

A BILL

FOR

AN ACT TO ESTABLISH DESERTIFICATION, EROSION, FLOOD AND
ECOLOGICAL CONTROL AGENCY AND FOR RELATED MATTERS, 2020

Sponsored by Hon. Obinna Chidoka

[] Commencement

ENACTED by the National Assembly of the Federal Republic of

Nigeria:

1 1.-(1) There is established a body to be known as Environmental
2 Disaster Control Agency;

Establishment
of the Agency

3 (2) The Head Office of the Agency shall be in Abuja with an office
4 in each State of the Federation.

5 2.-(1) (1) There shall be a Governing Council for the Agency (in
6 this Bill referred to as "the Establishment Council") which shall control the
7 affairs of the Agency of a Governing Council.

Establishment
of the Governing
Board

8 (2) The Council shall consist of:

9 (a) Chairman;

10 (b) 2 representatives from each of the six zones and the Federal
11 Capital Territory and a representative from the following Ministries:

12 (i) Federal Ministry of Environment;

13 (ii) Federal Ministry of Agriculture and Water Resources;

14 (iii) Federal Ministry of Works;

15 (iv) Federal Ministry of Finance;

16 (c) National Emergency Management Agency (NEMA);

17 (d) Director-General of the Agency.

18 (3) Appointment of the Council members:

19 (a) the Chairman and the members of the Council shall be
20 appointed by the President on the recommendation of the Minister of
21 Environment;

1 (b) shall be persons of proven integrity, honour and ability; and
2 © shall be part-time members except the Director-General who shall
3 be on full-time basis.

Schedule 4 3. The supplementary provisions set out in the Schedule to this Bill
5 shall have effect with respect to the proceedings of the Council and other
6 matters contained therein.

Tenure of Office 7 4. The Chairman and the members of the Council shall each hold
8 office:

9 (a) for a term of 4 years and may be reappointed for a further term of 4
10 years and no more; and

11 (b) on such terms and conditions as may be specified in their letters of
12 appointment.

Cessation of Membership 13 5.-(1) A person shall cease to hold office as a member of the Council
14 if:

15 (a) he becomes bankrupt, suspends payment or compounds with his
16 creditors;

17 (b) he is convicted of a felony or any offence involving dishonesty or
18 fraud;

19 (c) he becomes of unsound mind or is incapable of carrying out his
20 duties;

21 (d) he is guilty of a serious misconduct in relation to his duties;

22 (e) in the case of a person who possesses any professional
23 qualification and is disqualified or suspended, other than at his own requests,
24 from practising his profession in any part of the world by any order of a
25 competent authority made in respect of that member; or

26 (f) he resigns his appointment by a letter addressed to the President.

27 (2) Where a member of the Council ceases to hold office for reason
28 whatsoever, before the expiration of the term for which he is appointed, another
29 person representing the same interest as that member shall be appointed to the
30 Council for the unexpired term.

1 (3) A member of the Council may be removed by the President on
2 the recommendation of the Minister if he is satisfied that it is not in the
3 interest of the Agency or the public that the member continues in office.

4 6. Members of the Council shall be paid such allowances and
5 expenses as the Government may direct from time to time. **Allowances of
Members**

6 7. The Council shall have power to: **Power of the
Council**

7 (a) manage and superintend over the affairs of the Agency;

8 (b) make rules and regulations for the effective running of the
9 Agency;

10 (c) employ and pay the staff of the Agency such remuneration and
11 allowances payable to person in similar organisations in the country;

12 (d) enter into such contracts as may be necessary Of expedient for
13 the discharge of its functions and to ensure the efficient performance of the
14 functions of the Agency; and

15 (e) receive, disburse and account for Funds of the Agency.

16 PART II - FUNCTIONS AND POWERS OF THE AGENCY

17 8.-(1) The functions of the Agency are to: **Functions of the
Agency**

18 (a) carry out an extensive survey of the extent of environmental
19 disasters in the country such as desertification, deforestation, drought,
20 floods, erosions, ocean surge, etc;

21 (b) formulate policies and guidelines for the control and
22 management of environmental disasters in the country;

23 (c) conceive, plan, and implement in accordance with set rules,
24 projects and programmes for environmental disasters control and
25 management;

26 (d) provide emergency relief and settlement of people in areas
27 afflicted by environmental disasters by the Federal Government;

28 (e) identify factors inhibiting the control and management of
29 environmental disaster in the country;

30 (f) ensure sound and efficient management of the resources

1 available to the Agency from the Federation Account;

2 (g) to provide solutions to the problems of desertification, floods,
3 deforestation erosion, droughts and all the ecological challenges;

4 (h) provide accurate data on environmental menace in the country;
5 and

6 (i) carry out such functions as the President may from time to time direct.

7 (2) Pursuant to Section 7(1) [a], the functions of the River
8 Development Authorities Act, relating to control of floods and erosion hereby
9 transferred to this Agency.

Powers of the
Agency

10 9.-(1) The Agency has power to do anything which will facilitate
11 carrying out of its functions and in particular may:

12 (a) sue or be sued in its corporate name;

13 (b) acquire, hold, and manage movable and immovable property;

14 (c) monitor and control desertification, drought, erosion,
15 deforestation, ocean surge, coastal erosion, and related environmental
16 disasters in the affected areas;

17 (d) enter into contracts for the control and management
18 desertification, drought, erosion, floods and other environmental problems;

19 (e) purchase, or acquire any asset, businesses or property considered
20 necessary for the proper conduct of its functions;

21 (f) sell, let, lease or dispose of any of its property;

22 (g) undertake or sponsor research where necessary, for the
23 performance of its functions; and (h) train managerial, technical or other
24 category of staff purpose of running the affairs of the Agency.

25 (2) The powers conferred on the Agency may be exercised through any
26 of its employees or agents authorised in that behalf by the Agency.

27 (3) The Agency shall not be subject to the direction, control or
28 supervision by any other authority or person in the performance of its functions
29 under this Bill except the President on the advice of the Minister.

PART III - APPOINTMENT OF DIRECTOR-GENERAL

10.-(1) There shall be a Director-General who shall be appointed by the President on the recommendation of the Minister of Environment.

Appointment and duties of the Director-General

(2) The Director-General shall:

(a) be the Chief Executive and accounting officer of the Agency;

and

(b) be responsible to the Council for execution of the policies and the administration of the daily affairs of the Agency.

11.-(1) The Director-General shall be appointed for a term of 5 years in the first instance and may be reappointed for a further term of 5 years and no more, subject to satisfactory performance.

Tenure of office and remuneration of the Director-General

(2) The Director-General shall be paid such remuneration as may be prescribed in his letter of appointment.

12. The Director-General may resign his appointment by a letter Resignation delivered to the President through the Minister.

Resignation of Director-General

13. The Council shall appoint for the Agency such number of employees as may in the opinion of the Council be expedient and necessary for the proper and efficient performance of the functions of the Agency and pay them remunerations and allowances as obtained in the public service.

Staff of the Agency

14. The Council shall appoint for the Agency a Secretary who Appointment and duties of Secretary shall:

Appointment and duties of Secretary

(a) be a qualified graduate with not less than 10 years post NYSC experience;

(b) keep the records and conduct the correspondence of the Agency; and

(c) perform such other functions as the Council or the Director-General may direct.

15.-(1) Notwithstanding the provisions of sections 12 and 13, the Council shall have power to appoint for the Agency either directly or on secondment from any public service in the Federation, such number of

Appointment and secondment from public service

Service of documents 1 27. A notice, summons or any other documents required or authorised
2 to be served upon Agency under the provisions of this Bill or any other law or
3 enactment may be served by delivering it to the Director-General at the
4 principal office of the Agency.

Indemnity of Officer 5 28. A member of the Council, the Director-General, an officer or
6 employee of the Agency shall be indemnified out of the assets of the Agency
7 against any proceeding, whether civil or criminal, in which judgement is given
8 in his favour, or in which he is acquitted if any such proceeding is brought
9 against him in his capacity as member of the Council, Director-General, officer
10 or employee of the Agency.

Engagement of experts other than staff 11 29. The Director-General may with the approval of the Council
12 engage persons with knowledge or experience in the control of desertification,
13 drought, floods, erosion, ocean surge, deforestation, coastal erosion or other
14 ecological related issues or in matters relevant to the functions of the Agency to
15 assist otherwise than on the basis of full time employment.

Power to give directive to the Agency 16 30. The President or Minister may give to the Agency directives of a
17 general or special nature with respect to any of its functions.

Savings and transitional provision 18 31.-(1) The statutory functions, rights, interests, obligations and
19 liabilities of the Ecological Funds Office before the commencement of this Bill
20 under any contract or instrument, shall by virtue of this Bill be deemed to have
21 been assigned to and vested in the Agency.

22 (2) All assets, funds, resources or any other movable or immovable
23 property which immediately before the commencement of the Bill, were
24 vested in the Ecological Fund Office shall be vested in the Agency.

Regulation 25 32. The Council may, with the approval of the Minister, make
26 regulations for the Regulation purpose of carrying out or giving full effect to
27 the provisions of this Bill.

Interpretation 28 33. In this Bill:
29 "Agency" means Environmental Disasters Control Agency established under
30 section 1 (1) of this Bill;

1 "Council" means a Governing Council of the Agency established under
2 section 2(1) of this Bill;

3 "Environmental disasters" include erosion, desertification, floods,
4 droughts, ocean scourge, deforestation, hurricane, storms and whirlwind;

5 "function" includes power and duty;

6 "member" a member of the Council and includes the Chairman;

7 "the Minister" means Minister in charge of Environment; and

8 "the President" means the President of the Federal Republic of Nigeria.

9 34. This Bill may be cited as the Desertification, Erosion, Flood and Ecological Control Agency Bill, 2020. Citation

11 SCHEDULE

12 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

13 *Proceeding of the Council*

14 1.-(1) Subject to the Interpretation Act, the Council may make
15 standing order regulating its proceedings or any of its committees.

16 (2) The quorum of the Council shall be the Chairman, or the person
17 presiding at the meeting and 1/3 of membership present.

18 2.-(1) The Council shall meet whenever it is summoned by the
19 chairman and if the chairman is required to do so by notice given to him by
20 not less than 1/3 of the membership, he will summon a meeting of the
21 Council to be held within two weeks from the date on which the notice is
22 given.

23 (2) Where the Council desires to obtain the advice of any person on
24 a particular matter, the Council may co-opt him to the Council for such
25 period as it deems fit. But a person who is in attendance by virtue of this
26 subparagraph shall not be entitled to vote at any meeting of the Council and
27 shall not count towards a quorum.

28 *Committee*

29 1.-(1) The Council may appoint one or more committees to carry
30 out on behalf of the Council such functions as the Council may determine.

1 (2) A committee appointed under this paragraph shall consider such
2 number of persons as may be determined by the Council and a person shall hold
3 office on the committee in accordance with the terms of his appointment.

4 (3) A decision of a committee of the Council shall be of no effect until
5 it is confirmed by the Council.

6 2.-(1) The fixing of the seal of the Agency shall be authenticated by
7 the signatures of the Chairman or any other member of the Council generally or
8 specifically authorised by the Council to act for that purpose.

9 (2) Any contract or instrument which, if made or executed by a person
10 not being a body corporate, would not be required to be under seal may be
11 executed on behalf of the Agency by the Director-General or any person
12 generally or specifically authorised by Council to act for that purpose.

13 (3) A document purporting to be a document duly executed under the
14 seal of the Agency shall be received in evidence and shall, unless and until the
15 contrary is proved, be presumed to be so executed.

16 (4) The validity of any proceedings of the Council shall not be
17 adversely affected by:

18 (a) a vacancy in the Council or committee;

19 (b) a defect in the appointment of a member of the Council or
20 committee; or

21 (c) reason that a person not entitled to do so took part in proceedings
22 of the Council or committee.

EXPLANATORY MEMORANDUM

This Bill seeks to establish an Environmental Disaster Control Agency as a statutory body and vests it with the responsibility to manage and control desertification, drought, erosion, floods, deforestation, ocean surge, hurricane, storm, whirlwind in any state of the Federation.