

NORTH-EAST DEVELOPMENT COMMISSION (ESTABLISHMENT) ACT, 2017

EXPLANATORY MEMORANDUM

This Act establishes the North-East Development Commission charged with the responsibility of, among other things, receiving and managing funds allocated by the Federal Government and international donors for the resettlement, rehabilitation, integration and reconstruction of roads, houses and business premises of victims of insurgency as well as tackling the menace of poverty, illiteracy, ecological problems and any other related environmental or developmental challenges in the North-East States.

NORTH-EAST DEVELOPMENT COMMISSION (ESTABLISHMENT) ACT, 2017

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NORTH-EAST DEVELOPMENT COMMISSION (ESTABLISHMENT) ACT, 2017

A Bill

For

An Act to establish the North-East Development Commission charged with the responsibility of, among other things, receiving and managing funds allocated by the Federal Government and international donors for the resettlement, rehabilitation, integration and reconstruction of roads, houses and business premises of victims of insurgency and terrorism as well as tackling the menace of poverty, illiteracy, ecological problems and any other related environmental or developmental challenges in the North-East States; and for related matters.

[] Commencement.

ENACTED by the National Assembly of the Federal Republic of Nigeria -

PART I – ESTABLISHMENT OF THE NORTH EAST DEVELOPMENT COMMISSION

1. (1) There is established the North-East Development Commission (in this Act referred to as “the Commission”).
(2) The Commission –
 - (a) shall be a body corporate with perpetual succession and a common seal; and
 - (b) may sue or be sued in its corporate name.
2. (1) There is established for the Commission a Governing Board (in this Act referred to as “the Board”).
(2) The Board shall consist of –
 - (a) a Chairman;
 - (b) a Managing Director and Chief Executive;
 - (c) three Executive Directors, one from each Member State not being represented by the Chairman of the Board, the Managing Director and the representative of the North-East Zone;
 - (d) one person each to represent the six geo-political zones of the Country -
 - (i) North Central,
 - (ii) North West,
 - (iii) North East,

- (iv) South East,
- (v) South South; and
- (vi) South West;

(e) one person to represent the Federal Ministry of -

- (i) Finance, and
- (ii) Budget and National Planning.

(3) The three Executive Directors mentioned under subsection (2) (c) are -

- (a) Executive Director, Administration and Finance;
- (b) Executive Director, Humanitarian Affairs; and
- (c) Executive Director, Operations.

(4) A Member State, within the North East Zone, shall not have two members on the Board at a time.

(5) The Chairman and other members of the Board shall be -

- (a) persons of proven integrity and ability; and
- (b) appointed by the President, subject to confirmation by the Senate.

(6) The Members of the Board referred to in subsection (2) (a) - (d) of this section representing the geo-political zones shall be part-time members.

(7) The supplementary provisions set out in the First Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters contained therein.

First Schedule

3. Subject to the provisions of section 4 of this Act, a member of the Board other than an ex-officio member, shall hold office for a term of 4 years at the first instance and may be re-appointed for another term of 4 years and no more.

Tenure of office.

4. The Board shall have powers to -

- (a) manage and supervise the affairs of the Commission;
- (b) make rules and regulations for carrying out the functions of the Commission;
- (c) enter and inspect premises, projects and such places as may be necessary for the purposes of carrying out its functions under this Act;
- (d) pay the staff of the Commission such remuneration and allowances as are appropriate;
- (e) enter into such contracts as may be necessary or expedient for the performance of its functions and ensure the efficient performance of the functions of the Commission;

Powers of the Board

- (f) employ, either directly or on secondment from any civil or public service in the Federation or of a State, such number of employees as may, in the opinion of the Board, be required to assist the Board in the performance of any of its functions under this Act;
- (g) pay to persons so employed such remuneration, including allowances, as the Board may determine; and
- (h) do such other things as are necessary and expedient for the efficient performance of the functions of the Commission.

5. The offices of the Chairman, Managing Director, Executive Director (Administration and Finance), Executive Director (Humanitarian Affairs), Executive Director (Operations) and the member representing the North-East Zone shall rotate amongst the Member States of the Commission in the order set out in the Second Schedule to this Act. Rotation of offices of the Commission.

Second Schedule
- (1) The Members of the Board referred to in section 2 (2) (a) - (d) may resign their appointments by notice in writing addressed to the President. Resignation, cessation or removal from office.
- (2) A member of the Board ceases to be a member if the member-
- (a) becomes of unsound mind;
 - (b) becomes bankrupt;
 - (c) is convicted of a felony or any offence involving dishonesty; or
 - (d) is guilty of serious misconduct in relation to the office.
- (3) A member other than ex-officio member may resign his appointment by notice in writing to the President and the resignation shall take effect upon receipt and approval by the President.
- (4) Where a vacancy exists in the membership of the Board, the vacancy shall be filled by appointment of a person representing the area where the vacancy exists, to complete the remainder of the term of office of the predecessor.
7. There shall be paid to every member of the Board such remunerations, allowances and expenses as the Federal Government may direct. Remunerations and allowances.

PART II – FUNCTIONS OF THE COMMISSION

8. (1) The Commission shall –

Functions of the
Commission.

- (a) formulate policies and guidelines for intervention in the development of the North-East Zone;
- (b) cause the North-East Zone to be surveyed in order to ascertain the extent of loss or destruction and embark upon measures that are necessary for proper planning and implementation of physical and socio-economic reconstruction of the zone, and the survey shall include-
 - (i) ascertainment of persons who were killed or missing and the details of their dependants,
 - (ii) detailed account of destruction and valuation of infrastructure and assets destroyed,
 - (iii) requirements for rehabilitation and reconstruction of infrastructure (roads, bridges and similar infrastructures), institutions (schools, hospitals, palaces, homes, places of worship and similar institutions),
 - (iv) requirements for recapitalisation of businesses and empowerment schemes for poverty alleviation,
 - (v) requirements for re-activation of health, nutrition, agriculture, education and welfare services,
 - (vi) requirements for the re-orientation of youth and out of school children including modernisation of schools and almajiri education, and
 - (vii) peace and conflict assessment to determine the root causes and impact of the crises and the factors inhibiting reconciliation and peaceful co-existence;
- (c) develop a master plan based on the needs assessment of the zone to be known as the North-East Stabilisation and Development Master Plan (in this Act referred to as "the Master Plan") which shall contain –
 - (i) programmes and schemes that promote and facilitate the physical and socio-economic development of the North-East Zone, and
 - (ii) estimates of the time and costs of implementing such programmes and schemes;
- (d) coordinate in accordance with set rules and regulations, projects and programmes within the Master Plan for the rehabilitation, resettlement, reconciliation, reconstruction and sustainable development of the North-East Zone in the fields of infrastructure, human and social services including health and nutrition, education and water supply, agriculture, wealth creation and employment opportunities, urban and rural development, and poverty alleviation;
- (e) liaise with Federal Ministries, Departments and Agencies, States and Development Partners on the implementation of all measures approved

in the Master Plan for the stabilisation and development of the North-East Zone by the Federal Government;

- (f) subject to appropriation by the National Assembly, implement programmes and schemes contained in the Master Plan but not captured by Federal Ministries, Departments and Agencies, State Governments and Development Partners;
 - (g) identify factors inhibiting the development of the North-East Zone and assist Member States and other stakeholders in the formulation of policies to ensure sound and efficient management of the resources of the Zone;
 - (h) assess and report on any project being funded or carried out in the North-East Zone by any Federal Ministry, Department and Agency or company that has an agreement with the Federal Government, and ensure that funds released for such projects are properly utilised;
 - (i) liaise with other stakeholders on the tackling of humanitarian, ecological and environmental problems and degradation that arise from natural causes, the insurgency and industrial activities in the North-East Zone;
 - (j) liaise with various Ministries, Departments and Agencies (MDAs), industries and companies within the Zone on all matters of pollution prevention and control, and environmental disaster management;
 - (k) seek humanitarian, human, material, technical and financial support from development partners (local or international) and Non-Governmental Organisations with a view to developing the North-East Zone;
 - (l) interface with development partners (local or international) and Non-Governmental Organisations to ensure synergy with other stakeholders in line with the Master Plan;
 - (m) coordinate civil-military confidence building and stabilisation measures and also activities that lie within the civil-military interface especially before, during and after military and security operations; and
 - (n) act as the focal point to coordinate and harmonise all other intervention programmes and initiatives that the Federal Government is involved with in the North-East Zone.
- (2) In the performance of its functions under this section, the Commission shall liaise with other stakeholders that are active in the Zone.
- (3) In the performance of its functions under this Act, the Commission shall be subject to the direction, control or supervision of the President.

PART III – STRUCTURE OF THE COMMISSION

9. (1) The Commission shall have its Head Office in Maiduguri, Borno State and shall establish an office in each Member State of the North-East Zone. Structure of the Commission.
- (2) There is established in the Head Office of the Commission -
- (a) Administration and Human Resources Department;
 - (b) Humanitarian Department; and
 - (c) Technical Department.
- (3) There shall be the Projects Monitoring and Supervision Units which shall be under the relevant Department.
- (4) The Board may create, increase or decrease the number of Departments, Divisions and Units as it may deem necessary and expedient to facilitate the realisation of the objectives of the Commission.
10. (1) There is established for the Commission a Management Committee which consists of - Establishment of the Management Committee.
- (a) the Managing Director, Executives Directors and Directors responsible for the Departments established under section 9 (2) of this Act; and
 - (b) such number of other members as may be determined by the Board.
- (2) The Management Committee shall be responsible to the Board for the general administration of the Commission.
11. (1) The Board shall appoint a Secretary to the Commission who shall also act as its Legal Adviser. Secretary to the Commission.
- (2) The Secretary to the Commission shall be a legal practitioner of not less than 10 years post call to Bar experience and must possess the requisite experience to hold such an office.
- (3) The Secretary shall -
- (a) keep proper records and books of the Commission;
 - (b) record proceedings of the Board and its Committees;
 - (c) be responsible for the administration of the Secretariat;
 - (d) issue notices of meetings of the Board and its committees; and
 - (e) be responsible to the Managing Director and the Board.
- (4) The Secretary shall hold office on such terms and conditions as specified by the Board.

PART IV – STAFF OF THE COMMISSION

12. (1) There shall be for the Commission, a Managing Director who shall be an indigene of the North-East Zone and the position shall rotate among the Member States in accordance with the order set out in the Second Schedule to this Act and who shall -
- Staff of the Commission.
Second Schedule.
- (a) have such qualification and experience as appropriate for a person required to perform the functions of the office under this Act;
 - (b) be the Chief Executive and Accounting Officer of the Commission; and
 - (c) hold office on such terms and conditions as to emolument, conditions of service as may be specified in his letter of appointment and subject to the provisions of section 3 of this Act.
- (2) The Managing Director shall, subject to the general direction of the Board, be responsible for -
- (a) the day-to-day administration of the Commission; and
 - (b) general direction and control of other employees of the Commission.
- (3) There shall be for the Commission such other staff as may be employed by the Board under section 4 (f) of this Act.
- (4) The remuneration and allowances of staff of the Commission shall be determined by the Board as provided under section 4 (d) and (g) of this Act.
13. (1) Service in the Commission shall be approved service for the purposes of the Pensions Reform Act.
- Pensionable service
Act No. 4, 2014.
- (2) Nothing in subsection (1) of this section shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.
- (3) For the purposes of the application of the provisions of the Pensions Reform Act, any power exercisable by the Minister or other authority of the Government of the Federation, other than the power to make regulations under section 24 of this Act is vested in, and shall be exercisable by the Commission, and not by any other person or authority.

PART V – FINANCIAL PROVISIONS

14. (1) The Commission shall establish and maintain a Fund from which shall be defrayed all expenditure incurred by the Commission.
- Funds of the Commission.
- (2) There shall be paid and credited to the Fund established under subsection (1) of this section -
- (a) in each financial year, an appropriation of at least 10% annual statutory allocations due to the Member States of the Commission from the Federation Account as the contribution of the Federal Government to the Commission;
 - (b) a sum of at least 10% of the Ecological Fund annually for a period of 10 years;

- (c) a sum equivalent to 3% of the annual VAT collection as first line charge, to accrue to the Commission for a period of 10 years, notwithstanding the provisions of any other law;
- (d) such money as may be granted, lent to or deposited with the Commission by the Federal or a State Government, or any other body or institution whether local or foreign;
- (e) money raised for the purposes of the Commission by way of gifts, loans, grants-in-aid, testamentary dispositions or otherwise;
- (f) proceeds from all other assets that may accrue to the Commission; and
- (g) fees charged by the Commission.

(3) All money collected by the Federal Government for the development of the North-East Zone shall be domiciled in the Commission.

(4) The Fund shall be managed in accordance with extant laws or rules governing public finance.

15. The Commission shall apply the proceeds of the Fund established under section 14 (1) of this Act to -
- (a) the cost of administration of the Commission;
 - (b) the payment of salaries, fees, remuneration, allowances, pensions and gratuities payable to the Members of the Board as specified in section 7 of this Act or any committee of the Board and the employees of the Commission;
 - (c) the payment for all contracts, including mobilisation, fluctuations, variations, legal fees and cost on contract administration; and
 - (d) the payment for all purchases.
- Application of the proceeds of the Fund.
16. (1) The Commission may accept gifts of land, money, or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift.
- (2) The Commission shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Commission under this Act.
- Power to accept gifts.
17. The Commission may borrow money from financial organisations or other institutions for the purpose of executing its mandate under this Act, subject to the approval of the Board.
- Power to borrow.
18. (1) The Board shall, not later than 31st August in each year, submit to the President an estimate of the expenditure and income of the Commission during the next succeeding year for approval and forward to the National Assembly for appropriation.
- (2) The Board shall cause to be kept proper accounts of the Commission in respect of each year and proper records in relation thereto and shall cause the accounts to be audited not later than 6 months after the end of each year by auditors appointed from the list in accordance with the guidelines supplied by the Auditor-General for the Federation.
- Annual estimates and expenditure.

19. (1) The Board shall submit to the President, report on the activities and administration of the Commission. Annual report.
- (2) The Board shall –
- (a) prepare and submit to the President, not later than 30th June in each year, a report in such form as the President may direct on the activities of the Commission during the immediate preceding year; and
- (b) include in the report a copy of the audited accounts of the Commission for that year and the Auditor's Report thereon.
- (3) The President, upon receipt of the Report referred to in subsection (1) of this section, cause a copy of the Report and the audited accounts of the Commission and the Auditor's Report thereon to be submitted to each House of the National Assembly.

PART VI – MISCELLANEOUS PROVISIONS

20. (1) For the purposes of providing offices and premises necessary for the performance of its functions under this Act, the Commission may, subject to the Land Use Act – Office and premises of the Commission.
- (a) purchase or take on lease any interest in land, or other property; and Cap. L5. LFN. 2004.
- (b) construct offices and premises, equip and maintain them.
- (2) The Commission may, subject to the Land Use Act, sell or lease out any office or premises held by it, which is no longer required for the performance of its functions under this Act. Cap. L5. LFN. 2004.
21. Subject to this Act, the President may give to the Commission directives of a general nature or relating generally to matters of policy with regards to the performance of its functions and the Commission shall comply with the directives. President's directives.
22. (1) Subject to this Act, the Public Officers Protection Act shall apply in relation to any suit instituted against any officer or employee of the Commission. Application of Public Officers Protection Act.
- (2) Notwithstanding anything contained in any other law or enactment, no suit shall lie against any member of the Board, the Managing Director or any other officer or employee of the Commission for any act done in pursuance or execution of this Act or any other law or enactment, or of any duty or authority or in respect of any alleged neglect or default in the execution of this Act or such law or enactment, duty or authority, in any court unless – Cap. P41 LFN. 2004.
- (a) it is commenced within 3 months next after the act, neglect or default complained of; or

(b) in the case of a continuation of damage or injury, within 6 months next after the ceasing of the damage or injury.

(3) No suit shall be commenced against the Commission before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Commission by the intending plaintiff or his agent, and the notice shall clearly state the –

(a) cause of action;

(b) particulars of the claim;

(c) name and place of abode of the intending plaintiff; and

(d) relief sought.

23. A notice, summons or other document required or authorised to be served upon the Commission under this Act or any other law or enactment may be served by delivering it to the Managing Director or by sending it by registered post and addressed to the Managing Director at the Principal Office of the Commission. Service of notices, summons and other documents.
24. (1) In any action or suit against the Commission, no execution or attachment of process in that nature shall be issued against the Commission. Execution or attachment of process and payment of judgment debts.
- (2) Any sum of money which may, by judgment of any court, be awarded against the Commission shall, subject to any direction given by the Court where notice of appeal of the said judgment has been given, be paid from the general reserve fund of the Commission.
25. A member of the Board, the Managing Director, any officer or employee of the Commission shall be indemnified out of the assets of the Commission against any proceeding, whether civil or criminal, in which judgment is given in his favour or in which he is acquitted, if any such proceeding is brought against him in his capacity as a member of the Board, the Managing Director, officer or employee of the Commission. Indemnity of officers.
26. The Board may, with the approval of the President, make regulations, generally for the purposes of giving full effect to this Act. Regulations.

“Board” means the Governing Board established for the Commission under section 2 (1) of this Act;

“Chairman” means the Chairman of the Board appointed under section 2 (2) (a) of this Act;

“Commission” means the North-East Development Commission established under section 1 (1) of this Act;

“Geo Political Zones” means a group of States in the Federal Republic of Nigeria as follows

- (a) “North-Central’ comprises Benue, Kogi, Kwara, Nasarawa, Niger, Plateau States and Federal Capital Territory;
- (b) “North-West’ comprises Jigawa, Kaduna, Kano, Katsina, Kebbi, Sokoto and Zamfara States;
- (c) “North-East’ comprises Adamawa, Bauchi, Borno, Gombe, Taraba and Yobe States;
- (d) “South-East’ comprises Abia, Anambra, Ebonyi, Enugu and Imo States;
- (e) South-South’ comprises Akwa Ibom, Bayelsa, Cross River, Delta, Edo and Rivers States; and
- (f) “South-West’ comprises Ekiti, Lagos, Ogun, Ondo, Osun and Oyo States;

“Management Committee” means the Management Committee established under section 10 (1) of this Act;

“Member States” means Adamawa, Bauchi, Borno, Gombe, Taraba, and Yobe States;

“North-East Zone” means Member States;

“President” means the President of the Federal Republic of Nigeria; and

“Stakeholders” includes all the Federal Government Ministries, Departments, and Agencies, Member States, Local Governments in the Member States, Development Partners, Non-Governmental Organisations or Civil Society Organisations, Communities and grassroots.

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD ETC.

1. Subject to the provisions of this Act and section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any of its committees.
2. (1) The Board shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by at least 4 other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.
(2) At any meeting of the Board the Chairman shall preside but if the Chairman is absent, the members present at the meeting shall appoint one of them to preside at the Meeting.
3. (1) The Board may appoint one or more committees to carry out, on behalf of the Board, such functions as the Board may determine.
(2) A committee set up under this paragraph shall consist of such number of persons as may be determined by the Board and a person shall hold office on the committee in accordance with the terms of his appointment.
(3) A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.
4. (1) The fixing of the seal of the Commission shall be authenticated by the signatures of the Chairman or any other member of the Board generally or specifically authorised by the Board to act for that purpose and the Managing Director.
(2) The Board shall meet a minimum of 4 times a year, one meeting in each quarter.
5. The validity of any proceeding of the Board or a committee shall not be adversely affected by –
 - (a) a vacancy in the membership of the Board or committee;
 - (b) a defect in the appointment of a member of the Board or committee; or
 - (c) reason that a person not entitled to do so took part in the proceedings of the Board or Committee.

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I, CERTIFY, IN ACCORDANCE WITH SECTION 2 (1) OF THE ACTS AUTHENTICATION ACT CAP. A2, LAWS OF THE FEDERATION OF NIGERIA 2004, THAT THIS IS A TRUE COPY OF THIS BILL PASSED BY BOTH HOUSES OF THE NATIONAL ASSEMBLY.


MOHAMMED ATABA SANI-OMOLORI
CLERK TO THE NATIONAL ASSEMBLY

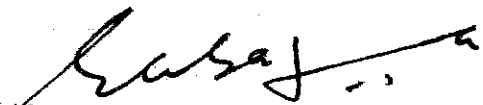
26th DAY OF SEPTEMBER, 2017


Schedule to the North-East Development Commission (Establishment) Bill, 2017

SHORT TITLE OF THE BILL	LONG TITLE OF THE BILL	SUMMARY OF THE CONTENTS OF THE BILL	DATE PASSED BY THE SENATE	DATE PASSED BY THE HOUSE OF REPRESENTATIVES
North-East Development Commission (Establishment) Bill, 2017	An Act to establish the North-East Development Commission charged with the responsibility to, among other things, receive and manage funds from allocation of the Federal Government and international donors for the resettlement, rehabilitation, integration and reconstruction of roads, houses and business premises of victims of insurgency and terrorism as well as tackling menace of poverty, illiteracy level, ecological problems and any other related environmental or developmental challenges in the North-East States; and for related matters.	This Bill establishes the North-East Development Commission charged with the responsibility to, among other things, receive and manage funds from allocation of the Federation Account and international donors for the settlement, rehabilitation and reconstruction of roads, houses and business premises of victims of insurgency as well as tackling menace of poverty, illiteracy level, ecological problems and any other related environmental or developmental challenges in the North-East States.	18 th May, 2017	17 th May, 2017

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

I ASSENT


MOHAMMED ATABA SANI-OMOLORI
Clerk to the National Assembly
26th Day of September, 2017


MUHAMMADU BUHARI, GCFR
President of the Federal Republic of Nigeria
Day of September, 2017
25th OCTOBER 2017