

GRAZING AREAS MANAGEMENT AGENCY (ESTABLISHMENT) BILL, 2016

ARRANGEMENT OF CLAUSES

Clause:

PART I - ESTABLISHMENT OF GRAZING AREAS MANAGEMENT AGENCY

1. Establishment of the Agency
2. Composition of the Governing Council
3. Tenure and cessation of office for some members of the Governing Council
4. Allowances of members of the Governing Council

PART II - FUNCTIONS OF THE AGENCY

5. Functions and powers of the Agency

PART III - STAFF AND STRUCTURE OF THE AGENCY

6. Appointment of Director-General of the Agency
7. Staff of the Agency
8. Structure of the Agency
9. Management Committee of the Agency

PART IV - FINANCIAL PROVISIONS

10. Funds of the Agency
11. Application and management of the Fund
12. Power to borrow money
13. Annual budget of the Agency
14. Reports
15. Accounts and audit

PART V - PROCEDURE FOR ACQUIRING GRAZING AREAS.

16. Procedure for acquiring grazing areas
17. List and details of grazing areas

PART VI - MISCELLANEOUS PROVISIONS

18. Regulation
19. Procedure and limitation of suit against the Agency
20. Service of process

21. Prohibition of any dealing in land without the consent of the Agency
 22. Penalty
 23. Standing mediation committee
 24. Interpretation
 25. Citation
- Schedule

A BILL

FOR

AN ACT TO ESTABLISH GRAZING AREAS MANAGEMENT AGENCY TO MANAGE DEMARCATED NATIONAL, STATE AND LOCAL GRAZING AREAS, ROUTES AND LIVESTOCK RANCHING RESERVES IN STATES THAT REQUIRE IT, WHICH WILL FACILITATE PEACEFUL CO-EXISTENCE BETWEEN NOMADIC PASTORALISTS AND AGRICULTURALISTS, THEREBY ENHANCING FARMER'S CAPACITY TO HAVE INCREASED FOOD PRODUCTION AND SAFE REARING OF ANIMALS. THE BILL FURTHER SEEKS TO CREATE A MECHANISM FOR PREVENTION OF CRISES ON GETTING EARLY WARNING SIGNALS, BY SETTING A STANDING MEDIATION COMMITTEE IN STATES AND LOCAL GOVERNMENT AREAS WHERE THE GRAZING AREAS, ROUTES AND RANCHES ARE LOCATED AND SADDLED WITH THE RESPONSIBILITY OF MEDIATION BETWEEN THE PARTIES AND FOR RELATED MATTERS

Sponsored by Sen. Mohammed Rabi'u Musa Kwankwaso

[] Commencement

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

1 PART I - ESTABLISHMENT OF GRAZING AREAS MANAGEMENT AGENCY

2 1.-(1) There is established a body to be known as Grazing Areas Management Agency (in this Bill referred to as "the Agency"). Establishment of the Agency

3
4 (2) The Agency shall be a corporate body with a perpetual succession and a common seal, may sue and be sued in its corporate name and capable of acquiring and disposing of movable and immovable properties.

5
6
7
8 (3) The headquarters of the Agency shall be in the Federal Capital Territory, Abuja, with state offices across the federation, in states that
9 requires grazing routes, reserves and ranches to be established by the State
10 Governors.
11

Composition of
the Governing
Council

1 2.-(1) There is established a Governing Council for the Agency,
2 members of the Governing Council shall consist of-
3 (a) a chairman, who shall be Vice-President of the Federal Republic of
4 Nigeria;
5 (b) all Deputy Governors of the States of the federation;
6 (c) Minister of the Federal Capital Territory, Abuja;
7 (d) Minister of Agriculture;
8 (e) The Chief Executive Officer of National Boundary Commission;
9 (f) The Chief Executive Officer of National Park Services;
10 (g) The Chief Executive Officer of National Environmental
11 Standards Regulation and Enforcement Agency (NESREA);
12 (h) The Chief Executive Officer of Nigerian Veterinary Research
13 Institute;
14 (i) Five representatives each of Pastoralists and Farmers Community;
15 (j) two representatives of Civil Society groups; and
16 (k) Director-General of the Agency, who shall also serve as the
17 Secretary to the Governing Council.

18 (2) The members of the Governing Council mentioned under sub-
19 clause (1) paragraphs (i) and (j) of this clause, shall be appointed by the
20 President of the Federal Republic of Nigeria.

Schedule

21 (3) The supplementary provisions contained in the schedule to this
22 Bill shall, have effect with respect to the proceedings of the Governing Council
23 and other matters.

Tenure and
cessation of
office for some
members of the
Governing Council

24 3.-(1) Subject to the provision of subsection (2) of this section, a
25 person appointed as a member of the Governing Council under Clause 2(1) (i)
26 and (j), shall hold office for a period of four years and may be eligible for re-
27 appointment for another term of four years and no more, on such terms and
28 conditions as specified by their letters of appointment.

29 (2) The office of the members of the Governing Council under Clause
30 2(1) (i) and (j), shall become vacant if-

1 (a) the person resigns his appointment by notice in writing under
2 his hand addressed to the Chairman;

3 (b) the Chairman, in consultation with other members of the
4 Governing Council, is satisfied that it is not in the best interest of the Agency
5 for the person to continue in office;

6 (c) the person is incapable of performing the functions of the office
7 by reason of disease of body or mind and was declared so by a medical
8 practitioner;

9 (d) by reason of death, bankruptcy or conviction of a criminal
10 offence; or

11 (e) the person is guilty of serious misconduct in relation to the
12 duties of the office.

13 4. Members of the Governing Council shall receive allowances as
14 are applicable to government agencies or as may be stipulated by the Agency
15 in accordance with applicable Federal Government Regulations.

Allowances of
members of the
Governing
Council

16 PART II - FUNCTIONS OF THE GOVERNING COUNCIL

17 5. Subject to the provisions of this Bill, the Governing Council
18 shall be responsible for-

Functions and
powers of the
Governing
Council

19 (a) selecting, providing and managing the grazing areas, stock
20 routes and livestock ranching;

21 (b) licensing and supervising private sector in establishing private
22 grazing areas and livestock ranching;

23 (c) providing infrastructures for safe rearing of Animals and
24 livestock in the grazing areas and ranches;

25 (d) determining the persons that will be eligible to use the grazing
26 areas and ranches;

27 (e) stating conditions for permitting pastoralists to have access to
28 the grazing areas and ranches;

29 (f) prescribing fees payable for usage of the grazing areas and
30 ranches;

- 1 (g) appointing senior staff for the Agency;
- 2 (h) providing a forum for early warning signals and conflict
- 3 resolution between farmers and herdsmen;
- 4 (i) liaising with relevant statutory agencies that have relationship with
- 5 the farmers and herdsmen to accomplish the objectives of this Bill; and
- 6 (j) any other matter that will help in achieving the objectives of this
- 7 Bill.

8 PART III - STAFF AND STRUCTURE OF THE AGENCY

Appointment of
Director-General
of the Agency

- 9 6.-(1) There shall be appointed for the Agency a Director-General,
- 10 who shall either be an experienced professional in the field of-
- 11 (a) general agriculture and farmers and herdsmen relationship;
- 12 (b) veterinary medicine and farmers and herdsmen relationship; or
- 13 (c) land law, and farmers and herdsmen relationship.

14 (2) The Director-General shall hold office for a term of five years

15 renewable for further term of five years and no more and on such terms and

16 condition as may be specified in the letter of appointment.

17 (3) The Director-General shall-

- 18 (a) be the Chief -Executive and Accounting Officer of the Agency
- 19 and shall be charged with the general responsibility of matters relating to the
- 20 day-to-day management and operations of the Agency; and
- 21 (b) be answerable to the Governing Council.

Staff of the Agency

22 7.-(1) The staff of the Agency, other than those mentioned in this Bill,

23 shall be employed according to the procedure stipulated by the Governing

24 Council.

25 (2) The Staff may be on permanent or temporary appointment on the

26 terms which preclude the grant of pension and gratuity.

No. 2, 2004

27 (3) The provisions of Pension Reform Act, 2004 apply to the service

28 of this Agency.

Structure of the
Agency

29 8.-(1) There shall be established for the Agency, such number of

30 departments as the Governing Council may from time to time determine.

1 (2) Each Department shall be headed by a Director who shall be
2 professionally qualified person appointed through competitive process.

3 9.-(1) There is established for the Agency, a Management
4 Committee comprising all the Directors and the Director-General of the
5 Agency.

Management
Committee of
the Agency

6 (2) Director-General of the Agency shall be the chairperson of the
7 Committee while the Director in charge of human resources of the Agency
8 shall be the Secretary of the Committee.

9 (3) The Management Committee shall be responsible for the
10 general administration of the Agency, particularly, in recruitment,
11 promotion, and discipline of staff of staff of the Agency.

12 PART IV - FINANCIAL PROVISIONS

13 10.-(1) The Agency shall establish and maintain a fund which
14 shall be applied towards the promotion of the objectives of this Bill.

Funds of the
Agency

15 (2) There shall be paid and credited to the Fund established for the
16 Agency-

17 (a) all subvention and budgetary allocations provided by the
18 Federal Government;

19 (b) sums donated by the State and Local Governments;

20 (c) gifts, grants, donations and contributions from national and
21 internationals Institutions and philanthropists;

22 (d) interest and revenue accruing from the savings and investments
23 of the Agency;

24 (e) lotteries organized for fund raising for the Agency; and

25 (f) fees, if any, charged by the Agency for services rendered and
26 other revenues accruing to the Agency, from time to time.

27 11.-(1) The Agency shall manage and apply its Fund in accordance
28 with the general guidelines made by the Management Committee of the
29 Agency, subject to the approval of the Governing Council.

Application and
management of
the Fund

30 (2) The Agency shall apply its Funds in the-

- 1 (a) cost of administration of the Agency;
- 2 (b) payment of salary, fees, allowances, gratuities and other
- 3 remuneration;
- 4 (c) payment of compensation for acquired land;
- 5 (d) maintenance of property of the Agency; and
- 6 (e) rendering of any other service for the Agency.

Power to borrow
money

7 **12.** The Agency may, with the written approval of the Governing
8 Council, and subject to regulations issued by Debt Management Office
9 (DMO), borrow such money needed for the exercise of its function.

Annual budget
of the Agency

10 **13.** The Agency shall not later than 30th September each year or other
11 date stipulated by any other law or policy, submit to the National Assembly an
12 estimate of expenditure or income of the Agency as approved by the Governing
13 Council for the next fiscal year for approval and incorporation into the National
14 budget.

Reports

15 **14.** The Director-General shall submit to the Governing Council
16 quarterly report of the activities of the Agency and the Governing Council shall
17 submit annual report of its activities to the President.

Accounts and
audit

18 **15.-(1)** The Agency shall keep accounts and records and prepare
19 annual accounts in such forms as the Federal Government may direct.

20 (2) The accounts of the Agency shall be audited not later than June of
21 every year, by an auditor appointed for the Agency from the list of qualified
22 auditors, and in accordance with guidelines provided by the Auditor-General
23 of the Federation.

24 **PART V - PROCEDURE FOR ACQUIRING GRAZING AREAS, RESERVES**
25 **AND STUCK ROUTES**

Procedure for
acquiring grazing
areas

26 **16.-(1)** The Agency shall undertake physical geographic survey and
27 analysis of areas it consider suitable for grazing areas, stuck routes and ranches
28 in states of the federation, including Federal Capital Territory.

29 (2) The Agency shall then negotiate with the stake holders in
30 possession of the land in line with the provisions of the Land Use Act.

1 17. The Agency shall make a comprehensive list and description of
2 all lands that have been reserved as grazing areas, reserves and stuck routes
3 for the Agency in all the states of the federation and Federal Capital
4 Territory. List and details
of grazing areas

5 PART VI - MISCELLANEOUS PROVISIONS

6 18. The Governing Council shall issue regulation relating to- Regulations
7 (a) condition of service of the employees; and
8 (b) any other matter that will assist in giving effect to the provision
9 of this Bill.

10 19. An Individual or corporate person who has a cause of action Procedure and
limitation of suit
against the Agency
11 against the Agency shall-

12 (a) give three months' notice of intention to commence an action in
13 writing, disclosing the cause of action and relief sought and served at the
14 principal office of the Agency; and

15 (b) any cause of action against the Agency for any claim must
16 commence within four years from the date the cause of action arose.

17 20. Any document, summons, notices, process or any other thing Service of process
18 required or authorized to be served on the Agency shall be served by
19 delivering same at the office of the Director-General of the Agency.

20 21.-(1) A person shall not alienate, mortgage, sale or transfer any Prohibition of any
dealing in land
without the
consent of the
Agency
21 right affecting the land allocated for grazing areas, reserves and stuck routes
22 without the consent of the Governing Council.

23 (2) A person shall not-

24 (a) enter into any grazing area exclusively reserved by the Agency,
25 to graze; or

26 (b) graze Livestock outside the reserves,
27 without the authority of the Agency.

28 22.-(1) Any nomadic pastoralists who fails to use designated Penalty
29 grazing areas or stock route, and subsequently trespasses into farmland and
30 cause damage, the nomadic pastoralists commits an offence and shall be

1 liable to pay special and general damages to the affected farmer and on
2 conviction to a fine of N50,000.00k per cow or to imprisonment for a term not
3 exceeding 6 months or both.

4 (2) Any Farmer who cultivates a land designated as grazing areas or
5 stock route, commits an offence and shall be liable to forfeit the land and the
6 crops and shall not be paid damages in the event of destruction by nomadic
7 pastoralists, and on conviction to a fine of N50,000.00k or to imprisonment for
8 a term not exceeding 6 months or both.

9 (2) Where the offence was committed by a body corporate, the body
10 corporate shall be liable to a fine of N200,000.00k and the Directors and
11 employees that have bearing in the violation of the law shall be liable on
12 conviction to a fine of N100,000.00k each or to imprisonment for a term not
13 exceeding 6 months or both.

14 23. There is established a standing mediation committee in States and
15 Local Government Areas where the grazing reserves, stock routes and ranches
16 are located. The committee shall be saddled with the responsibility of
17 mediation between disputants and shall comprise of a representative of-

- 18 (a) head traditional Institution in the state or Local Government;
19 (b) religious leaders in both State and Local Government level;
20 (c) Women Association in both State and Local Government level;
21 (d) Security Agencies;
22 (e) Youth Organisation;
23 (f) Civil Society Groups;
24 (g) Farmers; and
25 (h) nomadic pastoralists.

26 24. In this Bill-

- 27 "Chairman" means Chairman of the Agency;
28 "Farmers" means those who are in the business of cultivation of land for food
29 production;
30 "Grazing Areas" includes stock routes, dams, water points and other areas

Standing
Mediation
Committee

Interpretation

1 which has been designated, by the government, as grazing route or reserve;
2 "Ranch" mean large farms where livestock are bred;
3 "Medical Practitioner" is a person who is qualified to practice as human
4 medical physician;
5 "President" means president of the Federal Republic of Nigeria; and
6 "Stock route" include designated areas reserved for the movement of
7 stock.

8 25. This Bill is cited as the Grazing Areas Management Agency Citation
9 (Establishment) Bill, 2016.

10 SCHEDULE

11 *Schedule 2(3)*

12 SUPPLEMENTARY PROVISIONS RELATING TO THE AGENCY

13 PART I - PROCEEDINGS OF THE GOVERNING COUNCIL

14 1.-(1) Subject to the provisions of this Bill and other applicable
15 laws the Governing Council may make standing orders regulating its
16 proceedings.

17 (2) The Governing Council shall meet whenever summoned by the
18 Chairman, or if required to do so by at least 20 members of the Governing
19 Council and shall meet for a minimum of 4 times in a year, once in every
20 quarter.

21 (3) The Chairman shall preside over the meetings of the Governing
22 Council and in his absence; members of the Governing Council shall
23 appoint one person from among themselves to act for that meeting as the
24 Chairman.

25 (4) The quorum of the Agency shall be formed by the Chairman or a
26 person sitting in his place and 19 other members of the Governing Council
27 including the Secretary.

28 PART II - COMMITTEES

29 2.-(1) The Governing Council may appoint committees to carry
30 out, on its behalf, such functions that the Governing Council may carry.

1 (2) The decision of the committee shall have no effect until it is
2 approved by the Governing Council.

3 PART III - MISCELLANEOUS

4 3.-(1) The Secretary of the Governing Council shall be the custodian
5 of the seal of the Agency.

6 (2) Fixing of the common seal of the Agency shall be authenticated by
7 the signature of the Chairman of the Governing Council or some other persons
8 authorized to do so.

9 (3) Any contract or instrument, which if made or executed by a person
10 not being a body corporate, shall not be required to be made under seal, shall be
11 executed on behalf of the Agency by the Director-General or any other person
12 authorized to do so.

13 (4) Where the Governing Council desires to obtain an expert opinion
14 from a person not being a member of the Governing Council, the Governing
15 Council may co-opt such person for such period the Governing Council may
16 determine but the co-opted person shall not have the right to vote or to count in
17 forming a quorum.

18 (5) The validity of any proceeding of the Governing Council or of a
19 committee shall not be adversely affected by any vacancy in the membership of
20 the Governing Council or Committee or by any defect in the appointment of a
21 member of the Governing Council or Committee or by reason that a person not
22 entitled to take part in the proceedings of the Governing Council or the
23 Committee took part.

EXPLANATORY MEMORANDUM

This Bill seeks to establish Grazing Areas Management Agency to manage demarcated National, State and local grazing areas, routes and livestock ranching reserves in states that require it, which will facilitate peaceful co-existence between nomadic pastoralists and agriculturalists, thereby enhancing Farmer's capacity to have increased food production and safe rearing of Animals. The bill further seeks to create a mechanism for prevention of crises on getting early warning signals, by setting a standing mediation committee in States and Local Government Areas where the grazing areas, routes and ranches are located and saddled with the responsibility of mediation between the parties.

