

CONFERENCE COMMITTEE REPORT ON A BILL FOR AN ACT TO ESTABLISH NORTH-EAST DEVELOPMENT COMMISSION AND OTHER RELATED MATTERS, 2016

S/N	CLAUSE	SENATE VERSION	HOUSE VERSION	COMMITTEE RECOMMENDATION
1.		<u>LONG TITLE OF THE BILL</u> A BILL FOR AN ACT TO ESTABLISH THE NORTH-EAST DEVELOPMENT COMMISSION CHARGED WITH THE RESPONSIBILITY AMONG OTHER THINGS TO RECEIVE AND MANAGE FUND FROM ALLOCATION OF THE FEDERATION ACCOUNT AND INTERNATIONAL DONORS FOR THE SETTLEMENT, REHABILITATION AND RECONSTRUCTION OF ROADS, HOUSES AND BUSINESS PREMISES OF VICTIMS OF INSURGENCY AS WELL AS TACKLING MENACE OF POVERTY, LITERACY LEVEL, ECOLOGICAL PROBLEMS AND ANY OTHER RELATED ENVIRONMENTAL OR DEVELOPMENTAL CHALLENGES IN THE NORTH EAST STATES AND FOR OTHER RELATED MATTERS	<u>LONG TITLE OF THE BILL</u> A BILL FOR AN ACT TO ESTABLISH NORTH-EAST DEVELOPMENT COMMISSION CHARGED WITH THE RESPONSIBILITY AMONG OTHER THINGS TO RECEIVE AND MANAGE FUND FROM ALLOCATION OF THE FEDERATION ACCOUNT AND INTERNATIONAL DONORS FOR THE RESETTLEMENT, REHABILITATION, INTEGRATION AND RECONSTRUCTION OF ROADS, HOUSES AND BUSINESS PREMISES OF VICTIMS OF INSURGENCY AND TERRORISM AS WELL AS TACKLING MENACE OF POVERTY, LITERACY LEVEL, ECOLOGICAL PROBLEMS AND ANY OTHER RELATED ENVIRONMENTAL OR DEVELOPMENTAL CHALLENGES IN THE NORTH EAST STATES AND FOR OTHER RELATED MATTERS, 2016 (HB. 158)	HOUSE VERSION ADOPTED
2.	1. (1)	<u>ESTABLISHMENT OF THE NORTH EAST DEVELOPMENT COMMISSION</u> (1) There is established a Commission to be known as the North East Development Commission (in this Bill referred to as "the Commission"). (3) The Commission shall have its head Office in Maiduguri, Borno State and shall establish an	<u>ESTABLISHMENT OF THE NORTH EAST DEVELOPMENT COMMISSION</u> 1. (1) There is established a Commission to be known as North East Development Commission (in this Bill referred to as "the Commission"). The Commission shall have its headquarters in Maiduguri, Borno State and shall	SENATE VERSION ADOPTED

		office in each Member State of the North East Zone	establish an office in each member State of the North-East and any other location that the Board may deem appropriate.	
3.	2.(2)(b)	<u>ESTABLISHMENT OF THE GOVERNING BOARD</u> (b) the Managing Director;	<u>ESTABLISHMENT OF THE COMMISSION BOARD</u> (b) the Managing Director/ Chief Executive ;	HOUSE VERSION ADOPTED
	2.(2)(c)	(c) three Executive Directors, one from each Member State not being represented by the Chairman of the Board , the Managing Director, and the representative of the North East Zone. The Executive Directors shall be: (i) Executive Director Administration and Finance; (ii) Executive Director Humanitarian Affairs; and (iii) Executive Director Operations;	(c) three (3) Nos. Executive Directors or one from each member State not being represented by the Chairman, the Managing Director/ Chief Executive and the representative of the North-East Zone. The Executive Directors shall be: (i) Executive Director (Administration and Finance), (ii) Executive Director, Humanitarian Affairs, (iii) Executive Director Operations;	HOUSE VERSION ADOPTED
	2.(2)(d)	(d) one person each to represent the six geo-political zones of the Country as listed below — (i) North Central;	(d) one person to represent the other 5 geopolitical zones of the country listed below —	HOUSE VERSION ADOPTED

	2.(2)(e))	(ii) North East; (iii) North West; (iv) (iv) South East; (v) (v) South-South; (vi) (vi) South West; (e) one person to represent the — (i) Federal Ministry of Finance; (ii) Ministry responsible for Budget and National Planning. (3) at no time should any member State within the North-East Zone have two members on the board	(i) North Central, (ii) North West, (iii) South East, (iv) South-South, (v) South West. (e) one person to represent the — (i) Federal Ministry of Finance, (ii) Ministry of Budget and National Planning, (iii) at no time should any member State within the North-East Zone have two members on the board	SENATE VERSION ADOPTED SENATE VERSION ADOPTED
4.	2.	2.(4) The Chairman and other members of the Board shall — (a) be appointed by the President, subject to the confirmation of the Senate, in consultation with the House of Representatives; and (b) be persons of proven integrity and ability. 2.(5) The members of the Board referred to in paragraph (a - d) of subsection (2) of this section shall be part-time members.	2.(3) The Chairman and other members of the Board shall— (a) be appointed by the President, subject to the confirmation of the Senate in consultation with the House of Representatives. 2.(4) The Chairman and members of the Board referred in items (i)-(v), i.e. representing the geo-political zones	SENATE VERSION ADOPTED HOUSE VERSION ADOPTED
	2. (5)			

		2.(6) The supplementary provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters contained therein.	shall be part-time members: (a) be persons of proven integrity and ability.	SENATE VERSION ADOPTED
5.	4.	The office of the Chairman, Managing Director and Executive Directors established in section 2(2) shall rotate amongst the member States of the Commission.	4. The office of the Board Chairman, Managing Director/Chief Executive Officer, the Executive Director (Administration and Finance), Executive Director (Humanitarian Affairs), Executive Director (Operations), and member, representing the North-East Zone shall rotate among the member States of the Commission in the order set out in the Schedule to this Bill.	HOUSE VERSION ADOPTED
6.	5 (3)	(3) A member other than ex-officio member may resign his or her appointment by notice in writing to the President which resignation shall take effect upon receipt and approval by the President.	(3) A member of the Board other than ex-officio member may resign his or her appointment by notice, in writing to the President which resignation shall take effect upon receipt and approval by the President.	SENATE VERSION ADOPTED
7.	7 (1)a	<u>FUNCTIONS AND POWERS OF THE COMMISSION</u> 7.(1) The Commission shall — (a) formulate policies and guidelines for the development of the North East Zone;	<u>FUNCTIONS AND POWERS OF THE COMMISSION</u> 7.(1) The Commission shall — (a) formulate policies and guidelines for intervention in	HOUSE VERSION ADOPTED

9.	9(1)	<u>STRUCTURE OF THE COMMISSION</u> 9.(1) There shall be established in the head office of the Commission the following Departments — (a) Services Department; (b) Humanitarian Department; (c) Technical Department.	<u>STRUCTURE OF THE COMMISSION</u> 9.(1) There shall be established at the head office of the Commission the following departments — (a) Administration and Human Resources; (b) Humanitarian Services (the Humanitarian Services Department would be responsible for Resettlement, Rehabilitation and Reunification of families and communities of IDPs, Refugees and Returnees). It would also be responsible for Missing Persons. It may be divided into the following: IDP, Refugees, Returnees and Mission Persons Division/Unit; Social Safety Net Programs Division/Unit; Women and Youth Affairs Division/Unit; (c) Technical Services (the Technical Services Department shall be responsible for the reconstruction and development of critical facilities and infrastructure for engineering projects (roads, bridges, etc.), community and rural	HOUSE VERSION ADOPTED SENATE VERSION ADOPTED SENATE VERSION ADOPTED
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		development (town halls etc), commercial and industrial development (markets and industrial layouts, etc.), ecological and environmental protection, humanitarian facilities (camps), agricultural infrastructure (irrigation, etc.). The Board may divide the Department into Divisions/Units. (d) Planning, Research and Statistics; (e) Finance; (f) Legal and Corporate Services; (g) Communications and Management Information Systems; and (h) Audit. (2) There shall exist the Projects Monitoring and Supervision Units which shall be under the relevant department.	(2) There shall be following Unit which shall be under relevant department: (a) Projects Monitoring and Supervision.	SENATE VERSION ADOPTED
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		(3) The Board may create, increase or decrease the number of Departments, Divisions and Units as it may deem necessary and expedient to facilitate the realization of the objectives of the Commission.		SENATE VERSION ADOPTED
10.	NEW 10(1-5)	<u>SPECIAL DEPARTMENT: CIVIL-MILITARY RELATIONS DEPARTMENT</u> 10. (1) There shall be established by the Board a Special Department to be known as the Civil-Military Relations Department. (2) The Department shall consist of representatives of the following- (a) Armed Forces; (b) Nigeria Police Force; (c) Department of State Services; (d) Nigeria Immigration Service; (e) Nigeria Customs Service; (f) National Security and Civil Defence Corp; (g) National Drug Law Enforcement Agency; and (h) Other Security Agencies as may be determined by the Board. (3) The Department created under subsection 1 above shall be headed by an		DELETED

		Officer not below the rank of Lieutenant Colonel or its equivalent and must have been Senior Staff trained in the Armed Forces. (4) The function of the Department shall include- (a) liaise between the Commission and respective Services; and (b) interface with the Defence Headquarters and other Security Agencies on matters related to Civil-Military relations during the pre-combat, combat and post combat phases of military/security operations. (5) The Civil-Military Relations Department may be wound down by the Board after the post combat/stabilization phase of military/security operations in the Zone.		
11.	10	<u>ESTABLISHMENT OF MANAGEMENT COMMITTEE</u> 11.(1) There shall be for the Commission a Management Committee which shall consist of the — (a) Managing Director; and (b) Directors responsible for the Departments established under section 9 of this Bill and such number of other	<u>MANAGEMENT COMMITTEE</u> 10. (1) There shall be for the Commission a Management Committee which shall consist of — (a) a Managing Director/Chief Executive Officer; and the Directors responsible for the Department established under section 9 of this Bill and (b) such number of other members as may be determined from time to time by the Board	HOUSE VERSION ADOPTED HOUSE VERSION ADOPTED

		members as may be determined from time to time by the Board;		
12.	NEW 11	<u>COMMISSION SECRETARY/LEGAL ADVISER</u> (1) The Board shall appoint a Secretary to the Commission who shall also act as its Legal Adviser. (2) The Secretary to the Commission must be a legal practitioner of not less than ten (10) years post call to Bar experience and must possess the requisite experience to hold such an office. (3) The Secretary shall- (a) keep proper records and books of the Commission; (b) record proceedings of the Board and its Committees; (c) be responsible for the administration of the Secretariat; (d) issue notices of meetings of the Board and its committees; and (e) be responsible to the Managing Director and the Board. (4) The Secretary shall hold office on such terms and conditions as specified by the Board.		SENATE VERSION ADOPTED
13.	NEW 13	<u>STAFF OF THE COMMISSION</u> 13.(1) There shall be for the	<u>STAFF OF THE COMMISSION</u> 11. (1) There shall be for the Commission a Managing Director/Chief Executive	HOUSE VERSION ADOPTED

		Commission, a Managing Director who shall be from the Member States, and shall — (a) have such qualification and experience as appropriate for a person required to perform the functions of the Office under this Bill; (b) be the Chief Executive and Accounting Officer of the Commission; (c) be appointed by the President of the Federal Republic of Nigeria and confirmed by the Senate; and (d) hold office on such terms and conditions as to emolument, conditions of service as may be specified in his letter of appointment and subject to the provision of section 3 of this Bill.	who shall be an indigene of the North East and shall rotate among the member States in accordance with the order set out in the Second Schedule, Column B to this Bill and who shall — (a) be the chief executive and accounting officer of the Commission; (b) be appointed by the President of the Federal Republic of Nigeria and confirmed by the Senate in consultation with House of Representatives; and (c) hold office on such terms and conditions as to emolument, conditions of service as may be specified in his letter of appointment and subject to the provision of section 3 of this Bill.	SENATE VERSION ADOPTED SENATE VERSION ADOPTED SENATE VERSION ADOPTED SENATE VERSION ADOPTED
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		(2) The Managing Director shall, subject to the general direction of the Board, be responsible – (a) for the day to day administration of the Commission; (b) general direction and control of other employees of the Commission.	(2) The Managing Director/Chief Executive shall, subject to the general direction of the Board, be responsible — (a) for the day to day administration of the Commission; (b) for keeping the books and Proper records of the proceedings of the Board, and (c) for the — (i) administration of the secretariat of the Board, and (ii) general direction and control of all other employees of the Commission.	HOUSE VERSION ADOPTED SENATE VERSION ADOPTED
14.	NEW 14	<u>FUNDS OF THE COMMISSION</u> 15.(1) The Commission shall establish and maintain expenditure incurred by the Commission. (2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section —	<u>FUNDS OF THE COMMISSION</u> 13. (1) The Commission shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Commission. (2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section —	HOUSE VERSION ADOPTED HOUSE VERSION ADOPTED

	(a) 25 percent of monies due to member States of the Commission from the ecological Fund;	(a) from the Federal Government, the equivalent of 15 percent of the total monthly statutory allocations due to member States of the Commission from the Federation Account; this being the contribution of the Federal Government to the Commission;	HOUSE VERSION ADOPTED
	(b) 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 forei	(b) 3 percent of the total annual profit of any Solid mineral extracting mining company operating in the North East States, including Agricultural processing companies;	HOUSE VERSION ADOPTED
	(c) all moneys raised for the purposes of the Commission by way of gifts, loan, grants-in-aid, testamentary disposition or otherwise;	(c) 25 percent of monies due to member States of the Commission from the Ecological Fund,	HOUSE VERSION ADOPTED
	(d) proceeds from all other assets that may, from time to time, accrue to the Commission;	(d) 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;	HOUSE VERSION ADOPTED
	(e) 15% cost of mining lease/license granted by the Federal Government for mining within the Member States;	(e) all moneys raised for the purposes of the Commission by way of gifts, loan, grants-in-aid, testamentary disposition or otherwise;	HOUSE VERSION ADOPTED
	(f) budgetary allocation from the Federal Government made to the Commission;	(f) proceeds from all other assets that may, from time to time, accrue to the	HOUSE VERSION ADOPTED

		(g) royalties on mining areas in the Member States;	Commission; (g) 15% cost of Mining Lease/License granted by the Federal Government for mining within member States. (h) budgetary allocation from the Federal Government made to the Commission. (i) royalties on mining areas in the member States.	HOUSE VERSION ADOPTED HOUSE VERSION ADOPTED HOUSE VERSION ADOPTED
	NEW (j)	(h) fees charged by the Commission;		SENATE VERSION ADOPTED
	NEW (k)	(l) 3% of Federal Government Value Added Tax (VAT) remittance for a period of ten (10) years to be given to the Commission; and		SENATE VERSION ADOPTED
	NEW (l)	(j) all monies collected by the Federal Government for the development of the North East Zone should be domiciled in the Commission.		SENATE VERSION ADOPTED
			(3) The fund shall be managed in accordance with extant rules governing public finance.	HOUSE VERSION ADOPTED

15.	NEW 15	<u>APPLICATION OF THE COMMISSION FUNDS</u> 16. The Commission shall apply the proceeds of the fund established pursuant to section 15 of this Bill to — (a) the cost of administration of the Commission; (b) the payment of salaries, fees, remuneration, allowances, pensions and gratuities payable to the members of the Board specified in section 6 of this Bill or any Committee of the Board and the employees of the Commission; (c) the payment for all contracts, including mobilization, fluctuations, variations, legal fees and cost on contract administration; (d) the payment for all purchases; and (e) undertaking such other activities as are connected with all or any of the functions of the Commission under this Act. (2) The Commission may accept gifts of land, money, or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift.	<u>APPLICATION OF THE COMMISSION FUNDS</u> 14. (1) The Commission shall apply the proceeds of the fund established pursuant to section 14 of this Bill to — (a) the cost of administration of the Commission; (b) the payment of salaries, fees, remuneration, allowances, pensions and gratuities payable to the members of the Board specified in section 6 of this Bill or any committee of the Board and the employees of the Commission; (c) the payment for all contracts, including mobilization, fluctuations, variations, legal fees and cost on contract administration; (d) the payment for all purchases; and (e) undertaking such other activities as are connected with all or any of the Functions of the Commission under this Bill. (2) The Commission may accept gifts of	
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		(3) The Commission shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Commission under this Bill.	land, money, or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift. (3) The Commission shall not accept any gift if the conditions attached by the person or organization making the gift are inconsistent with, the functions of the Commission under this Bill (4) The Commission may borrow money from financial organizations or other institutions for the purpose of executing its mandate under this Bill, subject to the approval of the Board.	HOUSE VERSION ADOPTED
16.	NEW 16	<u>ANNUAL REPORT</u> 18. (1) The Board shall submit to the President of the Federal Republic of Nigeria, report on the activities and administration of the Commission. (2)The Board shall prepare and submit to the President of the Federal Republic of Nigeria, not later than 30th June in each year, a report in such form as the President of the Federal Republic of Nigeria may direct on the activities of the Commission during the immediately preceding year, and shall include in the Report a copy of the audited	<u>SUBMISSION OF REPORT</u> 16. (1) The Commission shall submit to the President of the Federal Republic of Nigeria report on the activities and administration of the Commission. (2) The Board shall prepare and submit to the President of the Federal Republic of Nigeria, not Later than 30th June in each year, a report in such form as the President of the Federal Republic of Nigeria may direct on the activities of the Commission during the immediately preceding year, and shall include in the	SENATE VERSION ADOPTED

		accounts of the Commission for that year and the Auditor's Report thereon. (3) The President, upon receipt of the Report referred to in subsection (1) of this Section, cause a copy of the Report and the audited accounts of the Commission and the Auditor's Report thereon to be submitted to each House of the National Assembly.	report a copy of the audited accounts of the Commission for that year and the Auditor's report thereon. (3) The President of the Federal Republic of Nigeria shall, upon receipt of the report referred to in subsection (1) of this section, cause a copy of the report and the audited accounts of the Commission and the auditor's report thereon to be submitted to each House of the National Assembly.	SENATE VERSION ADOPTED
17.	NEW 17		17. The Monitoring Committee shall have access to the books of account and other records of the Commission at all times, and submit periodical reports to the President of the Federal Republic of Nigeria.	DELETED
18.	NEW 18		22. (1) In any action or suit against the Commission, no execution or attachment of process in the nature thereof shall be issued against the Commission (2) Any sum of money which may by the judgment of any court be awarded against the Commission shall, subject to any direction given by court where notice of appeal of the said judgment has been given, be paid from the general reserve fund of the Commission.	HOUSE VERSION ADOPTED HOUSE VERSION ADOPTED

19.	NEW 19	<u>REGULATIONS</u> 24. The Board may, with the approval of the President of the Federal Republic of Nigeria, make regulations, generally for the purposes of giving full effect to this Bill.	<u>REGULATIONS</u> 24. The Commission may, with the approval of the President of the Federal Republic of Nigeria, make regulations, generally for the purposes of giving full effect to this Bill.	SENATE VERSION ADOPTED
20.	NEW 20	<u>INTERPRETATION</u> 25. In this Bill — "President" means the President of the Federal Republic of Nigeria; "Chairman" means the Chairman of the Board; "Commission" means the North East Development Commission established by section 1 of the Bill, "Board" means the Governing Board established for the Commission under section 2(1) of this Bill,	<u>INTERPRETATION</u> 25. In this Bill — "Chairman" means the Chairman of the Board; "Commission" means the North East Development Commission established by section 1 of this Bill; "Board" means the governing Board established for the Commission under section 2 (1) of this Bill; "Management Committee" includes the Chairman, Managing Director, Executive Directors and Directors;	SENATE VERSION ADOPTED SENATE VERSION ADOPTED HOUSE VERSION ADOPTED

		"Member State" means Adamawa State, Bauchi State, Borno State, Gombe State, Kano State, Plateau State, Taraba State, and Yobe State. "North East Zone" means Member States. "Stakeholders" include all the Federal Government Ministries, Departments, and Agencies, Member States, Local Governments, Development Partners, Non-Governmental Organisations/ Civil Society Organisations, Communities and grassroots.	"Member States" include Adamawa, Bauchi, Borno, Gombe, Taraba and Yobe.	HOUSE VERSION ADOPTED
21.	SCHEDULE	<u>SCHEDULE</u> SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD ETC. 1 -(1) Subject to the provisions of this Bill and Section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any of its committees. (2)The quorum of the Board shall be the Chairman or the person presiding at the meeting, the Managing Director or one Executive Director and one third of other members of the Board. The quorum of any Committee of the Commission shall be as determined by the Board. 2. -(1) The Board shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice	<u>SCHEDULE</u>	SENATE VERSION ADOPTED

		given to him by not less than 4 other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given. (2) At any meeting of the Board the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their member to preside at the meeting. 3. —(1) The Board may appoint one or more committees to carry out, on behalf of the Board such functions as the Board may determine. (2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board and a persons shall hold office on the committee in accordance with the terms of his appointment. (3) A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board. 4. —(1) The fixing of the seal of the Commission shall be authenticated by the signatures of the Chairman or any other member of the Board generally or specifically authorised by the Board to act for that purpose and the Managing Director. (2) The Board shall meet a minimum of four times a year: one meeting each quarter. 5. The validity of any proceedings of the		
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		Board or of a committee shall not be adversely affected by — (a) a vacancy in the membership of the Board or Committee; (b) a defect in the appointment of a member of the Board or Committee; or (c) reason that a person not entitled to do so took part in the proceedings of the Board or Committee.		
			SEE TABLE (attached)	HOUSE VERSION ADOPTED
22.	EXPLANATORY MEMORANDUM	<u>EXPLANATORY MEMORANDUM</u> This Bill seeks to establish the North East Development Commission charged with the responsibility among other things to receive and manage funds from allocation of the Federation Account and Development Partners for the resettlement, rehabilitation, reconciliation of IDPs and the construction of roads, houses and business premises of victims of insurgency as well as tackling menace of poverty, literacy, ecological problems, human security and any other related environmental or developmental challenges in the North East Zone.		SENATE VERSION ADOPTED