

A BILL

FOR

AN ACT TO ESTABLISH BAKASSI RESETTLEMENT, INTEGRATION AND DEVELOPMENT COMMISSION AND FOR RELATED MATTERS, 2018

Sponsored by Hon. Essien Ekpenyong Ayi

[] Commencement

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

1 1. The objective of the Bill shall be to: Objective

2 (a) Resettle, integrate and rehabilitate the Bakassi people;

3 (b) Provide and develop critical social amenities such as schools,
4 hospital, roads and others; and

5 (c) Provide economic empowerment for the people especially in
6 the areas of fishing and agriculture towards economic self-sufficiency;

7 2.-(1) There is established an Commission to be known as the Establishment
of Bakassi
Resettlement and
Integration and
Development
Commission
8 Bakassi, Resettlement, Integration and Development Commission (in this
9 Bill referred to as "the Commission").

10 (2) The Commission:

11 (a) shall be a body corporate with terminal succession of 10 years at
12 first instance and may be extended by not more than 5 year;

13 (b) may sue and be sued in its corporate name; and

14 (c) the headquarters of the Commission shall be in the State Capital
15 of Cross River State and may maintain liaison office in the Federal Capital
16 Territory, Abuja.

17 3.-(1) There is established for the Commission a Governing Board Establishment
of the Governing
Board of the
Commission
18 (in this Bill referred to as "the Board"), which shall provide policy
19 guidelines for the day-to-day administration of the Commission and shall
20 comprise a Chairman and the following other members, that is:

22 (a) One representative each from the following:

- 1 (i) Federal Ministry of Power, Work and Housing;
- 2 (ii) Federal Ministry of Agriculture and Rural Development;
- 3 (iii) Federal Ministry of Environment;
- 4 (iv) Federal Ministry of Interior;
- 5 (v) Federal Ministry of Defence;
- 6 (vi) Federal Ministry of Foreign Affairs;
- 7 (vii) Federal Ministry of Finance;
- 8 (viii) Federal Ministry of Niger Delta Affairs
- 9 (ix) Niger Delta Development Commission
- 10 (x) National Boundary Commission;
- 11 (xi) Border Communities Development Agency;
- 12 (xii) Nigeria Police Force;
- 13 (b) One representative of the Governor of:
- 14 (i) Cross River State
- 15 (c) The Executive Secretary of the Commission who shall serve as
- 16 Secretary to the Board.
- 17 (2) The Chairman and other members of the Board shall:
- 18 (a) Be appointed by the President; and
- 19 (b) Be persons of proven integrity and ability.
- 20 (3) Members of the Board other than ex-officio members shall hold
- 21 office for a term of four years at the first instance and may be re-appointed for a
- 22 further term of four years and no more;
- 23 (4) With the exception of the Executive Secretary, all members of the
- 24 Board including ex-officio members shall serve on part-time basis.
- 25 (5) Notwithstanding the provisions of subsection (3) of this section, a
- 26 member of the Board may at any time be removed from office by the President
- 27 for inability to discharge the functions of his office (whether arising from
- 28 infirmity of mind or body or any other cause) or for misconduct.
- 29 (6) a member may resign his appointment by notice in writing under
- 30 his hand addressed to the President which resignation shall take effect only

1 upon receipt by the President.

2 (7) An ex-officio member of the Board shall cease to be a member
3 upon vacation of his office on grounds of resignation, retirement from
4 service, redeployment or for any other reason.

5 (8) Notwithstanding the foregoing provisions of section 3 of this
6 Bill, a person shall cease to hold office as member of the Board if:

7 (a) He is convicted of a felony or any offence involving dishonesty
8 or fraud;

9 (b) He becomes of unsound mind, or incapable of carrying out his
10 duties;

11 (c) He is guilty of a serious misconduct in relation to his duties; or

12 (d) He resigns his appointment by a letter addressed to the
13 President.

14 (9) Where a vacancy occurs in the membership of the Board, it
15 shall be filled by the appointment of a successor to hold office for the
16 remainder of the term of office of his predecessor, so however, that the
17 successor shall represent the same interest and shall be appointed by the
18 President.

19 (10) There shall be paid to every member of the Board such
20 remuneration, allowances and expenses as the Federal Government may,
21 from time to time, direct.

22 4.-(1) The Commission shall:

Functions of the
Commission

23 (a) design a comprehensive master plan detailing the proper
24 resettlement and integration of the Bakassi people;

25 (b) formulate policies and guidelines on the proper resettlement
26 and integration of the Bakassi people;

27 (c) conceive, plan and implement, in accordance with set rules and
28 regulations, projects and programmes of the Bakassi people in the areas of
29 Agriculture, Education, Scholarship, Health, Environment, Basic
30 Infrastructures such as Roads, Schools, Hospitals, Electricity;

1 (d) implement all the measures approved for the development of the
2 rural and satellite areas by the Federal Government and the Commission;

3 (e) identify factors inhibiting the development of such areas and assist
4 in the formulation and implementation of policies to ensure sound and efficient
5 management of the resources of the Commission;

6 (f) ensure effective planning, projects assessment, proper
7 resettlement and integration of Bakassi people, economic and social
8 development of the people;

9 (g) assess and report on any projects being funded or carried out by the
10 Commission, Federal Government, State Governments and the Private Sector
11 including non-governmental organizations and ensure that funds are
12 appropriately expended;

13 (h) cooperate and liaise with the National Boundary Commission and
14 Border Communities Development Commission to advice the President on
15 matters relating to Bakassi people; and

16 (i) do such other things which it deems expedient in the performance
17 of its functions under this Bill.

18 5.-(1) There shall be established in the headquarters of the
19 Commission, the following Directorates:

20 (a) the Directorate of Finance and Administration;

21 (b) the Directorate of Infrastructural Development;

22 (c) the Directorate of Environmental Protection and Control;

23 (d) the Directorate of Planning, Research and Statistics;

24 (e) the Directorate of Legal Services

25 (f) the Directorate of Education, Health and Social Services; and

26 (g) the Directorate of Projects Monitoring and Supervision.

27 (2) The Board may increase the number of directorates as it may deem
28 necessary and expedient to facilitate the realization of the objectives of the
29 Commission.

Structure of
the Commission

Other staff of
the Commission

1 8.-(1) The Board shall appoint, for the Commission, such officers and
2 other employees as it may, from time to time deem necessary for the purpose of
3 the Commission.

4 (2) The terms and conditions of service (including remuneration,
5 allowances, benefits and pensions) of officers and employees of the
6 Commission shall be determined by the Board.

7 (3) The Board shall appoint for the Commission a Secretary who
8 shall possess such qualification and experience as are appropriate for a person
9 required to perform the functions of that office under this Bill.

10 (4) Subject to the provisions of this section, the Secretary shall hold
11 office on such terms as to emoluments and otherwise as may be specified in his
12 letter of appointment.

Pensions

13 9.-(1) Service in the Commission shall be approved service for the
14 purposes of the Pension Act.

15 (2) The officers and other persons employed in the Commission shall
16 be entitled to pensions, gratuities and other retirement benefits as are enjoyed
17 by persons holding equivalent grades as appropriate.

18 (3) Nothing in subsections (1) and (2) of this section shall prevent the
19 appointment of a person to any office on terms, which preclude the grant of
20 pension, gratuity or other retirement benefit in respect of that office.

21 (4) For the purposes of the application of the provisions of the
22 Pensions Act, any power exercisable thereunder by the Minister or other
23 authority of the Federal Government other than the power to make regulations
24 under section 23 of the Pensions Act is vested in and shall be exercisable by the
25 Board, and not by any other person or authority.

26 *Financial Provisions*

Funds of the
Commission

27 10.-(1) The Commission shall establish and maintain a fund into
28 which shall be paid and credited:

29 (a) a take-off grant from the Federal Government;

30 (b) annual budgetary provision of not less than N1 billion subvention

1 by each of the following bodies:

- 2 (i) Federal Ministry of Education;
- 3 (ii) Federal Ministry of Power;
- 4 (iii) Federal Ministry of Works;
- 5 (iv) Federal Ministry of Housing;
- 6 (v) Federal Ministry of Water Resources;
- 7 (vi) Federal Ministry of Agriculture and Rural Development;
- 8 (vii) Federal Ministry of Niger Delta Affairs;
- 9 (viii) Federal Ministry of Health;
- 10 (ix) Niger Delta Development Commission;

11 (c) the annual budgetary provision in Section 10 (1) (b) shall be
12 targeted at specific infrastructural developmental projects in the resettled
13 location for the Bakassi people and shall be captured in the individual
14 budgets of these bodies annually;

15 (d) such counter-part funding as may be provided, from time to
16 time, by a State or Local Government;

17 (e) loans and grants-in-aid from national, bilateral and multilateral
18 agencies;

19 (f) rents, fees and other internally generated revenues from
20 services provided by the Commission;

21 (g) all other sums accruing to the Commission, from time to time.

22 **11.-(1)** The Commission may, from time to time, apply the
23 proceeds of the Commission:

24 (a) to the cost of administration of the Commission;

25 (b) to the paying of the emoluments, allowances and benefits of
26 members of the Board and reimbursing members of the Board or any
27 Committee set up by the Board for such expenses as may be expressly
28 authorized by the Board;

29 (c) to the payment of the salaries, fees or other remunerations or
30 allowances, gratuities and pensions and other benefits payable to the

Expenditure of
the Commission

1 officers and other employees of the Commission but no payment of any kind
2 under this paragraph (except such as may be expressly authorized by the
3 Board) shall be made to any person who is n receipt of emoluments from the
4 Federal or a State Government;

5 (d) for the development and maintenance of any property vested in or
6 owned by the Commission; and

7 (e) for and in connection with all or any of its functions under this Bill.

Power to borrow

8 **12.**-(1) The Commission may, from time to time, borrow by overdraft
9 or otherwise such sums as it may require for the performance of its functions
10 under this Bill.

11 (2) The Commission shall not without approval of the President,
12 borrow money , which exceeds at any time the amount set by the President.

13 (3) Notwithstanding the subsection (1) of this section, where the sum
14 to be borrowed is in foreign currency, the Commission shall not borrow the
15 sum without the prior approval of the President.

Power to accept
gifts

16 **13.**-(1) The Commission may accept any gift of land, money or other
17 property on such terms and conditions, if any, as may be specified by the person
18 or organization making the gift.

19 (2) The Commission shall not accept any gift if the conditions
20 attached by the person or organisation offering the gift are inconsistent with the
21 functions of the Commission.

Annual estimates
and reports

22 **14.**-(1) The Board shall prepare and submit to the President, not later
23 than 30th June in each year, a report in such form as the President, may direct on
24 the activities of the Commission during the immediately preceding year, and
25 shall include in the report a copy of the audited accounts of the Commission for
26 that year and the auditor's report thereon.

27 (2) The President shall, upon receipt of the report referred to in
28 subsection (1) of this section, cause a copy of the report and the audited
29 accounts of the Commission and the auditor's report thereon to be submitted to
30 each House of the National Assembly.

1 **15.** This Bill may be cited as the Bakassi Resettlement, Integration Short title
2 and Development Commission (Establishment) Bill, 2018.

EXPLANATORY MEMORANDUM

The Bill seeks to provide for the establishment of a terminal commission saddled with the responsibilities among others things to resettle, integrate and rehabilitate Bakassi people and to develop critical social amenities in the Bakassi to improve standard of living and economic self-sufficiency. Create section for infrastructural development by MDAs.

