



**REPORT OF THE SENATE JOINT COMMITTEE ON
SPECIAL DUTIES & ESTABLISHMENT AND PUBLIC SERVICES
ON THE NORTH EAST DEVELOPMENT COMMISSION
BILL, 2015 (SB. 163)**

25th of May, 2016

NIGERIAN SENATE
REPORT OF THE SENATE JOINT COMMITTEE ON SPECIAL DUTIES & ESTABLISHMENT AND PUBLIC SERVICE
ON THE NORTH EAST DEVELOPMENT COMMISSION BILL, 2015 (SB.163)

LONG TITLE	LONG TITLE	Remarks
A BILL FOR AN ACT TO ESTABLISH THE NORTH-EAST DEVELOPMENT COMMISSION CHARGED WITH THE RESPONSIBILITY AMONG OTHER THINGS TO RECEIVE AND MANAGE FUND 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, LITERACY LEVEL, ECOLOGICAL PROBLEMS AND ANY OTHER RELATED ENVIRONMENTAL OR DEVELOPMENTAL CHALLENGES IN THE NORTH EAST STATES AND FOR OTHER RELATED MATTERS.	<i>A BILL FOR AN ACT TO ESTABLISH THE NORTH EAST DEVELOPMENT COMMISSION IN THE FEDERAL REPUBLIC OF NIGERIA TO ADDRESS THE DEVASTATION CAUSED BY INSURGENCY AND OTHER CONNECTED MATTERS.</i>	The Long Title of the Bill was redrafted because of its verbosity and ambiguity. The intentment of the Bill was succinctly explained in the Explanatory Memorandum.

CLAUSES	PROVISIONS OF THE BILL	JOINT COMMITTEE'S RECOMMENDATION	REMARKS
1.	<p>PART I – ESTABLISHMENT OF NORTH EAST DEVELOPMENT COMMISSION.</p> <p style="text-align: center;">Establishment of North East Development Commission</p> <p>1. –(1) There is established a Commission to be known as the North East Development Commission (in this Bill referred to as “the Commission”).</p> <p>(2) The Commission shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.</p>	<p>PART I – ESTABLISHMENT OF NORTH EAST DEVELOPMENT COMMISSION.</p> <p style="text-align: center;">Establishment of <i>the</i> North East Development Commission</p> <p>1. –(1) Retained as in the Bill</p> <p>(2) Retained as in the Bill</p>	

		<p>(3) The Commission shall have its head Office in Abuja, Federal Capital Territory and shall establish an office in each Member State of the North East Zone.</p>	<p>The success of the Commission depends on its linkages/networking with other organizations such as the Presidency, NASS, OSGF, DHQ, IGP, NEMA, Refugee Commission, International Development Partners and many other organizations that are headquartered in Abuja. Hence, the need for the Headquarters to be located in Abuja.</p> <p>Locating the HQ in any of the Member States will serve only sentimental reasons but not the effectiveness of the Commission.</p>
<p>2.</p>	<p>Establishment of the Commission Board</p> <p>2. –(1) There is established for the Commission, a body to be known as the Commission Governing Board (in this Bill referred to as “the Board”).</p> <p>(2) The Board shall consists of –</p> <p>(a) Chairman;</p>	<p>Establishment of the Governing Board</p> <p>2. –(1) There is established for the Commission, a body to be known as the Commission Governing Board (in this Bill referred to as “the Board”).</p> <p>(2) The Board shall consists of –</p> <p>(a) The Chairman;</p> <p>(b) the Managing Director;</p> <p>(c) three Executive Directors, one</p>	<p>The three Executive Directors are to come from Member</p>

		<p>from each Member State not being represented by the Chairman of the Board, the Managing Director, and the representative of the North East Zone. The Executive Directors shall be:</p> <p>(i) Executive Director Administration and Finance;</p> <p>(ii) Executive Director Humanitarian Affairs; and</p> <p>(iii) Executive Director Operations</p> <p>(d) one person each to represent the six geo-political zones of the Country as listed below –</p> <p>(i) North Central</p> <p>(ii) North East</p> <p>(iii) North West</p> <p>(iv) South East</p> <p>(v) South South</p> <p>(vi) South West</p>	<p>States that are not represented by the Chairman, Managing Director and the Director representing the North East Zone.</p> <p>A Commission of this magnitude should have a National outlook hence the need for Zonal Directors.</p>
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	<p>(b) one person each who shall be an indigene to represent the States listed below –</p> <ul style="list-style-type: none"> (i) Adamawa, (ii) Bauchi, (iii) Borno, (iv) Gombe, (v) Taraba, and (vi) Yobe; <p>(c) three persons to represent the following Security Organisations –</p> <ul style="list-style-type: none"> (i) the Army who shall not be below the rank of a Colonel; (ii) the Police who shall not be below the rank of Superintendent of Police; (iii) the Civil Defence Corp who shall not be below the rank of Deputy Commandant. <p>(d) one representative of Solid minerals</p>	<p>Deleted</p> <p>Deleted</p> <p>Deleted</p>	<p>This paragraph has been deleted because the requirement for Member States representation has been captured by the Chairman, Managing Director, Director representing North East Zone and the three Executive Directors who are all from the Member States and are Members of the Board.</p> <p>This paragraph has been expunged because it makes the membership of the Board to be unwieldy. Also, a Section has been created in this Bill to handle Civil Military Relations under the structure of the Commission. Therefore, the paragraph is no longer necessary.</p> <p>This paragraph has been deleted because a Unit may be created</p>
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	<p>extracting and Mining producing companies in the North East States nominated by those companies;</p> <p>(e) one person to represent the –</p> <p>(i) Federal Ministry of Finance;</p> <p>(ii) Federal Ministry of Education;</p> <p>(iii) Federal Ministry of Environment;</p> <p>(3)(d) the Managing Director of the Commission.</p> <p>The Chairman and other members of the Board shall –</p>	<p>(e) Retained as in the Bill</p> <p>(i) Retained as in the Bill</p> <p>(ii) Deleted</p> <p>(iii) Deleted</p> <p>(ii) Ministry responsible for Budget and National Planning</p> <p>(f) Retained as in the Bill</p> <p>(3) At no time should any Member State within the North East Zone, have two members on the Board.</p> <p>(4) The Chairman and other members of the Board shall –</p>	<p>under the structure of the Commission to take care of it.</p> <p><i>This paragraph has been renumbered as paragraph (e) because paragraphs (b) to (d) in the draft Bill were deleted and new paragraphs introduced. The subsequent paragraphs were renumbered accordingly.</i></p> <p><i>Sub-paragraphs (ii) and (iii) were deleted to reduce the unwieldy nature of the Board's membership.</i></p> <p>The function of the Commission includes the development of a Master Plan that would have to be in tandem with the National Master Plan. The Federal Ministry of Budget and National Planning is an administrative creation that could change anytime hence the need to phrase this subparagraph in this form.</p> <p>This omnibus paragraph is intended to ensure there is no lopsidedness and that no Member State has undue advantage in voting rights.</p>
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	<p>(a) be appointed by the President, subject to the confirmation of the Senate, in consultation with the House of Representatives; and</p> <p>(4) be person of proven integrity and ability.</p> <p>The members of the Board referred to in paragraph (a - d) of sub-clause (2) of this Clause shall be part-time members.</p> <p>(5) The supplementary provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters contained therein.</p>	<p>(a) Retained as in the Bill</p> <p>(b) be persons of proven integrity and ability.</p> <p>(5) The members of the Board referred to in paragraph (a - d) of subsection (2) of this section shall be part-time members.</p> <p>(6) Retained as in the Bill</p>	<p>The word 'sub-clause' in the Bill has been recommended to be deleted and replaced with the word 'subsection' wherever it appears in the Bill because the word clause is used in place of section for the purpose of consideration of Bills at the plenary.</p>
<p>3.</p>	<p style="text-align: center;">Tenure of office</p> <p>3. -(1) Subject to the provisions of Clause 4 of this Bill 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 a further term of 4 years and no more.</p>	<p style="text-align: center;">Tenure of office</p> <p>3. -(1) Subject to the provisions of Section 4 of this Bill 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 a further term of 4 years and no more.</p>	

<p>4.</p>	<p style="text-align: center;">Rotation of Office of Chairman of Commission</p> <p>4. The Office of the Chairman established in Clause 2(2) shall rotate amongst the member states of the Commission in an alphabetical order.</p>	<p style="text-align: center;">Rotation of Offices of the Commission</p> <p>4. The Office of the Chairman, Managing Director and Executive Directors established in Section 2(2) shall rotate amongst the Member States of the Commission.</p>	<p>This allows fairness to all Member States.</p>
<p>5.</p>	<p style="text-align: center;">Resignation, Cessation or removal from Membership of the Board</p> <p>5. –(1) The member of the Board mentioned under Clause 2(2) (a) and (b) may resign their appointment by notice in writing addressed to the President.</p> <p>(2) A member of the Board may cease membership if the member-</p> <p>(a) becomes of unsound mind;</p> <p>(b) becomes bankrupt;</p> <p>(c) is convicted of a felony or of any offence involving dishonesty; and</p> <p>(d) is guilty of serious misconduct in relation to the Office;</p> <p>(3) A member of the Board other than ex-officio member may resign his or her</p>	<p style="text-align: center;">Resignation, Cessation or removal from Membership of the Board</p> <p>5. –(1) The Members of the Board referred to in Section 2(2) (a) to (d) may resign their appointments by notice in writing addressed to the President.</p> <p>(2) Retained as in the Bill</p> <p>(3) A member of the Board other than ex-officio member may resign his or her</p>	<p>It makes more drafting sense.</p>

	<p>appointment by notice) in writing to the President which resignation shall take effect upon receipt and approval by the President.</p> <p>(4) Where 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.</p>	<p>appointment by notice in writing to the President which resignation shall take effect upon receipt and approval by the President.</p> <p>(4) Retained as in the Bill</p>	
6.	<p>Remunerations and Allowances</p> <p>6. There shall be paid to every member of the Board such remunerations, allowances and expenses as the Federal Government may, from time to time direct.</p>	<p>Remunerations and Allowances</p> <p>6. Retained as in the Bill</p>	
7.	<p>PART II – FUNCTIONS AND POWERS OF THE COMMISSION</p> <p>Functions and powers of the Commission</p> <p>7. –(1) The Commission shall –</p> <p>(a) formulate policies and guidelines for the development of the Northern East States;</p> <p>(b) conceive, plan and implement, in accordance with set rules and</p>	<p>PART II – FUNCTIONS AND POWERS OF THE COMMISSION</p> <p>Functions and powers of the Commission</p> <p>7. –(1) The Commission shall –</p> <p>(a) formulate policies and guidelines for the development of the North East Zone;</p> <p>(b) cause the North East Zone to be surveyed in order to ascertain the</p>	<p>This paragraph was redrafted for elegance.</p>

	<p>regulations, projects and programmes for the sustainable development of the North East States in the field of transportation including roads, health, education, employment, agriculture, industrialisation, housing and urban development, water supply, electricity and telecommunications;</p> <p>(c) cause the North East States to be surveyed in order to ascertain measures which are necessary to promote its physical and socio-economic development;</p> <p>(d) prepare master plans and schemes designed to promote the physical development of the North East States and the estimates of the costs of implementing such master plans and schemes;</p> <p>(e) implement all the measures approved for the development of the North East States by the Federal Government and the member States of the Commission;</p>	<p>extent of loss/destruction and embark upon measures that are necessary for proper planning and implementation of physical and socio-economic reconstruction of the Zone. The survey shall include:</p> <p>(i) determine/ascertain persons who were killed/missing and the details of their dependents;</p> <p>(ii) detailed account of destruction and valuation of infrastructure and assets destroyed;</p> <p>(iii) requirements for rehabilitation and reconstruction of infrastructure (roads, bridges, etc.), institutions (schools, hospitals, palaces, homes, places of worship, etc.);</p> <p>(iv) requirements for recapitalisation of businesses and</p>	<p>Sub-paragraphs were introduced to widen the scope of the functions and powers of the Commission to handle the peculiarities of the problem in the North East Zone.</p>
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	<p>(f) identify factors inhibiting the development of the North East States and assist the member States in the formulation and implementation of policies to ensure sound and efficient management of the resources of the North East States;</p> <p>(g) assess and report on any project being funded or carried out in the North East States by Solid mineral extracting and mining companies, agricultural processing and any other company including Non-governmental organisations and ensure that funds released for such projects are properly utilised;</p> <p>(h) tackle ecological and environmental problems that arise from the extraction and mining of solid mineral in the North East States and advise the Federal Government and the member States on the prevention and control of water and environmental pollution;</p> <p>(i) Liaise with the various Solid mineral extraction and mining companies on all matters of pollution prevention and control; and</p>	<p>empowerment schemes for poverty alleviation;</p> <p>(v) requirements for re-activation of health, nutrition, agriculture, education and welfare services;</p> <p>(vi) requirements for the re-orientation of youth and out of school children including modernization of schools and 'almajiri' education.</p> <p>(vii) peace and conflict impact assessment to determine the root causes and impact of the crises; and the factors inhibiting reconciliation and peaceful co-existence.</p> <p>(c) To develop a master plan based on the needs assessment of the Zone to be known as the North East Stabilization and Development Master Plan; the Master Plan shall contain programmes and schemes that</p>	<p>The Master Plan would provide that the Commission should prioritize its activities and services based on the needs of the Zone.</p>
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	<p>(j) execute such other works and perform such other functions which in the opinion of the Commission, are required for the sustainable development of the North East States and its peoples.</p>	<p><i>promote and facilitate the physical and socio-economic development of the North East Zone; and it shall contain estimates of the time and costs of implementing such programmes and schemes;</i></p> <p><i>(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;</i></p> <p><i>(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 stabilization</i></p>	
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and development of the North East Zone by the Federal Government;

(f) subject to the approval of the Federal Government and 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

		<p>Government; and ensure that funds released for such projects are properly utilized;</p> <p>(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;</p> <p>(j) liaise with various industries and companies within the Zone on all matters of pollution prevention and control; and environmental disaster management;</p> <p>(k) seek humanitarian, human, material, technical and financial support from development partners (local/ international) and Non-Governmental Organisations with a view to developing the North East Zone;</p> <p>(l) interface with development partners (local/international) and Non-Governmental</p>	<p>Paragraphs (c) - (j) of the draft Bill were redrafted and paragraphs (k) - (n) were introduced for purposes of elegance and to also have an all-encompassing outlook.</p>
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	<p>(2) In exercising its functions and powers under this Clause, the Commission shall have regard to the varied and specified contributions of each member State of the Commission.</p> <p>(3) The Commission shall be subject to the direction, control or supervision in the performance of its functions under this Bill by the President of the Federal Republic of Nigeria.</p>	<p>Organisations to ensure synergy with other stakeholders in line with the Master Plan;</p> <p>(2) coordinate civil-military confidence building and stabilization measures and also activities that lie within the civil-military interface especially before, during and after military and security operations</p> <p>(3) coordinate such other works and perform such other functions, which in the opinion of the Commission are required for the sustainable development of the North East Zone;</p> <p>(4) In exercising the powers and functions under this section the Commission shall liaise with other stakeholders that are active in the Zone.</p> <p>(3) Retained as in the Bill</p>	<p>Subsection (2) has been amended because there is no statutory funding from the Member States. Notwithstanding the Commission must liaise with all stakeholders which include Member States.</p>
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<p>8.</p>	<p style="text-align: center;">Powers of the Commission</p> <p>8. The Board shall have power to –</p> <p>(a) manage and supervise affairs of the Commission;</p> <p>(b) make rules and regulations for carrying out the functions of the Commission;</p> <p>(c) enter and inspect premises, projects and such places as may be necessary for the purposes of carrying out its functions under this Bill;</p> <p>(d) pay the staff of the Commission such remuneration and allowances as appropriate;</p> <p>(e) enter into such contracts as may be necessary or expedient for the discharge of its functions and ensure the efficient performance of the functions of the Commission;</p> <p>(f) employ either directly or on secondment from any civil or public service in the Federation or a State such number of employees as may in the opinion of the Board, be required to assist the Board in the discharge of any</p>	<p style="text-align: center;">Powers of the Commission</p> <p>8. Retained as in the Bill</p> <p>(a) Retained as in the Bill</p> <p>(b) Retained as in the Bill</p> <p>(c) Retained as in the Bill</p> <p>(d) Retained as in the Bill</p> <p>(e) Retained as in the Bill</p> <p>(f) Retained as in the Bill</p>	
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	<p>of its functions under this Bill;</p> <p>(g) pay to persons so employed such remuneration, including allowances, as the Board may determine; and</p> <p>(h) do such other things as are necessary and expedient for the efficient performance of the functions of the Commission.</p>	<p>(g) Retained as in the Bill</p> <p>(h) Retained as in the Bill</p>	
9.	<p>PART III – STRUCTURE OF THE COMMISSION</p> <p>Structure of the Commission</p> <p>9. –(1) There shall be established in the head Office of the Commission, the following Departments –</p> <p>(a) Administration and Human Resources;</p> <p>(b) Planning, Research, Statistics and Management Information System;</p> <p>(c) Community and Rural Development;</p> <p>(d) Environmental Protection and Control, Utilities Infrastructural Development;</p> <p>(e) Finance and Supplies; and</p>	<p>PART III – STRUCTURE OF THE COMMISSION</p> <p>Structure of the Commission</p> <p>9. Retained as in the Bill</p> <p>(a) Services Department.</p> <p>(b) Deleted</p> <p>(c) Deleted</p> <p>(d) Deleted</p> <p>(e) Deleted</p>	<p>The Services Department shall be divided into Divisions and Units for purposes of administration. They include Administration and Human Resource Management, Finance, Legal and Corporate Services, Planning, Research and Statistics, Audit, Communication etc. subject to the discretion of the Board.</p>

	<p>(b) Education, Health and Social Services;</p> <p>(c) Commercial and Industrial Development; and</p> <p>(d) Projects Monitoring and Supervision.</p> <p>(3) The Board may increase the number of Departments and Units as it may deem necessary and expedient to facilitate the realisation of the objectives of the Commission.</p>	<p>(b) Deleted</p> <p>(c) Deleted</p> <p>(d) Retained as in the Bill</p> <p>(3) 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.</p>	<p>deleted they have been subsumed into relevant departments.</p>
<p>10.</p>		<p><i>Special Department Civil-Military Relations Department</i></p> <p><i>10. –(1) There shall be established by the Board a Special Department to be known as the Civil-Military Relations Department.</i></p> <p><i>(2) The Department shall consist of representatives of the following</i></p> <p><i>a) Armed Forces;</i> <i>b) Nigeria Police Force;</i> <i>c) Department of State Services;</i> <i>d) Nigeria Immigration Service;</i> <i>e) Nigeria Customs Service;</i></p>	<p>This is necessary due to the ongoing Military operations in the Zone and the need to interface with the Defence Headquarters and other security agencies during the combat, post combat and stabilization phases of military/security operations.</p>

- f) National Security and Civil Defence Corp;**
- g) National Drug Law Enforcement Agency; and**
- h) Other security agencies as may be determined by the Board.**

(3) The Department created under subsection 1 above shall be headed by an Officer not below the rank of Lieutenant Colonel or its equivalent and must have been senior staff trained in the armed forces

(4) The function of the Department shall include-

(a) Liaise between the Commission and respective services; and

(b) Interface with the Defence Headquarters and other security agencies on matters related to Civil-Military relations during the pre-combat, combat and post combat phases of military/security operations.

(5) The Civil-Military Relations

		<i>Department may be wound down by the Board after the post combat/stabilization phase of military/security operations in the Zone.</i>	
11.	<p align="center">Establishment of the Management Committee</p> <p>10. –(1) There shall be for the Commission a Management Committee which shall consist of –</p> <p>(a) a Managing Director; and</p> <p>(b) the Directors responsible for the Department established under Clause 9 of the Bill and such number of other members as may be determined from time to time by the Board;</p> <p>(2) The Management Committee shall be responsible to the Board for the general administration of the Commission.</p>	<p align="center">Establishment of the Management Committee</p> <p>11. –(1) Retained as in the Bill</p> <p>(a) <i>The</i> Managing Director; and</p> <p>(b) the Directors responsible for the Departments established under <i>Section</i> 9 of the Bill and such number of other members as may be determined from time to time by the Board;</p> <p>(2) Retained as in the Bill</p>	
12.		<p align="center"><i>Commission Secretary/Legal Adviser</i></p> <p><i>12. –(1) The Board shall appoint a Secretary to the Commission who shall also act as its Legal Adviser.</i></p>	A Commission of this magnitude should have a Secretary who shall act as its Legal Adviser.

		<p><i>(2) The Secretary to the Commission must be a legal practitioner of not less than Ten (10) years post call to Bar experience and must possess the requisite experience to hold such an Office.</i></p> <p><i>(3) The Secretary shall-</i></p> <ul style="list-style-type: none"> <i>a) Keep proper records and books of the Commission;</i> <i>b) Record proceedings of the Board and its Committees;</i> <i>c) Be responsible for the administration of the Secretariat;</i> <i>d) Issue notices of meetings of the Board and its committees; and</i> <i>e) Be responsible to the Managing Director and the Board.</i> <p><i>(4) the Secretary shall hold office on such terms and conditions as specified by the Board.</i></p>	
<p>13.</p>	<p>Advisory Committee of the Commission</p> <p>11. –(1) There is established for the Commission, a North East Development</p>	<p>Advisory Committee of the Commission</p> <p>13. Deleted</p>	<p>This provision has been deleted because a successful, effective and functional Commission requires a lean and inexpensive structure. Secondly, Governors are too occupied to play the</p>

	<p>Advisory Committee (in this Act referred to as "the Advisory Committee") which shall consist of –</p> <p>(a) the Governors of the member States of the Commission; and</p> <p>(b) two other persons as may be determined, from time to time, by the President of the Federal Republic of Nigeria.</p> <p>(2) The Advisory Committee shall be charged with the responsibility of advising the Board and monitoring the activities of the Commission, with a view to achieving the objective of the Commission.</p> <p>(3) The Advisory Committee may make rules regulating its own affairs.</p>		<p>roles of Advisory Committee. Moreover, resources of the states are not being channeled to the Commission to warrant close monitoring by the States. Meanwhile the requirement for representation of the states is already taken care of in the Governing Board. The creation of an Advisory Committee would place unnecessary financial burden on the Commission and bring about avoidable bureaucratic bottlenecks and conflicts.</p>
<p>14.</p>	<p>PART IV – STAFF OF THE COMMISSION</p> <p>Staff of the Commission</p> <p>12. –(1) There shall be for the Commission, a Managing Director who shall be indigenes of North East States and shall rotate amongst member states in alphabetical order, and who shall –</p>	<p>PART IV – STAFF OF THE COMMISSION</p> <p>Staff of the Commission</p> <p>13. –(1) There shall be for the Commission, a Managing Director who shall be from the Member States, and shall –</p>	<p>Appointment of the Managing Director of the Commission should be on rotational basis among the Member States alone and not in alphabetical order because it will place a State like Yobe at a disadvantage.</p>

	<p>(a) have such qualification and experience as are appropriate for a person required to perform the functions of the offices under this Bill, and</p> <p>(b) be the Chief Executive and Accounting Officer of the Commission.</p> <p>(c) be appointed by the President of the Federal Republic of Nigeria and confirmed by the Senate in consultation with House of Representatives;</p> <p>(d) 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 provision of Clause 3 of this Bill.</p> <p>(2) The Managing Director shall, subject to the general direction of the Board, be responsible –</p> <p>(a) for the day to day administration of the Commission;</p> <p>(b) for keeping the books and proper records of the proceedings of the Board; and</p>	<p>(a) have such qualification and experience as appropriate for a person required to perform the functions of the Office under this Bill, and</p> <p>(b) Retained as in the Bill</p> <p>(c) Retained as in the Bill</p> <p>(d) 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 provision of Section 3 of this Bill.</p> <p>(2) Retained as in the Bill</p> <p>(a) Retained as in the Vill</p> <p>Deleted</p>	<p>This is the function of the Secretary of the Commission</p>
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	<p>(c) for the-</p> <p>(i) administration of the secretariat of the Board, and</p> <p>(ii) general direction and control of all other employees of the Commission.</p>	<p>Deleted</p> <p><i>(b) general direction and control of other employees of the Commission</i></p>	<p>Same as above.</p>
<p>15.</p>	<p>Pension Reform Act, No. 2 of 2004</p> <p>13. –(1) Service in the Commission shall be approved service for the purposes of the Pensions Reform Act.</p> <p>(2) Nothing in sub-clause (1) of this Clause 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.</p> <p>(3) For the purposes of the application of the provisions of the Pensions Act, any power exercisable there under by the Minister or other authority of the Government of the Federation, other than the power to make regulations under Clause 23 thereof is hereby vested in and shall be exercisable by the</p>	<p>Pension Reform Act, No. 2 of 2004</p> <p>14. –(1) Retained as in the Bill</p> <p>(2) Nothing in <i>subsection</i> (1) of this <i>Section</i> 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.</p> <p>(3) For the purposes of the application of the provisions of the Pensions Act, any power exercisable there under by the Minister or other authority of the Government of the Federation, other than the power to make regulations under Section 23</p>	

	Commission, and not by any other person or authority.	thereof is hereby vested in and shall be exercisable by the Commission, and not by any other person or authority.	
16.	<p align="center">PART V – FINANCIAL PROVISIONS</p> <p align="center">Funds of the Commission</p> <p>14. (1) The Commission shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Commission.</p> <p>(2) There shall be paid and credited to the fund established pursuant to sub-clause (1) of this Clause –</p> <p>(a) from the Federal Government, the equivalent of 15 percent of the total monthly statutory allocations due to the member States of the Commission from the Federation Account; this being the contribution of the Federal Government to the Commission;</p> <p>(b) 3 percent of the total annual budget of any Solid mineral extracting mining company operating in the North East States, including Agricultural processing companies;</p>	<p align="center">PART V – FINANCIAL PROVISIONS</p> <p align="center">Funds of the Commission</p> <p>15. –(1) Retained as in the Bill</p> <p>(2) There shall be paid and credited to the fund established pursuant to subsection (1) of this <i>Section</i> –</p> <p>(a) Deleted</p> <p>(b) percent of the total annual budget of any Solid mineral extracting mining company operating in the North East States, including Agricultural processing companies;</p>	<p>The initial 15% was removed from the Bill because the National Assembly, cannot through a legislation, arbitrarily reduce percentage of money going to States without due consultation and agreement of the States. This requires constitutional amendment.</p> <p>Paragraph (b) was deleted from the Bill because it is our contemplation that removal of 3% of the total budget of any solid mineral extracting and Mining company operating in the North East Zone serves as disincentive to industries and companies willing to do business in the Zone.</p>

	<p>(c) 50 percent of monies due to member States of the Commission from the ecological Fund;</p> <p>(d) such monies as may from time to time, be granted or lent to or deposited with the Commission by the Federal or a State Government, any other body or institution whether local or foreign;</p> <p>(e) all moneys raised for the purposes of the Commission by way of gifts, loan, grants-in-aid, testamentary disposition or otherwise; and</p> <p>(f) proceeds from all other assets that may, from time to time, (3) accrue to the Commission.</p>	<p>(c) 25 percent of monies due to member States of the Commission from the ecological Fund;</p> <p>(d) Retained as in the Bill</p> <p>(e) Retained as in the Bill</p> <p>(f) proceeds from all other assets that may, from time to time, accrue to the Commission.</p> <p>(g) 15% cost of Mining lease/license granted by the Federal Government for mining within the Member States</p> <p>(h) Budgetary Allocation from the Federal Government made to the Commission</p> <p>(i) Royalties on Mining areas in the Member States</p> <p>(j) Fees charged by the</p>	<p>Contribution of 50 percent of what accrues to the Member States of the North East Zone, in the Joint Committee's view, is quite ambitious. 25 percent is hereby recommended.</p>
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	<p>(3)The Fund shall be managed in accordance with the rules made by the Board, and without prejudice to the general of the power to make rules under this sub-clause, the rules shall in particular contain provisions –</p> <p>(a) specifying the manner in which the assets or the fund of the Commission are to be held, and regulating the making of payments into and out of the fund; and</p> <p>(b) requiring the keeping of proper accounts and records for the purpose of the fund in such form as may be specified in the rules.</p>	<p>Commission (k) 5% VAT remittance to the Federal Government only</p> <p>Deleted</p> <p>Deleted</p> <p>Deleted</p>	<p>The Commission can only make rules governing its conduct but not its financial behavior which is already governed by standard financial laws and regulations in the Federation</p> <p>This is already captured in sections that deal with Annual Estimates / Expenditure and Annual Reports</p>
<p>17.</p>	<p>Application of the Commission funds</p> <p>15. The Commission shall apply the proceeds of the fund established pursuant to Clause 14 of this Bill to –</p> <p>(a) the cost of administration of the Commission;</p> <p>(b) the payment of salaries, fees,</p>	<p>Application of the Commission funds</p> <p>16. The Commission shall apply the proceeds of the fund established pursuant to Section 15 of this Bill to –</p> <p>(a) Retained as in the Bill</p> <p>(b) the payment of salaries, fees,</p>	

	<p>remuneration, allowances, pensions and gratuities payable to the members of the Board specified in clause 6 of this Bill or any committee of the Board and the employees of the Commission;</p> <p>(c) the payment for all contracts, including mobilisation, fluctuations, variations, legal fees and cost on contract administration;</p> <p>(d) the payment for all purchases; and</p> <p>(e) undertaking such other activities as are connected with all or any of the functions of the Commission under this Act.</p> <p>(2) 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.</p> <p>(3) 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 Bill.</p>	<p>remuneration, allowances, pensions and gratuities payable to the members of the Board specified in Section 6 of this Bill or any committee of the Board and the employees of the Commission;</p> <p>(c) Retained as in the Bill</p> <p>(d) Retained as in the Bill</p> <p>(e) Retained as in the Bill</p> <p>(2) Retained as in the Bill</p> <p>(3) Retained as in the Bill</p>	
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<p>18.</p>	<p align="center">Annual Estimates and Expenditure</p> <p>16. –(1) The Board shall, not later than 30th September in each year, submit to the President of the Federal Republic of Nigeria an estimate of the expenditure and income of the Commission during the next succeeding year for approval.</p> <p>(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.</p>	<p align="center">Annual Estimates and Expenditure</p> <p>17. –(1) Retained as in the Bill</p> <p>(2) Retained as in the Bill</p>	
<p>19.</p>	<p align="center">Submission of Report</p> <p>17. –(1) submit to the President of the Federal Republic of Nigeria report on the activities and administration of the Commission.</p> <p>(2) The Board shall prepare and submit to the President of the Federal Republic of Nigeria, not later than 30th June in each year, a report in such form as the President of the Federal Republic of Nigeria may direct on the activities of the Commission during the immediately preceding year, and shall include</p>	<p align="center">Annual Report</p> <p>18. –(1) <i>The Board shall</i> submit to the President of the Federal Republic of Nigeria, report on the activities and administration of the Commission.</p> <p>(2) Retained as in the Bill.</p>	

	<p>in the Report a copy of the audited accounts of the Commission for that year and the Auditor's Report thereon.</p> <p>(3) The President of the Federal Republic of Nigeria, upon receipt of the report referred to in sub-clause (1) of this Clause, 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.</p>	<p>(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.</p>	
<p>20.</p>	<p>PART VI – MISCELLANEOUS</p> <p>Monitoring Committee</p> <p>18. –(1) There is established for the Commission a Monitoring Committee which shall consist of such number of persons as the President of the Federal Republic of Nigeria may deem fit to appoint from the Public or Civil Service of the Federation.</p> <p>(2) The Monitoring Committee shall –</p> <p>(a) monitor the management of the funds of the Commission and the implementation of the projects of the Commission; and</p>	<p>PART VI – MISCELLANEOUS PROVISION</p> <p>Monitoring Committee</p> <p>19. Deleted</p>	<p>Monitoring is an aspect of oversight, which lies within the powers of the National Assembly.</p> <p>This Section therefore, contravenes the Constitution that already provides for oversight functions by the National Assembly.</p>

	(b) have access to the books of accounts and other records of the Commission at all times, and submit periodical reports to the President of the Federal Republic of Nigeria.		
21.	<p>Office and Premises of the Commission</p> <p>19. –(1) For the purposes of providing offices and premises necessary for the performance of its functions under this Bill, the Commission may, subject to the Land Use Act –</p> <p>(a) purchase or take on lease any interest in land, or other property; and</p> <p>(b) construct offices and premises and equip and maintain same.</p> <p>(2) The Commission may, subject to the Land Use Act, sell or lease out any office or premises held by it, which office or premises is no longer required for the performance of its functions under this Act.</p>	<p>Office and Premises of the Commission</p> <p>19. Retained as in the Bill</p>	
22.	<p>President Directives</p> <p>20. Subject to the provisions of this Bill, the President of the Federal Republic of Nigeria, may give to the Commission directives of a general nature or relating generally to matters of policy with regards to the performance by</p>	<p>President’s Directives</p> <p>20. Retained as in the Bill</p>	

	the Commission of its functions and it shall be the duty of the Commission to comply with the directives		
23.	<p align="center">Public Officer Protection Act, CAP. P41 LFN, 2004</p> <p>21. –(1) Subject to the provisions of this Bill, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any officer or employee of the Commission.</p> <p>(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 Bill 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 Bill or such law or enactment, duty or authority, shall lie or be instituted in any court unless –</p> <p>(a) it is commenced within three months next after the Act, neglect or default complained of; or</p> <p>(b) in the case of a continuation of damage or injury, within six months next after the ceasing thereof.</p>	<p align="center">Public Officer Protection Act, CAP. P41 LFN, 2004</p> <p>21. (1) Retained as in the Bill</p> <p>(2) Retained as in the Bill</p>	

		<p><i>(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 and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief sought.</i></p>	<p>This omnibus subsection (3) has been introduced to put the Commission on notice and reduce the cost of litigation. The pre-action notice is standard in most similar status. It reduces the level of litigation by affording the Commission the opportunity to settle disputes outside court.</p>
24.	<p>Services of Notices, Summons and other Documents</p> <p>22. A notice, summons or other document required or authorised to be served upon the Commission under the provisions of this Bill 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.</p>	<p>Services of Notices, Summons and other Documents</p> <p>22. Retained as in the Bill</p>	
25.	<p>Payment of Judgment Debts</p> <p>23. (1) In any action or suit against the Commission, no execution or attachment of process in the nature thereof shall be issued.</p>	<p>Payment of Judgment Debts</p> <p>23. Deleted</p>	<p>This Clause is in conflict with Section 6 (6) of the Constitution of the Federal Republic of Nigeria 1999, amended, which empowers</p>

	(2) Any sum of money which may, by the judgment of any court be awarded against the Commission shall, subject to any direction given by the court where no notice of appeal of the said judgment has been given, be paid from the general reserve fund of the Commission.		the courts to enforce their judgments.
26.	Indemnity of Officers 24. 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 23. Retained as in the Bill	
27.	Regulations 25. The Commission may, with the approval of the President of the Federal Republic of Nigeria, make regulations, generally for the purposes of giving full effect to this Bill.	Regulations 24. The Board may, with the approval of the President of the Federal Republic of Nigeria, make regulations, generally for the purposes of giving full effect to this Bill.	The Board makes regulations and not the Commission.
28.	Interpretation 26. In this Bill –	Interpretation 25. In this Bill – “President” means the President of the Federal Republic of Nigeria;	

	<p>“Chairman” means the Chairman of the Board;</p> <p>“Commission” means the North East Development Commission established by Clause 1 of the Bill;</p> <p>“Board” means the Governing Board established for the Commission under Clause 2(1) of this Bill;</p> <p>“Management Committee” includes the Chairman, Managing Director, Executive Directors and Directors;</p> <p>“Member States” include Adamawa, Bauchi, Borno, Gombe, Taraba and Yobe.</p>	<p>Retained as in the Bill</p> <p>“Commission” means the North East Development Commission established by Section 1 of the Bill;</p> <p>“Board” means the Governing Board established for the Commission under Section 2(1) of this Bill;</p> <p>Deleted.</p> <p>“Member State” means Adamawa State, Bauchi State, Borno State, Gombe State, Taraba State, and Yobe State.</p> <p>“North East Zone” means Member States.</p> <p>“Stakeholders” include all the Federal Government Ministries, Departments, and Agencies, Member States, Local Governments, Development Partners, Non-Governmental Organisations/ Civil Society Organisations, Communities and grassroots.</p>	<p>The interpretation of the phrase “Management Committee” is unnecessary because it has been captured in the Section establishing the Management Committee, which stated its composition.</p>
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<p>29.</p>	<p style="text-align: center;">Citation</p> <p>27. This Bill is cited as the North East Development Commission Bill, 2015.</p>	<p style="text-align: center;">Citation</p> <p>26. This Bill may be cited as the North East Development Commission (Establishment, Etc) Bill, 2016.</p>	
	<p style="text-align: center;">Schedule</p> <p style="text-align: center;"><i>SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD ETC.</i></p> <p>1 -(1) Subject to the provisions of this Bill and Section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any of its committees.</p> <p>(2) The quorum of the Board shall be the Chairman or the person presiding at the meeting, the Managing Director or one Executive Director and one third of other members of the Board. The quorum of any Committee of the Commission shall be as determined by the Board.</p> <p>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 not less than 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.</p>	<p style="text-align: center;">Schedule</p> <p style="text-align: center;"><i>SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD ETC.</i></p> <p>Retained as in the Bill</p> <p>2. (1) Retained as in the Bill</p>	

	<p>(2) At any meeting of the Board the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their member to preside at the meeting.</p> <p>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.</p> <p>(2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board and a persons shall hold office on the committee in accordance with the terms of his appointment.</p> <p>(3) A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board.</p> <p>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</p>	<p>(2) The Board shall meet a minimum of four times a year: one meeting each quarter.</p> <p>(3) sub section (2) is as retained in the Bill</p> <p>3. –(1) Retained as in the Bill</p> <p>(2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board and such persons shall hold office on the committee in accordance with the terms of their appointment.</p> <p>(3) Retained as in the Bill</p> <p>4) Retained as in the Bill</p>	
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	<p>purpose and the Managing Director.</p> <p>(2) A document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be executed.</p> <p>5. The validity of any proceedings of the Board or of a committee shall not be adversely affected by –</p> <p>(a) a vacancy in the membership of the Board or Committee;</p> <p>(b) a defect in the appointment of a member of the Board or Committee; or</p> <p>(c) reason that a person not entitled to do so took part in the proceedings of the Board or Committee.</p>	<p>(5) Retained as in the Bill</p>	
	<p style="text-align: center;">EXPLANATORY MEMORANDUM</p> <p>This Bill seeks to establish the North East Development Commission charged with the responsibility among other things to receive and manage fund 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</p>	<p style="text-align: center;">EXPLANATORY MEMORANDUM</p> <p>This Bill seeks to establish the North East Development Commission charged with the responsibility among other things to receive and manage funds from allocation of the Federation Account and Development Partners for the resettlement, rehabilitation, reconciliation of IDPs and the</p>	

	tackling menace of poverty, literacy, ecological problems and any other related environmental or developmental challenges in the North East States.	reconstruction of roads, houses and business premises of victims of insurgency as well as tackling menace of poverty, literacy, ecological problems, human security and any other related environmental or developmental challenges in the North East Zone .	
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