

# A BILL

## FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL MANGROVE MANAGEMENT COMMISSION; FOR THE PROTECTION, RESTORATION AND REGULATION OF ACTIVITIES IN THE MANGROVE ECOSYSTEM OF THE NIGERIAN COASTLINES; THE STUDY AND PRACTICE OF PROPERLY DEVELOPING, UTILIZING, MANAGING AND CONSERVING PORTIONS OF MANGROVE SETTLEMENTS CONSISTENT WITH THE PRINCIPLES OF SUSTAINABLE DEVELOPMENT WITHIN THE COASTAL AREAS, AND FOR RELATED MATTERS, 2018

*Sponsored by Hon. Brown Randolph*

[ ] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1 PART 1 - ESTABLISHMENT OF THE NATIONAL MANGROVE  
2 MANAGEMENT COMMISSION (NMMC)

3 1. There is hereby established a body to be known, and referred to  
4 as the National Mangrove Management Commission (in this Bill referred to  
5 as "the Commission") which:

Establishment  
of the National  
Mangrove  
Management  
Commission  
(NMMC)

- 6 (a) shall be a body corporate with:
  - 7 (i) perpetual succession;
  - 8 (ii) common seal;
  - 9 (b) may sue and be sued in its corporate name; and
  - 10 (c) may acquire, hold and dispose of any property, moveable or
  - 11 immovable.

12 2.-(1) There is hereby established a Mangrove Management Board  
13 (in this Act, referred to as "the Board") which shall consist of:

Establishment  
and Composition  
of the Board of  
the Commission

- 14 (a) Chairman;

1 (b) Six other members, with relevant qualifications and experience;  
2 and

3 (c) One representative of each of the following Ministries who shall  
4 not be below the rank of a Director:

5 (i) The Federal Ministry of Environment;

6 (ii) The Federal Ministry of Agriculture and Water Resources;

7 (iii) The Federal Ministry of Petroleum;

8 (iv) The Federal Ministry of Finance;

9 (v) The Federal Ministry of Science and Technology;

10 (vi) The Federal Ministry of Industry, Trade and Investment;

11 (vii) The Federal Ministry of Culture and Tourism.

Appointment  
of Members of  
the Board

12 3.-(1) Members of the Board other than ex-officio members shall be  
13 appointed by the President, Commander-in-Chief of the Armed Forces subject  
14 to confirmation by the Senate.

15 (2) Ex-officio members of the Board shall be appointed by the  
16 organisations they represent.

Tenure of Office

17 4.-(1) The Chairman and members of the Board other than ex-officio  
18 members shall hold office for a term of four years in the first instance and may  
19 be reappointed for a further term of four years and no more.

20 (2) If a member of the Board dies or vacates his office for whatever  
21 reason before the expiration of the term for which he is appointed, a fit and  
22 proper person shall be appointed for the remainder of the term of office of his  
23 predecessor.

Removal from  
Office

24 5. Notwithstanding the provisions of Section 3 of this Act, a member  
25 of the Board shall cease to hold office as member if:

26 (a) he resigns his appointment as a member of the Board by a notice  
27 under his hand addressed to the President;

28 (b) he is removed from office by the President for inability to  
29 discharge the functions of his office (whether arising from infirmity of mind or  
30 body' or any other cause) or for misconduct Emoluments, etc.

1           6. The Chairman and members of the Board shall be paid such  
2           emoluments, allowances and benefits as prescribed by the Revenue  
3           Allocation and Fiscal Commission.

4           7. The Board shall have powers to:

Powers of the  
Board

5           (a) Ensure the implementation of the policies and decisions of the  
6           Commission;

7           (b) Ensure that the programmes and projects as budgeted for and  
8           implemented by the Commission are monitored and co-ordinated multi-  
9           sectorally;

10          (c) Undertake periodic assessments of programme  
11          implementation;

12          (d) Set up attainable targets periodically for all mangrove  
13          management and protection activities of Government;

14          (e) Set up ad-hoc committees to undertake special assignments as  
15          may be required; and

16          (f) Set up such other departments as the need arises.

17                        PART II - FUNCTIONS OF THE COMMISSION

18          8. The functions of the Commission shall be to:

19          (a) regulate economic, social and agricultural activities in and  
20          around mangrove forests;

21          (b) come up with policies on preservation, re-afforestation and  
22          afforestation;

23          (c) ensure protection of the mangrove ecosystem from indirect  
24          impacts associated with developments;

25          (d) document the biological diversity of the mangrove at species  
26          level;

27          (e) map and characterize mangrove plants and animal  
28          communities;

29          (f) carry on mangrove rehabilitation projects in collaboration with  
30          states and the private sector;

1 (g) network with relevant global organizations such as Global  
2 Environment Facility (GEF), United Nations Environment Programme  
3 (UNEP), Intergovernmental Panel on Climate Change (IPCC), World Nature  
4 Organization (WNO), etc. for necessary capacity building and assistance;

5 (h) encourage states to set up mangrove management agencies;

6 (i) in collaboration with coastal states, identify, designate and develop  
7 mangrove national park sites;

8 (j) explore the development of sustainable aquaculture and  
9 mariculture, including but not limited to shrimp farming to enhance food  
10 security and alleviate poverty in Nigeria.

Application to  
States and Local  
Governments

11 9.-(1) In implementing their mangrove management and protection  
12 programmes, States and Local Governments may adopt the provisions of this  
13 Act with such modifications as may be appropriate and necessary.

14 (2) The Federal Government may provide technical and discretionary  
15 financial assistance to States and Local Governments that give effect to the  
16 provisions of subsection (1) of this section.

#### 17 PART III - STRUCTURE OF THE COMMISSION

Directorates of  
the Commission

18 10. The Commission shall be structured into such number of  
19 departments as may be necessary or expedient for the effective discharge of its  
20 functions and in particular, the structure of the Commission shall include the  
21 following Directorates:

22 (a) Directorate of Monitoring, Evaluation and Statistics (M,E&S);

23 (b) Directorate of Planning, Training and Programmes Development  
24 (PTPD);

25 (c) Directorate of Administration and Finance (DAF);

26 (d) Directorate of Mangrove Management and Preservation (MMP);

27 (e) Directorate of Research (DR);

28 (f) Such other departments or units as may be determined by the  
29 Commission.

## 1 PART IV - STAFF OF THE COMMISSION

2 11. There shall be for the Commission, a Director-General who  
3 shall be appointed by the President, Commander-in-Chief of the Armed  
4 Forces of the Federal Republic of Nigeria subject to confirmation by the  
5 Senate.

The Director  
General

6 12. The Director-General shall be:

Functions of the  
Director General

7 (a) a person with cognate experience and skills in related fields in  
8 marine ecology, biological sciences, agricultural science or swamp forest  
9 management;

10 (b) responsible for the execution of policies, programmes and the  
11 day to day administration of the affairs of the Commission;

12 (c) responsible for liaison with international donors for funding  
13 and implementation of global best practices;

14 (d) the accounting officer of the Commission;

15 (e) responsible to the Chairman of the Commission;

16 (f) responsible for appointing one of the Directors to serve as  
17 Secretary of the board.

18 13.-(1) The Director-General shall hold office for a term of four  
19 years in the first instance and may be reappointed for a further term of four  
20 years and no more.

Tenure of Office,  
etc.

21 (2) The terms and conditions of his service shall be as contained in  
22 the letter of appointment.

23 14.-(1) The Commission shall appoint such officers and other  
24 employees as it may deem fit.

Other Staff of  
the Commission

25 (2) The terms and conditions of service (including remuneration,  
26 allowances, benefits and pensions) of officers and employees of the  
27 Commission shall be determined by the Commission in conformity with the  
28 National Salaries, Incomes and Wages Commission.

29 (3) Without prejudice to the generality of subsection (1), the  
30 Commission shall have power to appoint either on transfer or on

1 secondment from any public service in the Federation, such number of  
2 employees as may in the opinion of the Commission, be required to assist the  
3 Commission in the discharge of any of its functions under this Act and shall  
4 have the power to pay to persons so employed such remuneration (including  
5 allowances) as may be determined by the National Income, Salaries and Wages  
6 Commission.

7           **15.-(1)** The Commission may, subject to the provisions of this Act,  
8 make staff regulations relating generally to the conditions of service of the  
9 employees of the Commission and without prejudice to the generality of the  
10 foregoing, such regulations may provide for:

11           (a) the appointment, promotion and disciplinary control (including  
12 dismissal) of employees of the Commission; and

13           (b) appeals by such employees against dismissal or other disciplinary  
14 measures and until such regulations are made, any instrument relating to the  
15 conditions of service of officers in the public service of the Federation shall be  
16 applicable.

17           (2) Staff regulations made under subsection (1) of this section shall  
18 not have effect until approved by the Board and when so approved, they need  
19 not be published in the Federal Gazette but the Commission shall cause them to  
20 be brought to the notice of all affected persons in such manner as it may, from  
21 time to time, determine.

Pension Reform  
Act 2004

22           **16.-(1)** Service in the Commission shall be approved service for  
23 purposes of the Pension Reform Act 2004 and accordingly, employees of the  
24 Commission shall be entitled to pension, gratuities and other retirement  
25 benefits as are prescribed under the Pension Reform Act 2004.

26           (2) Notwithstanding the provisions of subsection (1) of this section,  
27 nothing in this Bill shall prevent the appointment of a person to any office on  
28 the terms which preclude the grant of a pension, gratuity or other retirement  
29 benefits in respect of that office.

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## PART V - SUPERVISORY PROVISION

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17. The Commission shall be under the purview of the Federal  
Ministry of Environment, which shall be its parent agency.

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## PART VI - FINANCIAL PROVISIONS

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18.-(1) There shall be established and maintained for the Funds of the  
Commission a fund into which shall be paid and credited: Commission

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(a) All budgetary allocation from the Federal Government;

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(b) All internally generated revenue as a result of services rendered  
by the Commission;

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(c) All sums accruing to the Commission by way of gifts,  
endowments, bequests, grants or other contributions by persons and  
organisations;

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(d) Funds and assistance from bilateral and international donor  
agencies; and

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(e) All other sums which may, from time to time, accrue to the  
Commission.

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19. The Commission shall, from time to time, apply the funds at its Expenditure of  
disposal to: the Commission

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(a) Publicize and promote the activities of the Commission;  
(b) To defray cost of acquisition and upkeep of premises belonging  
to the Commission and any other capital expenditure of the Commission;

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(c) Pay salaries, allowances, overheads and other benefits of  
members of the Commission or of any other committee set up by this Act or  
as may be set up by the Board;

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(d) Any other payment for anything incidental to the foregoing  
provisions or in connection with or incidental to any other functions of the  
Commission under or pursuant to this Act.

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20.-(1) The Commission may, from time to time borrow by Power to borrow  
overdraft or otherwise such sums as it may require for the performance of its  
functions under this Act.

1 such policies and regulations as in its opinion are necessary or expedient for  
2 giving full effect to the provisions of this Act and for the due administration of  
3 its provisions.

Interpretation

4 **28.** In this Act, unless the context otherwise requires:

5 "Commission" means the National Mangrove Management Commission  
6 established under section 1 of this Act;

7 "Board" means the Mangrove Management Commission Board;

8 "Functions" includes powers and duties;

9 "Minister" means the Minister of Environment;

10 "President" means the President, Commander-in-chief of the Federal Republic  
11 of Nigeria;

12 The pronoun, "he" also applies to the female gender.

Short title

13 **29.** This Bill may be cited as the National Mangrove Management  
14 Commission (Establishment) Bill, 2018.

15 **FIRST SCHEDULE**

16 **SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.**

17 *Proceedings of the Board*

18 1.-(1) Subject to this Act and section 27 of the Interpretation Act, the  
19 Board may make standing orders regulating its proceedings.

20 (2) The quorum of the Board shall be the Chairman or the person  
21 presiding at the meeting and five other members of the Board. The quorum of  
22 any committee of the Commission shall be decided by the Board.

23 2.-(1) The Board shall meet not less than four times in each year and  
24 subject thereto, the Board shall meet whenever it is summoned by the  
25 Chairman or if the Chairman is required to do so by notice given to him by not  
26 less than four other members, he shall summon a meeting of the Board to be  
27 held within 14 days from the date on which the notice is given.

28 (2) At any meeting of the Board, the Chairman shall preside but if he is  
29 absent, the members present at the meeting shall appoint one of their number to  
30 preside at that meeting.



1                   (3) Where the Board desires to obtain the advice of any person on a  
2 particular matter, the Board may co-opt him to the Board for such period as it  
3 deems fit, but a person who is in attendance by virtue of this subparagraph  
4 shall not be entitled to vote at any meeting of the Board and shall not count  
5 towards a quorum.

6   *Committees*

7                   3.-(1) The Board may appoint one or more committees to carry out,  
8 on behalf of the Commission, such functions as the Board may determine.

9                   (2) A Committee appointed under this paragraph shall consist of  
10 such number of persons as may be determined by the Board and a person  
11 shall hold office on the committee in accordance with the terms of his  
12 appointment.

13                   (3) A decision of a committee shall be of no effect until it is  
14 confirmed by the Board.

15   *Miscellaneous*

16                   4.-(1) The fixing of the seal of the Commission shall be  
17 authenticated by the signature of the Chairman, Director-General or any  
18 other person generally or specifically authorised by the Board to act for that  
19 purpose.

20                   (2) Any document purporting to be a document duly executed  
21 under the seal of the Commission shall be received in evidence and shall,  
22 unless and until the contrary is proved, be presumed to be so executed.

23                   (3) The validity of any proceedings of the Board or of a committee  
24 shall not be adversely affected by:

25                   (a) a vacancy in the membership of the Board or committee;

26                   (b) a defect in the appointment of a member of the Board or  
27 committee;

28                   (c) the reason that a person not entitled to do so took part in the  
29 proceedings of the Board or committee.

## EXPLANATORY MEMORANDUM

This Bill seeks to establish a National Mangrove Management Commission charged with the responsibility, amongst other things, of protecting, preserving restoring and regulating the economic and social activities in and around the mangrove ecosystem of the Nigerian coastline; developing, utilizing, managing and conserving portions of mangrove settlements consistent with the principles of sustainable development in Nigeria.