

A BILL

FOR

AN ACT TO ESTABLISH THE SOUTH EAST DEVELOPMENT COMMISSION CHARGED WITH THE RESPONSIBILITY AMONG OTHER THINGS TO RECEIVE AND MANAGE FUND FROM ALLOCATION OF THE FEDERATION ACCOUNT FOR THE RECONSTRUCTION AND REHABILITATION OF ROADS, HOUSES AND OTHER INFRASTRUCTURAL DAMAGES SUFFERED BY THE REGION AS A RESULT OF THE EFFECT OF THE CIVIL WAR AS WELL AS TACKLE THE ECOLOGICAL PROBLEMS AND ANY OTHER RELATED ENVIRONMENTAL OR DEVELOPMENTAL CHALLENGES IN THE SOUTHEAST STATES AND FOR RELATED MATTERS

Sponsors: Hon. Uzoma Nkem Abonta, Hon. Chukwuka Onyema Wilfred

Hon. Henry Nwawuba

[] Commencement

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

1 PART 1- ESTABLISHMENT OF THE SOUTH EAST DEVELOPMENT

2 COMMISSION AND THE GOVERNING BOARD

3 1.-(1) There is established a Commission to be known as South Establishment
4 East Development Commission (in this Bill referred to as "the of the South East
5 Commission"). Development
Commission

6 (2) The Commission shall be a body corporate with perpetual
7 succession and a common seal and may sue or be sued in its corporate name.

8 2.-(1) There is established for the Commission, a body to be known Establishment
9 as the Governing Board (in this Bill referred to as 'the Board") which shall of the Governing
Board
10 consist of-

11 (a) Chairman;

12 (b) One person who shall be an indigene to represent the following
13 member states, that is-

- 1 (i) Abia;
- 2 (ii) Anambra;
- 3 (iii) Ebonyi;
- 4 (iv) Enugu; and
- 5 (v) Imo
- 6 (c) three persons to represent the following Security Organisation-
- 7 (i) the Army who shall not be below the rank of a Colonel;
- 8 (ii) the Police who shall not be below the rank of Superintendent of
- 9 Police; and
- 10 (iii) the Civil Defence Corp who shall not be below the rank of Deputy
- 11 Commandant.
- 12 (d) one representative of Solid minerals extracting and Mining
- 13 producing companies in the South East States nominated by those companies;
- 14 (e) one person to represent the Federal Ministry of Finance;
- 15 (f) one person to represent the Federal Ministry of Environment;
- 16 (g) the Managing Director of the Commission; and
- 17 (h) two executive Directors;
- 18 (2) The Chairman and other members of the Board Shall-
- 19 (a) be appointed by the President, subject to the confirmation of the
- 20 Senate, in consultation with the House of Representatives; and
- 21 (b) be person of proven integrity and ability.
- 22 (3) The members of the Board referred to in paragraph (1-2) of sub-
- 23 clause (1) of this Bill shall be part-time members.
- 24 (4) The supplementary provisions set out in the Schedule to this Bill
- 25 shall have effect with respect to the proceedings of the Board and the other
- 26 matters contained therein.
- Tenure of Office 27 **3.** Subject to the provisions of clause 4 of this Bill, a member of the
- 28 Board, other than an ex-officio member, shall hold office for a term of 4 years at
- 29 the first instance and may be re-appointed for a further term of 4 years and no
- 30 more.

1	4. The office of the Chairman shall rotate amongst the member	Rotation of Office of Chairman
2	states of the Commission in the following alphabetical order-	
3	(i) Abia;	
4	(ii) Anambra;	
5	(iii) Ebonyi;	
6	(iv) Enugu; and	
7	(v) Imo	
8	5.-(1) A member of the Board other than ex-officio member, may	Resignation, cessation or removal from membership of the Board
9	resign his or her appointment by notice in writing addressed to the President.	
10	Which resignation shall take effect only upon receipt and approval by the	
11	President.	
12	(2) A member of the Board may cease membership if the member-	
13	(a) becomes of unsound mind, or incapable of carrying out his	
14	duties;	
15	(b) becomes bankrupt, suspends payment or compounds with his	
16	creditors;	
17	(c) is convicted of a felony or any offence involving dishonesty or	
18	fraud;	
19	(d) is guilty of serious misconduct in relation to his duties;	
20	(e) in the case of a person possessed of professional qualifications,	
21	he is disqualified or suspended, other than at his own request, from	
22	practising his profession in any part of the world by an order of a competent	
23	authority made in respect of that member; or	
24	(f) resigns his appointment by a letter addressed to the President.	
25	(3) Where a vacancy occurs in the membership of the Board, it	
26	shall be filled by appointment of a person representing the area where the	
27	vacancy exists, to complete the remainder of the term of office of the	
28	predecessor and shall be appointed by the President subject to the	
29	confirmation of the Senate in consultation with the House of	
30	Representatives.	

Allowances of members	1	6. There shall be paid to every member of the Board such
	2	remuneration, allowances and expenses as the Federal Government may, from
	3	time to time direct.
Functions and Powers of the Commission	4	PART 11 - FUNCTIONS AND POWERS OF THE COMMISSION, ETC.
	5	7.-(1) The Commission shall-
	6	(a) formulate policies and guidelines for the development of the South
	7	East States;
	8	(b) conceive, plan and implement, in accordance with the set rules and
	9	regulations, projects and programmes for the sustainable development of the
	10	South East States in the field of transportation including roads, health,
	11	education, employment, agriculture, industrialization, housing and urban
	12	development, water supply, electricity and telecommunications;
	13	(c) cause the South East States to be surveyed in order to ascertain
	14	measures which are necessary to promote its physical and socio-economic
	15	development;
	16	(d) prepare master plans and schemes designed to promote the
	17	physical development of the South East States and the estimates of the costs of
	18	implementing such master plans and schemes;
	19	(e) implement all the measures approved for the development of the
	20	South East States by the Federal Government and the member States of the
	21	Commission;
	22	(f) identify factors inhibiting the development of the South East
	23	States and assist the member States in the formulation and implementation of
	24	policies to ensure sound and efficient management of the resources of the
	25	South East States;
	26	(g) assess and report on any project being funded or carried out in the
	27	South East States by mineral extracting and mining companies, oil and gas
	28	producing companies, and any other company including non-governmental
	29	organisations and ensure that funds released for such projects are properly
	30	utilized;

1 (h) tackle ecological and environmental problems that arise from
2 the extraction and mining of solid mineral, exploration of oil mineral in the
3 South East States and advise the Federal Government and the member States
4 on the prevention and control of oil spillages, gas flaring and environmental
5 pollution;

6 (i) liaise with the various solid mineral extraction and mining
7 companies and oil and gas prospecting and producing companies on all
8 matters of pollution prevention and control; and

9 (j) execute such other works and perform such other functions
10 which in the opinion of the Commission are required for the sustainable
11 development of the South East States and its peoples.

12 (2) In exercising its functions and powers under this clause, the
13 Commission shall have regard to the varied and specific contributions of
14 each member State of the Commission.

15 (3) The Commission shall be subject to the direction, control or
16 supervision in the performance of its functions under this Bill by the
17 President of the Federal Republic of Nigeria.

18 **8.** The Board shall have power to:

Powers of the
Board

19 (a) Manage and superintend the affairs of the Commission;

20 (b) make rules and regulations for carrying out the functions of the
21 Commission;

22 (c) enter and inspect premises, projects and such places as may be
23 necessary for the purposes of carrying out its functions under this Bill;

24 (d) pay the staff of the Commission such remuneration and
25 allowances as are payable to persons of equivalent grades in the civil service
26 of the Federation;

27 (e) enter into such contracts as may be necessary or expedient for
28 the discharge of its functions and ensure the efficient performance of the
29 functions of the Commission;

30 (f) employ either directly or on secondment from any civil or

1 public service in the Federation or a State such number of employees as may in
2 the opinion of the Board, be required to assist the Board in the discharge of any
3 of its functions under this Bill;

4 (g) pay to persons so employed such remuneration, including
5 allowances, as the Board may determine; and

6 (h) do such other things as are necessary and expedient for the
7 efficient performance of the functions of the Commission.

8 PART III - STRUCTURE OF THE COMMISSION

Structure of the
Commission

9 **9.-(1)** There shall be established in the head office of the Commission,
10 the following Directorates:

11 (a) the Directorate of Administration and Human Resources;

12 (b) the Directorate of Community and Rural Development;

13 (c) the Directorate of Utilities, Infrastructural Development and
14 waterways;

15 (d) the Directorate of Environmental Protection and Control;

16 (e) the Directorate of Finance and Supply;

17 (f) the Directorate of Solid Minerals, Agriculture and Fisheries;

18 (g) the Directorate of Planning, Research and Statistics and
19 Management Information System;

20 (h) the Directorate of Legal Services;

21 (i) the Directorate of Education, Health and Social Services;

22 (j) the Directorate of Commercial and Industrial Development; and

23 (k) the Directorate of Projects Monitoring and Supervision.

24 (2) The Board may increase the number of Directorates as it may
25 deem necessary and expedient to facilitate the realization of the objectives of
26 the Commission.

Management
Committee

27 **10.** There shall be for the Commission, a Management Committee
28 which shall-

29 (a) consist of a Chairman who shall be the Managing Director;

30 (b) the Directors responsible for the Directorates established under

1 Clause 9 of this Bill and such number of other members as may be
2 determined from time to time by the Board;

3 (c) be responsible to the Board and the Managing Director for the
4 general administration of the Commission.

5 11.-(1) There is hereby established for the Commission, A South
6 East Development Advisory Committee (in this Bill referred to as 'the
7 Advisory Committee') which shall consist of-

Establishment
of the South East
Development
Advisory
Committee

8 (a) the Governors of the member States of the Commission; and

9 (b) two persons as may be determined, from time to time, by the
10 President of the Federal Republic of Nigeria.

11 (2) The Advisory Committee shall be charged with the
12 responsibility of advising the Board and guiding and monitoring the
13 activities of the Commission with a view to achieving the objectives of the
14 Commission.

15 (3) The Advisory Committee may make rules regulating its own
16 proceedings.

17 PART IV - STAFF OF THE COMMISSION

18 12.-(1) There shall be for the Commission, a Managing Director,
19 and two Executive Directors who Shall be indigenes of the South East States
20 and shall rotate amongst the member States in alphabetical order and shall-

Staff of the
Commission

21 (a) have such qualification and experience as are appropriate for a
22 person required to perform the functions of that office under this Bill; and

23 (b) be the chief executive and accounting officer of the
24 Commission;

25 (c) be appointed by the President of the Federal Republic of
26 Nigeria and confirmed by the Senate in consultation with the House of
27 Representatives;

28 (d) hold office on such terms and conditions' as to emolument,
29 conditions of service as may be specified in his letter of appointment and
30 subject to the provision of clause 3 of this Bill.

1 (2) The Managing Director shall, subject to the general direction of
2 the Board, be responsible:

3 (a) for the day to day administration of the Commission;

4 (b) for keeping the books and proper records of the proceedings of the
5 Board; and

6 (c) For-

7 (i) the administration of the secretariat of the Board; and

8 (ii) the general direction and control of all other employees of the
9 Commission.

10 (3) The Board shall have power to-

11 (a) employ either directly or on secondment from any civil or public
12 service in the Federation or a State such number of employees as may, in the
13 opinion of the Board, be required to assist the Board in the discharge of any of
14 its functions under this Bill; and

15 (b) pay to persons so employed such remuneration (including
16 allowances) as the Board may, after consultation with the Federal Civil Service
17 Commission, Determine.

Pension Reform
Act, No. 2 of 2004

18 **13.-(1)** Service in the Commission shall be approved service for the
19 purposes of the Pensions Act.

20 (2) The officers and other persons employed in the Commission shall
21 be entitled to pensions, gratuities and other retirement benefits as are enjoyed
22 by Persons holding equivalent grades in the civil service of the Federation.

23 (3) Nothing in subsections (1) and (2) of this clause shall prevent the
24 appointment of a person to any office on terms which preclude the grant of
25 pension and gratuity in respect of that office.

26 (4) for the purposes of the application of the provisions of the
27 Pensions Act, any power exercisable there under by the Minister or other
28 authority of the Government of the Federation, other than the power to make
29 regulations under section 23 thereof, is hereby vested in and shall be
30 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.

Fund of the
Commission

(2) There shall be paid and credited to the fund established pursuant to sub-clause (1) of this Bill-

(a) from the Federal Government, the equivalent of 15 per cent of the total monthly statutory allocations due to member States of the Commission from the Federation Account;

(b) 3 per cent of the total annual budget of any oil producing company operating, on shore and off shore, in the South East States; including gas processing companies;

(c) 3 per cent of the total annual budget of any Solid mineral extracting mining company operating in the South East States;

(d) 50 per cent of monies due to member States of the Commission from the Ecological Fund;

(e) 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;

(f) all monies raised for the purposes of the Commission by way of gifts, loan, grants-in-aid, testamentary disposition or otherwise; and

(g) proceeds from all other assets that may, from time to time, accrue to the Commission.

(3) The fund shall be managed in accordance with the rules made by the Board, and without prejudice to the generality of the power to make rules under this sub-clause, the rules shall in particular contain provisions-

(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

(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.

Expenditure of the Commission	1 15. The Commission shall apply the proceeds of the fund established 2 pursuant to clause 14 of this Bill to- 3 (a) the cost of administration of the Commission; 4 (b) the payment of salaries, fees, remuneration, allowances, pensions 5 and gratuities payable to the members of the Board specified in clause 6 of this 6 Bill or any committee of the Board and the employees of the Commission; 7 (c) the payment for all contracts, including mobilization, fluctuations, 8 variations, legal fees and cost on contract administration; 9 (d) the payment for all purchases; and 10 (e) Undertaking such other activities as are connected with all or any 11 of the functions of the Commission under this Bill.
Gift to the Commission	12 16.-(1) The Commission may accepts gifts of land, money or other 13 property on such terms and conditions, if any, as may be specified by the person 14 or organization making the gift. 15 (2) The Commission shall not accept any gift if the conditions 16 attached by the person or organization making the gift are inconsistent with the 17 functions of the Commission under this Bill.
Power to Borrow	18 17. The Commission may, with the consent of the President of the 19 Federal Republic of Nigeria, borrow, on such terms and conditions as the 20 Commission may determine, such sums of money as the Commission may 21 require in the exercise of its functions under this Bill.
Annual Estimates and Expenditure	22 18.-(1) The Board shall, not later than 30th September in each year, 23 submit to the President of the Federal Republic of Nigeria, an estimate of the 24 expenditure and income of the Commission during the next succeeding year. 25 (2) The Board shall cause to be kept proper accounts of the 26 Commission in respect of each year and proper records in relation thereto and 27 shall cause the accounts to be audited not later than 6 months after the end of 28 each year by auditors appointed from the list and in accordance with the 29 guidelines supplied by the Auditor-General for the Federation.
Quarterly Report	30 19. The Commission shall, at the end of very quarter in each year,

1 submit Quarterly Report to the President of the Federal Republic of Nigeria,
2 a report on the activities and administration of the Commission.

3 **20.**-(1) The Board shall prepare and submit to the President of the Annual Report
4 Federal Republic of Nigeria, not later than 30th June in each year, a report in
5 such form as the President of the Federal Republic of Nigeria, may direct, on
6 the activities of the Commission during the immediately preceding year, and
7 shall include in the report a copy of the audited accounts of the Commission
8 for that year and the auditor's report thereon;

9 (2) The President of the Federal Republic of Nigeria shall, upon
10 receipt of the report referred to in sub-clause (1) of this clause, cause a copy
11 of the report and the audited accounts of the Commission and the auditor's
12 report there on to be submitted to each House of the National Assembly.

13 PART VI - MISCELLANEOUS

14 **21.**-(1) There is hereby established for the Commission a Monitoring
15 Monitoring Committee which shall consist of such number of persons as the
16 President of the Federal Republic of Nigeria, may deem fit to appoint from
17 the public or civil service of the Federation.

18 (2) The Monitoring Committee shall-

19 (a) monitor the management of the funds of the Commission and
20 the implementation of the projects of the Commission; and

(b) have access to the books of account and other records of the Commission at all times, and submit periodical reports to the President Federal Republic of Nigeria.

24 **22.**-(1) For the purposes of providing offices and premises Offices and
25 necessary for the performance of its functions under this Bill, the Premises of the
26 Commission may, subject to the Land Use Act- Commission

27 (a) purchase or take on lease any interest in land, or other property;
28 and

29 (b) Construct offices and premises and equip and maintain same.

30 (2) The Commission may, subject to the Land Use Act, sell or lease

	1	out any office or premises held by it, which office or premises is no longer
	2	required for the Performance of its functions under this Bill.
Directives by the President	3	23. Subject to the provisions of this Bill, the President of the Federal
	4	Republic of Nigeria, may give to the Commission directives of a general nature
	5	or relating generally to matters of policy with regard to the performance by the
	6	Commission of its functions and it shall be the duty of the Commission to
	7	comply with the directives.
Public Officer Protection Act, Cap. P41 LFN, 2004	8	24.-(1) Subject to the provisions of this Bill, the provisions of the
	9	Public Officers Protection Act shall apply in relation to any suit instituted
	10	against any officer or employee of the Commission.
	11	(2) Notwithstanding anything contained in any other law or
	12	enactment, no suit shall lie against any member of the Board, the Managing
	13	Director or any other officer or employee of the Commission for any act done
	14	in pursuance or execution of this Bill or any other law or enactment, or of any
	15	public duty or authority or in respect of any alleged neglect or default in the
	16	execution of this Bill or such law or enactment, duty or authority, shall lie or be
	17	instituted in any court unless-
	18	(a) it is commenced within three months next after the act, neglect or
	19	default complained of; or
	20	(b) in the case of a continuation of damage or injury, within six
	21	months next after the ceasing thereof.
Service of Notices, Summons and other Documents	22	25. A notice, summons or other document required or authorized to
	23	be served upon the Commission under the provisions of this Bill or any other
	24	law or enactment may be served by delivering it to the Managing Director or by
	25	sending it by registered post and addressed to the Managing Director at the
	26	principal office of the Commission
Restriction on execution of Judgement Debts	27	26.-(1) In any action or suit against the Commission, no execution or
	28	attachment of process in the nature thereof shall be issued against the
	29	Commission.
	30	(2) Any sum of money which may by the judgment of any court be

1 awarded against the Commission shall, subject to any direction given by the
2 court where notice of appeal of the said judgment has been given, be paid
3 from the general reserve fund of the Commission.

4 **27.** A member of the Board, the Managing Director, any other
5 officer or employee of the Commission shall be indemnified out of the assets
6 of the Commission against any proceeding, whether civil or criminal, in
7 which judgment is given in his favour, or in which he is acquitted, if any such
8 proceeding is brought against him in his capacity as a member of the Board,
9 the Managing Director, officer or employee of the Commission.

Indemnity of
Officers

10 **28.** The Commission may, with the approval of the President of the
11 Federal Republic of Nigeria, make regulations, generally for the purposes of
12 giving full effect to this Bill.

Regulations

13 **29.** In this Bill-
14 "Chairman" means the Chairman of the Board;
15 "Commission" means the South East Development Commission established
16 by clause 1 of this Bill;
17 "Board" means the governing Board established for the Commission under
18 clause 2 (1) of this Bill;
19 "member" means a member of the Board and includes the Chairman,
20 Managing Director and Executive Directors;
21 "member States" include Abia, Anambra, Ebonyi, Enugu, and Imo.

Interpretation

22 **30.** This Bill may be cited as the South East Development
23 Commission (Establishment, etc.) Bill, 2017.

Citation

24 SCHEDULES

25 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

26 1 -(1) Subject to this Bill and section 27 of the Interpretation Act,
27 the Board may make standing orders regulating its proceedings or those of
28 any of its committee.

29 (2) The quorum of the Board shall be the Chairman or the person
30 presiding at the meeting, Managing Director or one Executive Director and

1 one third other members of the Board. The quorum of any committee of the
2 Commission shall be as determined by the Board.

3 2.-(1) The Board shall meet whenever it is summoned by the
4 Chairman and if the Chairman is required to do so by notice given to him by not
5 less than 4 other members, he shall summon a meeting of the Board to be held
6 within 14 days from the date on which the notice is given.

7 (2) At any meeting of the Board, the Chairman shall preside but if he is
8 absent, the members present at the meeting shall appoint one of their member
9 to preside at the meeting.

10 3.-(1) The Board may appoint one or more committees to carry out on
11 behalf of the Board, such functions as the Board may determine.

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

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

17 *Miscellaneous*

18 4.-(1) The fixing of the seal of the Commission shall be authenticated
19 by the signatures of the Chairman or any other member of the Board generally
20 or specifically authorized by the Board to act for the purpose and the Managing
21 Director.

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

25 5. The validity of any proceedings of the Board or of a committee
26 shall not be adversely affected by-

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

28 (b) a defect in the appointment of a member of the Board or
29 committee; or

30 (c) reason that a person not entitled to do so took part in the

1 proceedings of the Board or committee.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the South East Development Commission charged with the responsibility among other things to receive and manage fund from allocation of the Federation Account for the reconstruction and rehabilitation of roads, houses and other infrastructural damages suffered by the region as a result of the effect of the Civil War as well as tackle the ecological problems and any other related environmental or developmental challenges in the Southeast States.

