeria satisfies the immigration authorities that he is to be employed by the Institute or is engaged by it in a professional capacity as adviser, he shall, for the purposes of the Immigration Act, be deemed to have accepted employment with the Government; and the provisions of section 8 of that Act shall be so construed and production of a consent to enter shall be unnecessary.

[Cap.I1.]

14. Requirements for change in basic organisation of the Institute

No change shall be made in the basic organisation of the Institute save after consultation with the Government and with the prior approval of the Foundations so long as the Foundations continue to provide wholly or to a major extent the funds required to finance the core operations of the Institute.

15. Disposal of plant, etc., on determination of the Institute

If the Foundations discontinue financial support for the Institute and the existence of the Institute is thereafter terminated for any reason, all of the physical plant and equipment of the Institute shall become the property of the Government to be used by it for scientific or educational purposes.

16. Interpretation

In this Act unless the context otherwise requires-

"charters and concessions" include franchises, licences, rights and privileges with or without financial or other assistance;

"core operations" means the functions referred to in section 2 (2) of this Act and includes the cost of maintaining and operating the Institute;

"Foundations" means the Ford and Rockefeller Foundations;

"the Government" means the Federal Government of Nigeria;

"the proposal" means the Proposal for an International Institute of Tropical Agriculture located in Nigeria referred to in the Schedule to this Act and references to sundry provisions of the proposal shall be construed accordingly.

[Schedule.]

17. Short title

This Act may be cited as the International Institute of Tropical Agriculture Act.

SCHEDULE

[Sections 6 and 16.]

Proposal for an International Institute of Tropical Agriculture located in Nigeria

(MODIFIED)

Introduction

The Rockefeller and Ford Foundations have for some years been co-operating with developing countries in efforts to increase the production and improve the quality of their food crops. One approach has been to provide assistance in establishing a limited number of regional and international institutions of high quality devoted to research on food crops and to training staff for other research institutions working on similar problems.

Consideration is now being given to the possibility of establishing a new international institute that would focus on increasing the production and improving the nutritional values of important tropical food crops. Such an institute could, if mutually satisfactory arrangements can be worked out, be located in Nigeria.

Like the International Rice Research Institute, the proposed Institute would be designed to put teams of high-level specialists to work on major problems requiring basic or applied research; it would help train the professional manpower required by other institutions for research on tropical food crops; and through international forums, conferences, and seminars, provision of good library facilities and exchange of plant materials, it would assist scientists at other institutions to increase the effectiveness of their programmes. It would be authorised to enter into co-operative research agreements with other institutions and to make small research grants when, in its judgement, these appear to be desirable and effective means of pursuing its objectives.

Preliminary explorations of the possibility of establishing the proposed Institute were begun in October 1963, when Dr. George Harrar, President of the Rockefeller Foundation and Dr. FF Hill, Vice-President of the Ford Foundation, visited Nigeria to study the feasibility of such a venture. Discussions were held with leading persons in government and at universities. Dr. Harrar and Dr. Hill were accompanied by Professor Richard Bradfield, senior agricultural adviser to the Rockefeller Foundation, who subsequently made an extensive survey of all major agricultural research institutions in Nigeria. These discussions and studies confirmed the suitability of Nigeria as the potential site of the Institute, the mutual interests of Nigerian and Foundation officials in the proposed Institute, and the desirability, therefore, of exploring further the development of an acceptable arrangement for the Institute.

General objectives of proposed Institute

The general objectives of the proposed Institute are as follows:

1. To provide in the tropics a high-quality international research organisation devoted to finding ways as quickly as possible to increase the output and improve the quality of tropical food crops. Attention also would be given to soil improvement and feed crops useful in intensive crop rotations, Basic research, applied research and experimentation, and *field* testing of results would be pursued. All important aspects of the problem of increasing and improving the quality of food production would be investigated, i.e. agronomic, engineering, and economic. Special attention would be given to studies of soils and the development of crop rotations and management systems, particularly in the humid tropics, which would make it possible to use soils more intensively than they are used at present.
2. To provide, in co-operation with universities and research stations concerned with tropical agriculture, high-level professional training for carefully selected persons who expect to become staff members of institutions and organisations in the tropics concerned with increasing food production and improving its quality and distribution.
3. To publish and disseminate research findings and recommendations of the proposed Institute.
4. To distribute improved plant materials to other research centres where they might be of significant value or use in breeding or improvement programmes.
5. To establish, maintain and operate an information centre and library which will provide for interested scientists and scholars everywhere a collection of the world's literature on tropical agriculture.
6. To organise or hold periodic conferences, forums and seminars, whether international, regional, local or otherwise, for the purpose of discussing current problems in the field of tropical agriculture.

Financing

Basic financing of the original capital costs of buildings and equipment would be provided by the Ford Foundation.

Recurrent costs of core operating expenses, such as staff salaries and benefits, building and equipment up-keep and replacement, supplies, library, publications, conferences and seminars, etc., would be shared equally by the Rockefeller and Ford Foundations. The Institute would be authorised to receive funds from other sources, both public and private, and once established would actively seek support from other sources for fellowships, special projects and equipment, as well as for general support.

Because assurance of long-term financial support is essential to the efficient operation of an agricultural research organisation, the two Foundations would state their intention of supporting the core operations of the Institute for a minimum period of fourteen years, assuming

satisfactory operation. If, at the end of fourteen years, the Institute, in the judgement of the two Foundations is continuing to perform a service of great importance to tropical agriculture, consideration should be given to extending their support of its core operations for an additional period, fully, in part, or on a declining basis.

If, after the Foundations discontinue financial support for the Institute or at some later time it is deemed unnecessary or no longer feasible for the Institute to continue, the physical assets of the Institute would devolve, subject to approval by the Government of Nigeria, to a Nigerian or other appropriate agency.

Land requirements

To facilitate and strengthen its training programme and provide ready access to qualified scientists and research facilities in related fields, it is proposed that the Institute be located adjacent to the University of Ibadan. It is further proposed that adequate land for the Institute be provided by the Government of Nigeria on long-term lease at a token rent.

Because of the number of crops on which experimental work will be done and the wide variation in topography and soils in the Ibadan area, it is estimated that approximately 2,000 acres will be required in one block in the area generally to the north and/or west of the University of Ibadan campus. The Foundations are prepared to send qualified persons to Nigeria to establish the exact site requirements as soon as agreement in principle with the Nigerian Government has been reached. The Federal Government will assume legal and financial responsibility for this acquisition and for such other land acquisitions as may be required and mutually agreed upon by the Institute and Government in the future. Smaller acreages for experimental work, field tests and demonstrations in other parts of Nigeria may be required later on.

Status

The proposed Institute would be established under Nigerian law as an autonomous, non-profit, tax-free organisation, international in character, and operating under policies laid down by its Board of Trustees.

Board of Trustees

It is proposed that the Institute have a self-perpetuating Board of Trustees of not less than nine nor more than fifteen members. Representation of the Board should reflect its international character. With the exception stated below, Board members would serve for a period of two years with the possibility of serving two successive terms. Terms would be staggered to provide continuity of membership. Members would serve in their individual capacities and not as representatives of the organisations with which they happen to be affiliated.

Because of the role the Institute is expected to play in the development of Nigerian agriculture, its international character, and the visibility and prestige it would provide, the Rockefeller and Ford Foundations believe it to be essential to have the Minister in the Federal Government of Nigeria responsible for agricultural affairs or his representative serving as *ex-officio* on the Board of Trustees.

In addition to the Minister or his representative, it is suggested that there be two additional Nigerian memberships on the Board. One would be rotated among the Vice-Chancellors of Nigeria universities with Colleges or Departments of Agriculture and the other among the Directors of agricultural research stations of the Governments of Nigeria. Each appointee would serve one two-year term at a time.

It is expected that the Institute will develop co-operative working relationships with other Universities and research stations in Nigeria. However, it is probable, because of its proposed location, that the Institute's contacts with the University of Ibadan will be especially

diverse and numerous. For this reason it is desirable that the Vice-Chancellor of the University of Ibadan be appointed as the first academic member of the Institute's Board of Trustees.

It is proposed that the Rockefeller and Ford Foundations be authorised to appoint one member each to the Board of Trustees of the Institute and that the Director of the Institute also be a member.

It is proposed further that with the exception of the three Nigerian members, the two Foundation members and the Director, the Board of Trustees of the Institute shall be free to appoint such other members, not to exceed nine in number, as will in its judgement provide the strongest possible Board, keeping in mind such considerations as geographical representation, scientific knowledge of and experience in tropical agriculture, possible sources of funds other than the two Foundations, etc. Additional members might include, for example, one or more persons from each of the following categories: Tropical African areas other than Nige-

ria, South and Southeast Asia, Latin America and the Caribbean, and eminent specialists in tropical agriculture.

On the basis of the foregoing proposals, the membership of the Board might, for example, be as follows:

Number of members

Nigeria 3

Rockefeller and Ford Foundations (1 each) 2

Director of the Institute (*ex-officio*) 1

Other Tropical African areas 3

South and Southeast Asia 2

Latin America and Caribbean 2

At Large (Eminent Tropical Agriculture Specialists) 2

Total 15

It is contemplated that the numbers in the first three categories shown above would remain constant unless it were mutually agreed to amend the articles of incorporation, bye-laws, or other basic documents. Numbers in the remaining four categories might vary from time to time depending upon the judgement of the Board as to which individuals among those who are available are likely to make the greatest contribution to the work of the Institute. An effort would be made, however, to have on the Board at all times at least one member in each of the last four categories.

Relation to Nigerian and other universities

The Institute would be an international, independent, autonomous institution operating under policies laid down by its Board of Trustees. It would not grant degrees and, therefore, would not be competitive with universities in Nigeria or elsewhere. It would, however, be prepared to furnish, in addition to facilities for research, advanced training for young scientists looking forward to careers in the field of tropical agriculture. Arrangements would be made with interested universities for granting appropriate credit for work done at the Institute towards requirements for advanced degrees. Arrangements for joint university-Institute appointments, for exchange of research personnel, and for the use of the Institute's research facilities by university staff members or of university facilities by Institute staff members would be a matter for individual negotiation between the Institute and the individual

university concerned. The activities of the Institute would be designed to complement the work of other tropical agricultural institutions.

Management

The Institute would be responsible for all matters pertaining to its own staff, operating, of course, within the context of applicable Nigerian law. All professional and non-professional appointments, including candidates for training, would be made exclusively by the Institute. The Institute would expect to employ Nigerians in non-professional capacities so far as is consistent with the attainment of its objectives and adequately qualified Nigerians are available.

The appointment of the Director of the Institute and of Trustees other than those from Nigeria would be subject to the approval of the two Foundations as long as they provide a substantial part of the funds required to finance the Institute's core operations.

Changes would be made in the basic charter of the Institute only with the prior approval of both Foundations during the period of their financial support and in consultation with the Government of Nigeria.

Relations with Governments

Customs-free privileges for the Institute, including furnishings and household equipment purchased by the Institute for lease or provision to staff members, would be provided. Customs privileges for foreign professional personnel would be extended on the same basis as to United Nations and other international technical assistance personnel working in Nigeria. Foreign professional staff members of the Institute would not be subject to Nigerian personal income tax.

The Federal Government would undertake to facilitate entry into Nigeria of professional personnel, except where an individual may be specifically declared unacceptable.

INTERNATIONAL INSTITUTE OF TROPICAL AGRICULTURE ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation