

A BILL

FOR

AN ACT TO AMEND THE NIGER DELTA DEVELOPMENT COMMISSION (ESTABLISHMENT, ETC) ACT, CAP N86, LAWS OF THE FEDERATION OF NIGERIA, 2004 TO STRENGTHEN THE LAW; STREAMLINE THE EXECUTIVE POSITIONS AND APPOINTMENTS AND FOR RELATED MATTERS

Sponsored by Hon. Paschal C. Obi

[] Commencement

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

- 1. 1. The Niger Delta Development Commission (Establishment, Etc) Act (in this Bill referred to as the "Principal Act") is amended as set out.
- 2.
- 3. 2. Establishment of the Governing Board of the Commission:

Amendment of Niger Delta Development Commission Act

4 Section 2:

5 Section 2:

6 (1) There is hereby established for the Commission a governing
7 Board (in this Act referred to as "the Board") which shall consist of:

- 8 (a) A Chairman;
- 9 (b) One person who shall be an indigene of an oil producing area to
10 represent each of the following member State, that is:

- 11 (i) Abia State;
- 12 (ii) Akwa Ibom State;
- 13 (iii) Bayelsa State;
- 14 (iv) Cross River State;
- 15 (v) Delta State;
- 16 (vi) Edo State;
- 17 (vii) Imo State;
- 18 (viii) Ondo State; and
- 19 (ix) Rivers State.

1 (c) Three persons to represent non-oil producing States provided that
2 such membership should be drawn from the remaining geo-political zones
3 which are not represented in the Commission;

4 (d) One representative of oil producing companies in the Niger Delta
5 nominated by the oil producing companies;

6 (e) One person to represent the Federal Ministry of Finance;

7 (f) One person to represent the Federal Ministry of Environment;

8 (g) The Managing Director of the Commission; and

9 (h) Two Executive Directors.

10 PROPOSED AMENDMENTS TO SECTION 2

11 Proposed Section 2 to now read as:

12 Section 2:

13 (l) There is hereby established for the Commission a Governing
14 Board (in this BILL referred to as "the Board") which shall consist of:

15 (a) The Chairman;

16 (b) One person who shall be an indigene of an oil producing area to
17 represent each of the following member State that is:

18 (i) Abia State;

19 (ii) Akwa Ibom State;

20 (iii) Bayelsa State;

21 (iv) Cross River State;

22 (v) Delta State;

23 (vi) Edo State;

24 (vii) Imo State;

25 (viii) Ondo State; and

26 (ix) Rivers State.

27 (c) Three persons to represent the non-oil producing Geo-political
28 zones of Nigeria that is:

29 (i) North Central;

30 (ii) North East; and

1 (iii) North West.

2 (d) Retained

3 (e) Retained

4 (f) Retained

5 (g) the Managing Directors; and

6 (h) the two Executive Directors.

7 (i) "the Director of Legal Services, not a member of the Board,
8 shall serve and function as the Secretary of the Board".

9 3. Establishment of the Niger Delta Development Advisory
10 Committee: Section 11:

11 Section 11:

12 (1) There is hereby established for the Commission a Niger-Delta
13 Development Advisory Committee (In this BILL referred to as the
14 "Advisory Committee") which shall consist:

15 (a) The Governors of the member States of the Commission; and

16 (b) Two other persons as may be determined, from time to time, by
17 the President.

18 (2) The Advisory Committee shall be charged with the
19 responsibility of advising the Board and monitoring the activities of the
20 Commission, with a view to achieving the objectives of the Commission.

21 (3) The Advisory Committee may make rules regulating its own
22 proceedings.

23 PROPOSED AMENDMENTS TO SECTION 11

24 Proposed Section 11 to now read as:

25 Section 11:

26 (1) There is hereby established for the Commission, a Niger Delta
27 Development Advisory Committee (in this BILL referred to as the
28 "Advisory Committee") which shall consist:

29 (a) The Governors of the member States of the Commission;

30 (b) Nine persons who shall be Traditional Rulers of the oil

1 producing areas representing the member States of the Commission; and

2 (c) Nine persons who shall be professionals of different fields, not
3 above 50 years representing the member States of the Commission.

4 (2) The Advisory Committee shall be charged with the responsibility
5 of advising the Board and suggesting critical projects and programmes, and
6 monitoring the activities of the Commission, with a view to achieving the
7 objectives of the Commission.

8 (3) Retained

9 4. Appointment of Managing Director Etc:

10 Section 12:

11 (1) There shall be for the Commission, a Managing Director, and two
12 Executive Directors who shall be indigenes of oil producing areas starting with
13 the member States of the Commission with the highest production quantum of
14 oil and shall rotate amongst member States in order of production, and shall:

15 (a) have such qualification and experience as are appropriate for a
16 person required to perform the functions of those offices under this Act;

17 (b) the Managing Director shall be the chief executive and accounting
18 officer of the commission;

19 (c) be appointed by the President and confirmed by the Senate in
20 consultation with the House of Representatives;

21 (d) hold office on such terms and conditions as to emolument ,
22 conditions of service as may be specified in his letter of appointment and
23 subject to the provisions of Section 3 of this Act.

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

26 (a) for the day-to-day administration of the Commission;

27 (b) for keeping the books and proper records of the proceedings of the
28 Board; and

29 (c) for:

30 (i) the administration of the Secretariat of the Board; and

1 (ii) The general direction and control of all other employees of the
2 Commission.

3 (3) The Board shall have power to:

4 (a) employ either directly or on secondment from any civil or
5 public service in the Federation or a State such number of employees as may,
6 in the opinion of the Board, be required to assist the Board in the discharge of
7 any of its functions under this Act; and

8 (b) pay to persons so employed such remuneration (including
9 allowances) as the Board may determine.

10 PROPOSED AMENDMENTS TO SECTION 12

11 Proposed Section 12 to now read as:

12 Section 12:

13 (1) "There shall be for the Commission, a Managing Director, and
14 two Executive Directors who shall be indigenes of oil and gas producing
15 areas of the member States of the Commission:

16 Provided that no person or an indigene of a member State shall be
17 so appointed for more than two terms for the positions of the Managing
18 Director and the two Executive Directors until the positions have rotated
19 fully and completely amongst the member States":

20 (a) The Managing Director and the two Executive Directors shall
21 have such qualification and experience as are appropriate for a person
22 required to perform the functions of those offices under this Bill.

23 (b) The Managing Director shall be the Chief Executive and
24 Accounting Officer of the Commission;

25 (c) "the two Executive Directors shall be appointed to be in charge
26 of Finance and Administration; and Projects respectively".

27 (d) "The Managing Director and the two Executive Directors shall
28 be appointed by the President and confirmed by the Senate in consultation
29 with the House of Representatives;

30 (e) The Managing Director and the two Executive Directors shall

1 hold office for four years, and renewable for a final term of four years on such
2 terms and conditions as to emolument, conditions of service as may be
3 specified in their letters of appointment and subject to the provisions of Section
4 3 of this Bill.

5 (2) Retained.

6 (3) "The Board shall have power to:

7 (a) employ either directly or on secondment from the Civil or Public
8 Service of the Federation or of the States or from the Private Sector, such
9 number of employees as may, in the opinion of the Board, be required to assist
10 the Board in the discharge of any of its functions under this Bill; and

11 (b) Retained."

Citation

12 5. This Bill may be cited as the Niger Delta Development
13 Commission (Establishment, Etc) Act (Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Niger Delta Development Commission (Establishment, Etc) Act in order to strengthen the Law with respect to the administration and appointments.