



THE SENATE
FEDERAL REPUBLIC OF NIGERIA
Committee on Establishment & Public Service

REPORT

OF

**A BILL FOR AN ACT TO ESTABLISH THE SOUTH EAST
DEVELOPMENT COMMISSION (ESTABLISHMENT,
ETC) BILL 2017 (SB. 303)**

JANUARY, 2018

REPORT OF THE SENATE COMMITTEE ON ESTABLISHMENT AND PUBLIC SERVICE ON A BILL FOR ACT TO ESTABLISH THE SOUTH EAST DEVELOPMENT COMMISSION AND FOR OTHER MATTERS CONNECTED THERETO (SB. 303)

1.0 Preamble

The South East Development Commission (Establishment, Etc.) Bill, 2017(SB. 303) was sponsored by ***Distinguished Senator Samuel N. Anyanwu +(Imo East Senatorial District)***. The Bill was read for the *First Time* on Wednesday 22nd June, 2016.

The Senate at its Plenary Sitting of Wednesday 7th June, 2017, deliberated on the general principles of the Bill. After extensive deliberations, the Bill was read for the *Second Time*, and referred to the Senate Committee on Establishment and Public Service, for further legislative action vide (*Senate Order of Referral dated 8th June, 2017*) to report back its recommendations.

2.0 Objectives of the Bill

The objectives of the Bill, in our view, are as follows: Firstly, the Bill seeks to establish a Commission to be saddled with the responsibilities of managing and administering funds received from the Federation account for the purpose of reinvigorating and harnessing the commercial potentials as well as the overall socio-economic development of the South East Zone. Secondly, it seeks to establish a developmental master plan that will give rise to massive infrastructural development, aimed at reconstructing and rehabilitating roads and bridges as well as addressing the

devastating menace of erosion and other environmental and developmental challenges in the zone.

3.0 Committee's Legislative Actions

In furtherance of this referral, the Committee held several meetings to deliberate further on the provisions of the Bill, whereby it considered in great detail, the views expressed by Distinguished Senators during debates on the general principles of the Bill at its *Second Reading* stage. After extensive and painstaking deliberations and taking into account the divergent views expressed on the Bill, the Committee resolved to conduct a Public Hearing in order to avail stakeholders and the general public the opportunity to make further inputs that will enrich the legislative process.

As a prelude to the Public Hearing, the Committee placed advertisements in the print and electronic media and invited memoranda from stakeholders and the general public on the proposed legislation. This was done in order to sensitize the general public on the provisions of the Bill, ahead of the Public Hearing.

Expectedly, the Committee received memoranda from the following organisations, namely:

1. Office of the Head of Civil Service of the Federation
2. The Nigerian Law Reform Commission
3. The National Human Rights Commission
4. Alaigbo Development Foundation
5. Mkpoko Igbo Integrity Forum
6. , among others.

It is important to stress here that apart from memoranda submissions, oral presentations were also made at the Public Hearing by some stakeholders, NGOs and Civil Society Organisations.

4.0 Public Hearing

Mr. President, Distinguished colleagues, I wish to state that in line with the Resolution of the Committee to conduct a Public Hearing on this referral, the Public Hearing was conducted on Thursday 30th November, 2017.

4.1 Opening of the Public Hearing

The President of the Senate, ***Senator (Dr.) Abubakar Bukola Saraki, CON***, who was represented by ***Senator Ahmed Lawan***, the Leader of the Senate, declared the Public Hearing open. In his opening address, the President of the Senate welcomed the stakeholders and the general public to Public Hearing. He stated that in the discharge of its mandate on this referral, the Senate Committee on Establishment and Public Service resolved to conduct this Public Hearing in order to take into account, the views of stakeholders and interested members of the public. He stressed that this legislative step is commendable and further reaffirms the Senate's commitment in taking the law making process back to the people.

He averred that this Public Hearing is apt as it will ensure that the provisions of the Bill is subjected to serious rigorous examination in order to encompass the comments of all concerned so that when it is

eventually passed into law, it will achieve the purpose for which it was designed, by impacting on the lives of the people.

Furthermore, he emphasized that the South East Development Commission Bill is aimed at developing the commercial potentials of the South-East and to have an enhanced infrastructural development in the region. He expressed confidence that the Bill will stimulate robust contributions from stakeholders as witnessed during the debate on its general principles at the floor of the Senate. This, he said, is the reason why this platform is sacrosanct in the law making process. He posited that the passage of the Bill will bring about economic development in the south-east region and engender a great sense of belonging, which is necessary for the peaceful co-existence and unity of this country.

Finally, he commended the sponsors of the Bill and advised the stakeholders to take advantage of the opportunity provided by this Public Hearing to air their views and at the end, an appreciable progress would have been made on the Bill, which no doubt, will form part of the Committee's recommendations to the Senate.

On that note, he formally declared the Public Hearing open.

4.2 Highlights of Presentations by stakeholders

Mr. President, Distinguished Colleagues, I wish to submit here that Stakeholders present at the Public Hearing made far-reaching and in-depth contributions on the provisions of the Bill. For the avoidance of doubt, it should be stated that stakeholders were unanimous in their

supports for the passage of the Bill. I wish to highlight some of their presentations in support of the Bill, here under:

Firstly, they stated that the establishment of the Commission, which this Bill contemplates, is indeed a welcome development, as it will serve as a catalyst for integration and development of the South East with the aim of harnessing the huge potentials in the areas of technology and robust commercial activities, which abound in the region. This, they adduced, will in turn boost the nation's economy.

Secondly, they averred that the Commission envisaged by the introduction of this Bill, should have been established immediately after the civil war in 1970 in order to implement the proclamation of the reconciliation, rehabilitation and reconstruction policy of the then Federal Government, which never materialised. However, it is better late than never as attempts are now being made to address these issues, frontally.

Thirdly, they posited that since the end of the civil war, which ravaged the South East zone, there has been no major efforts made by the Federal Government to specifically address the issues of rehabilitation, reintegration, reconstruction, environmental challenges and other socio-economic problems in the region, as conceived by the Government in the North East that led to the introduction of the North East Development Commission Bill (passed by the National Assembly and assented to, by Mr. President), after the region was ravaged by the onslaught of Boko Haram. They asserted that the intendment of this Bill is laudable and should be given all the needed supports for speedy passage.

Fourthly, they argued that the clamour and agitation for restructuring of the country and the avalanche of complaint of marginalisation from the South East, will be addressed with the passage of this Bill and will no doubt, foster unity and oneness, as it will instill the sense of belonging to all and assures that every part of this country is a major stakeholder in the Nigerian project.

Finally, they submitted that the passage of the Bill will be a bold step by the National Assembly and indeed the country as it will bring to fore, the government's determination to keep every zone of this country as an integral part of the Federation, which is built on equity, fairness, justice and equitable distribution of our commonwealth.

5.0 Highlights on some Clauses of the Bill

In this part, Mr. President, Distinguished colleagues, we shall highlight some of the amendments/further inputs made on the provisions of the Bill, which reflect some of the salient views/suggestions of stakeholders during the Public Hearing. We hereby recommend the proposed changes to this Distinguished Senate, for approval, as follows:

Long Title

The Long Title of the Bill was slightly amended because some terms appeared to be repetitive. It was therefore modified to avoid such tautology and to check interference with other Extant Acts as some of the issues mentioned in the long title, have already been addressed in some existing Acts.

Clause 1

Clause 2 deals with the establishment of the South East Development Commission. Sub-clause (4) of this clause was amended by the Committee because the Commission contemplated to be established under this Bill, is intended to address developmental, infrastructural and environmental challenges, which cannot be time-bound. Therefore, the clause was adjusted to ensure that the winding-up of the Commission can only be done after its mandate has been realised.

Clause 2

Clause 2 deals with the establishment of the Governing Board of the Commission. The Committee amended sub-clause (1) paragraph (e) of this clause in order to ensure equitable distributions of positions amongst the member States. The introduction of sub-paragraphs (i) and (ii) to this paragraph as set out in the table, is to ensure that the roles of the Executive Directors are specified to avoid conflicts. Similarly, new sub-clause (3) was introduced to ensure that there is one representative on the Board of the Commission, from each of the Member States of the South East Zone. Following this amendment, the existing sub-clauses were renumbered accordingly.

Clause 9

Clause 9 deals with the structure of the Commission as it relates to establishment of departments. The Committee deleted some departments created under this clause because they appeared unwieldy. The reason for the deletion is premised on the fact that the Board has been vested with powers to create new departments as exigencies demand, it is therefore unnecessary to have such a large number of Departments created under this Bill.

Clause 12

Clause 12 deals with the Secretary/Legal Adviser of the Commission. This is a new clause introduced by the Committee because it is appropriate for a Commission of this magnitude to have a Secretary/Legal Adviser to perform the functions stipulated in sub-clause (3) of this clause and to serve as the Secretary of the Governing Board of the Commission. Accordingly, the preceding clauses were renumbered.

Clause 13

Clause 13 deals with the appointment of the Managing Director and other staff of the Commission. It is the Committee's concerted view that paragraphs (b) and (c) of sub-clause (2) of this clause be deleted as set out in the table as those functions have been conferred on the Secretary of the Commission in line with the provision of the newly introduced clause 12, by the Committee.

Clause 22

Clause 22 deals with the establishment of Monitoring Committee. It is our humble view that this provision be deleted because it is unnecessary. The Commission contemplated to be established under this Bill will be an executive body charged with statutory functions that will be subject to the legislative oversight of the National Assembly. Therefore, it is inappropriate for a Committee appointed by the President to be vested with such powers. It is also important to stress that this Commission, when established, is expected to forward to the President, an annual report of all its activities, including an audited account, as provided under this Bill. As such, this provision is superfluous.

6.0 Observations/Findings

From the preponderance of views canvassed by stakeholders and members of the public at the Public Hearing and our subsequent analysis of the presentations vis-à-vis the provisions of the Bill in the course of the Committee's meetings, we hereby make the following observations/findings:

1. That stakeholders unanimously supported the passage of the Bill and urged the National Assembly to speedily pass it into law;
2. That this legislative initiative by the National Assembly is an important bold step aimed at addressing developmental challenges and the socio-economic well-being of the South East;
3. That the passage of this Bill will no doubt, lay to rest, the incessant clamour and agitations from various quarters for secession movement, arising from incessant complaints of neglects, marginalisation and infrastructural decay in the Zone, thereby engendering peace and ensure the unity and oneness of this country; and
4. That the huge potentials in the areas of technological innovations, widespread commercial activities, among others, would be harnessed for the overall socio-economic advancement of this country with the passage of this Bill; and
5. That the National Assembly, which is the bastion of democracy would be seen to be alive to its responsibilities of making law for the peace and good government of the Federation as enshrined in the

1999 Constitution of the Federal Republic of Nigeria, as amended,
with the passage of this Bill.

7.0 Recommendation

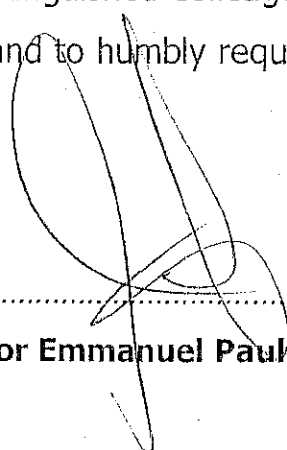
The Senate Committee on Establishment and Public Service, to which this Bill was referred, having carefully considered same, recommends as follows:

"That the Senate do consider and pass the South East Development Commission (Establishment, Etc.) Bill, 2017, as amended".

I SO MOVE.

8.0 Conclusion

In conclusion, I wish to use this opportunity to thank the President of the Senate and our Distinguished Colleagues for the opportunity to serve in this capacity and to humbly request the Senate to pass this Bill.



Senator Emmanuel Paulker

Chairman

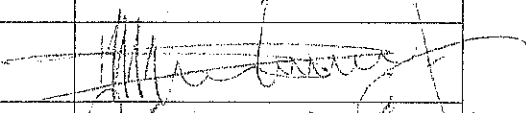
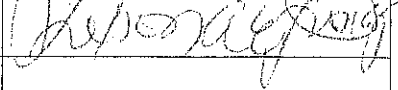
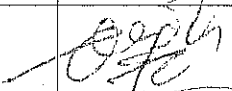
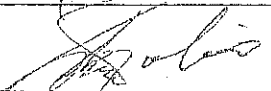
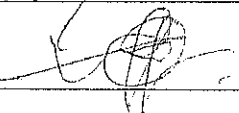


THE SENATE
FEDERAL REPUBLIC OF NIGERIA
Committee on Establishment & Public Service

ENDORSEMENT SHEET:

DATE.....

**THE REPORT OF THE SENATE COMMITTEE ON ESTABLISHMENT
& PUBLIC SERVICE ON THE BILL FOR AN ACT TO ESTABLISH THE
SOUTH EAST DEVELOPMENT COMMISSION (ESTABLISHMENT,
ETC) BILL 2017 (SB. 303)**

	Name	Status	Signature
1	Senator Emmanuel Paulker	Chairman	
2	Senator Sulaiman Nazif	Vice Chairman	
3	Senator Nurudeen Adeleke	Member	
4	Senator Olugbenga Ashafa	Member	
5	Senator Nelson Efiong	Member	
6	Senator George Akume	Member	
7	Senator Ahmed Lawan	Member	
8	Senator Foster Ogola	Member	
9	Senator Godswill Akpabio	Member	
*	Edith O. Ajah (Mrs.)	Clerk	



THE SENATE
FEDERAL REPUBLIC OF NIGERIA
Committee on Establishment & Public Service

**A BILL FOR AN ACT TO ESTABLISH THE SOUTH EAST DEVELOPMENT
COMMISSION (ESTABLISHMENT, ETC) BILL 2017 (SB. 303)**

January, 2018.

REPORT OF THE SENATE COMMITTEE ON ESTABLISHMENT AND PUBLIC SERVICE ON A BILL FOR AN ACT TO ESTABLISH THE SOUTH EAST DEVELOPMENT COMMISSION IN THE FEDERAL REPUBLIC OF NIGERIA TO ACT AS A CATALYST TO DEVELOP THE COMMERCIAL POTENTIALS OF THE SOUTH EAST, TO RECEIVE AND MANAGE FUNDS FROM ALLOCATION OF THE FEDERATION FOR THE REHABILITATION AND CONSTRUCTION OF ROAD AND REPARATION FOR HOUSES AND LOST BUSINESSES OF VICTIMS OF THE CIVIL WAR, KIDNAPPING, ECOLOGICAL AND SOIL EROSION PROBLEM AND ANY OTHER RELATED ENVIRONMENTAL OR DEVELOPMENTAL CHALLENGE; AND OTHER CONNECTED MATTERS (SB.303)

PROVISIONS OF THE BILL	COMMITTEE'S RECOMMENDATION	REMARKS
Long Title A Bill for an Act to Establish the South East Development Commission in the Federal Republic Of Nigeria to Act as a Catalyst to Develop the Commercial Potentials of the South East, to Receive and Manage Funds from Allocation of the Federation for the Rehabilitation and Construction of Road and Reparation for Houses and Lost Businesses of Victims of the Civil War, Kidnapping, Ecological and Soil Erosion Problem and any Other Related Environmental or Developmental Challenge; and Other Connected Matters.	Long Title A Bill for an Act to Establish the South East Development Commission in the Federal Republic Of Nigeria to Act to serve as a Catalyst to Develop the Commercial Potentials of the South East, Receive and Manage Funds from Allocation of the Federation for the Rehabilitation, Reconstruction of Road and Reparation for Houses and Lost Businesses of Victims of the Civil War, Kidnapping, Ecological and Soil Erosion Problem and address any other Related Environmental or Developmental Challenges; and Other Connected Matters and for Related Matters.	The long title was redrafted in order to avoid tautology and to check interference with other Extant Acts because some of the issues mentioned have already been addressed in some existing Acts. It was also redrafted for elegance and ease of understanding.
PART I — ESTABLISHMENT, ETC. THE SOUTH EAST DEVELOPMENT COMMISSION AND GOVERNING BOARD Establishment of the South East Development Commission 1. -(1) There is hereby established a body to be known as the South East Development Commission (in this Act referred to as "the Commission"). (2) The Commission —	PART I — ESTABLISHMENT, ETC. THE SOUTH EAST DEVELOPMENT COMMISSION AND GOVERNING BOARD Establishment of the South East Development Commission 1. -(1) There is hereby established a body Commission to be known as the South East Development Commission (in this Bill referred to as "the Commission"). (2) Retained as in the Bill	

(a) shall be a body corporate with perpetual succession and a common seal; (b) May sue and be sued in its corporate name. (3) The Commission shall have its head office in Enugu, Enugu State and shall establish an office in each member State of the Commission. (4) The President may subject to the approval of the National Assembly wind-up the Commission after 10 years.	Retained Retained (3) The Commission shall have its head Office in Enugu, Enugu State and shall establish Offices in each member State of the Commission. (4) The President may subject to the approval of the National Assembly, wind-up the Commission after the completion of its mandate.	This sub-clause (4) was amended because the Commission contemplated in this Bill, is intended to be set up to address some developmental and environmental issues, etc. in the South East Zone. Therefore, its mandate should not be time-bound. The Commission can only be wind-up after its mandate has been realised.
Establishment of Government Council of the Commission 2. -(1) There is hereby established for the Commission a Governing Board (in this Act referred to as "the Board"), which shall consist of — (a) a chairman; (b) one person who shall be an indigene to represent each the following member States, that is: (i) Abia,	Establishment of Governing Board of the Commission 2. -(1) There is hereby established for the Commission a Governing Board (in this Bill referred to as "the Board"), which shall consists of — (a) The Chairman; (b) one person who shall be an indigene to represent each of the following member States, that is: (i) Abia,	

(ii) Anambra, (iii) Ebonyi, (iv) Enugu, and (v) Imo; (c) a representative of the Federal Ministry of Finance; (d) a representative of the Federal Ministry of Justice; (e) the Managing Director of the Commission; and (f) two Executive Directors; (2) The Chairman and other members of the Board shall— (a) be appointed by the President, Commander-in-Chief Forces, subject to the confirmation of the Senate;	(ii) Anambra, (iii) Ebonyi, (iv) Enugu, and (v) Imo; (c) One person not below the rank of a Director to represent— (i) the Federal Ministry of Finance; (ii) the Federal Ministry of Justice; (iii) the Ministry responsible for budget and National Planning. (d) the Managing Director of the Commission; and (e) two Executive Directors who are to be appointed from member States not being represented by the Chairman and the Managing Director of the Commission and shall be designated as: i. Executive Director, Administration and Finance; and ii. Executive Director, Operations (2) At no time should any Member State within the South East Zone, have two (2) members on the Board. (3) The Chairman and other members of the Board shall— (a) be appointed by the President, Commander-in-Chief of the Armed Forces, subject to the confirmation of the Senate;	This amendment is intended to ensure equitable distributions of positions amongst the member States. The introduction of sub-paragraphs i. and ii. is to ensure that the roles of the Executive Directors are specified to avoid conflicts. This new sub-clause(3) was introduced to ensure that there is one representative on the Board of the Commission, from each of the Member States of the South
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(b) be persons of proven integrity and ability. (3) The members of the Board referred to in paragraph (d) of subsection (i) of this Section shall be part-time members. (4) The supplementary provision 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.	(b) Retained as in the Bill (4) The members of the Board referred to in paragraph (a), (b) and (c) of subsection (1) of this Section shall be part-time members. (5) The supplementary provision set out in the schedule to this Bill shall have effect with respect to the proceedings of the Board and the other matters contained therein.	East Zone.
Tenure of office 3.—(1) Subject to the provisions of section 4 of this Act a member of the Board, other than an <i>ex-officio</i> member, shall hold office for a term of 4 years at the first instance and may be reappointed for a further term of 4 years and no more. (2) The member of the Board shall be paid such remunerations and allowances as the Federal Government may, from time to time, determine for the chairman and members of statutory board generally. (3) A member of the Board other than <i>ex-officio</i> members, may resign his appointment by notice, in writing under his hand addressed to the President Commander-in-Chief of the Armed Forces.	Tenure of office 3. Retained as in the Bill	
Rotation of Office of Chairman of the Commission 4. The office of the Chairman of the Commission shall rotate among the member states of the Commission in the following alphabetical sequence of — (a) Abia; (b) Anambra; (c) Ebonyi;	Rotation of Office of Chairman of the Commission 4. The office of the Chairman of the Commission shall rotate among the member states of the Commission in the following alphabetical order — (a) Retained as in the Bill (b) Retained as in the Bill (c) Retained as in the Bill	

(d) Enugu; and (e) Imo.	(d) Retained as in the Bill (e) Retained as in the Bill	
Cessation of Membership of the Board 5.—(1) Notwithstanding the provisions of section 3 of this Act, a person shall cease to hold office as a member of the Board if— (a) he becomes bankrupt, suspends payment or compounds with his creditors; or (b) he is convicted of a felony or any offence involving dishonesty or fraud; (c) he becomes of unsound mind, or incapable of carrying out his duties; or (d) he is guilty of a serious misconduct in relation to his duties; or (e) in the case of a person possessed of professional qualification, he is disqualified or suspended, other than at his own request, from practicing his profession in any part of the world by an order of a competent authority made in respect of that member; or (f) he resigns his appointment by a letter addressed to the President, Commander-in-Chief of the Armed Forces (3) Where a vacancy occurs in the membership of the Board, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so however, that the successor shall represent the same interest and shall be appointed	Cessation of Membership of the Board 5.Retained as in the Bill	

by the President, Commander-in-Chief of Armed Forces subject to the confirmation of the Senate.		
Allowances of Members 6. There shall be paid to every member of the council such allowances and expenses as Federal Government may, from time to time, direct.	Allowances of Members 6. There shall be paid to every member of the councilBoard such allowances and expenses as Federal Government may, from time to time, direct.	
PART II — FUNCTIONS AND POWERS OF THE COMMISSION, ETC. Functions and Powers of the Commission 7.—(1) The Commission shall – (a) formulate policies and guidelines for the development of the South East; (b) conceive, plan and implement, in accordance with set rules and regulations, projects and programmes for the sustainable development of the South East in the field of roads, education, health facilities, employment, industrialization, agriculture, housing and urban development, water supply, electricity and commerce; (c) prepare master plans and schemes designed to promote the physical development of the South East and the estimate of the cost of implementing such master plans and schemes; (d) implement all the measures approved for the development of the South East by the Federal Government and the member States of the Commission; (e) identify factors inhibiting the development of the South East and assist the member states in the formulation and implementation of policies to ensure sound and efficient management of the resources of the South East;	PART II — FUNCTIONS AND POWERS OF THE COMMISSION, ETC. Functions and Powers of the Commission 7.—(1) Retained as in the Bill (a) Retained as in the Bill (b) Retained as in the Bill (c) Retained as in the Bill (d) Retained as in the Bill (e) Retained as in the Bill	

(f) Conceive, conceptualize, plan and implement, in accordance with set rules and regulations, project and programmes for the sustainable development of the South-East area in the field of receiving and management of fund from allocation or the Federation and Donor funds for the rehabilitation and reconstruction of roads, reparation for houses and lost businesses of victim of the 1967-1970 civil war, ecological and soil erosion problems and other related environmental or development challenges. (g) Cause the South-East area to be surveyed in order to ascertain measures which are necessary to promote its physical and socio-economic development. (h) Assess and report on any project being funded or carried out in the South-East area for the purpose of rehabilitation and reconstruction of roads, reparation of houses and lost businesses of victims of the 1967-1970 Civil War by the Federal Government and ensure that the funds released for such projects are properly utilized. (i) Tackle ecological and environmental problems that arise from the soil erosion problems and other related environmental challenges in the South-East and advice the Federal Government and the member states on the prevention and control of the erosion and environmental challenge. (j) carry out such other functions as the President may, from time to time, direct. (2) In exercising its functions and powers under this section, the Commission shall have regard to the varied and specific contributions of each member state of the Commission.	(f) Conceive, conceptualize, plan and implement, in accordance with set rules and regulations, projects and programmes for the sustainable development of the South-East zonebyreceiving and management of fundsfromthe Federation account and Donor funds for the rehabilitation and reconstruction of roads, reparation for houses and lost businesses of victims of the civil war, ecological and soil erosion problems and other related environmental or developmental challenges. (g) Cause the South-East zone to be surveyed in order to ascertain measures which are necessary to promote its physical and socio-economic development. (h) Assess and report on any project being funded or carried out in the South-East zone for the purpose of rehabilitation and reconstruction of roads, reparation of houses and lost businesses of victims of the 1967-1970 Civil War by the Federal Government and ensure that the funds released for such projects are properly utilized. (i) Retained as in the Bill (j) Retained as in the Bill (2) Retained as in the Bill	
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Powers of the Board 8. The Board shall have power to— (a) manage and supervise affairs of the Commission; (b) make rules and regulations for carrying out the functions of the Commission; (c) enter and inspect premises, projects and such places as may be necessary for the purposes of carrying out its functions under this Act; (d) pay the staff of the Commission such remuneration and allowances as appropriate; (e) enter into such contracts as may be necessary or expedient for the discharge of its functions and ensure the efficient performance of the functions of the Commission; (f) do such other things as are necessary and expedient for the efficient performances of the functions of the Commission.	Powers of the Board 8. Retained as in the Bill	
PART III — STRUCTURE OF THE COMMISSION Establishment of Directorates 9.—(1) There shall be established in the Head Office of the Commission, the following Directorates— (a) the Directorate of Administration, Human Resources and man power Development; (b) the Directorate of Community and Rural Development; (c) the Directorate of Utilities, Infrastructural Development;	PART III — STRUCTURE OF THE COMMISSION Establishment of Directorates Departments 9.—(1) There shall be established in the Head Office of the Commission, the following Directorates Departments— (a) the Directorate Department of Administration, Human Resources and man power Development; (b) the Directorate of Community and Rural Development; (c) the Directorate Department of Utilities and Infrastructural	The Committee deleted some departments created in this clause because they appeared unwieldy, and considering the fact that the Board has been vested with powers to create new ones as exigencies demand, it is therefore unnecessary to have

(d) the Directorate of Finance and Supplies; (e) the Directorate of Agriculture and Rural Development, (f) the Directorate of Planning, Research, Statistics and Management Information system; (g) the Directorate of Legal Services and Corporate Affairs; (h) the Directorate of Education, Health and Social Services; (i) the Directorate of Commercial and Industrial Development; and (j) the Directorate of Projects Monitoring and Supervision. (2) The Board may increase the number of Directorates as it may deem necessary.	Development; (d) the DirectorateDepartment of Finance and Supplies; (e) the Directorate of Agriculture and Rural Development; (f) the DirectorateDepartment of Planning, Research, Statistics and Management Information system; (g) the Directorate of Legal Services and Corporate Affairs; (h) the Directorate of Education, Health and Social Services; (i) the Directorate of Commercial and Industrial Development; and (2) There shall exist in the Commission, a Project the Directorate of Projects Monitoring and Supervision Unit, which shall be under the supervision of the Managing Director. (2) The Board may increase the number of DirectoratesDepartments as it may deem expedient to facilitate the effective performance of the functions of the Commission.	such a large of Departments created in this Bill.
Establishment of the Management Committee 10. There shall be for the Commission a management Committee which shall— (a) consist of a Chairman who shall be the Managing Director, the Executive Directors, the Directors responsible for the Directorates under section 9 of this Act and such number of other members as may be determined from time to time; (b) be responsible to the Board and the Managing Director for the general administration of the Commission.	Establishment of the Management Committee 10. There shall be for the Commission, a management Committee, which shall— (a) consist of a Chairman who shall be the Managing Director, the Executive Directors, the Directors responsible for the Departments under section 9 of this Bill and such number of other members as may be determined from time to time; (b) be responsible to the Board and the Managing Director for the general administration of the Commission.	

Establishment and Membership and Functions of the South East Development 11.—(1) There is hereby established for the Commission, a South East Development Advisory Committee (in this Act referred to as “the Advisory Committee”) which shall consist of— (a) the Governors of the member states of the Commission; and (b) two other persons as may be determined, from time to time, by the President, Commander-in-Chief of the Armed Forces. (2) The Advisory Committee shall be charged with the responsibility of advising the Board on the activities of the Commission. (3) The Advisory Committee may make rules regulating its own proceedings.	Establishment of the South East Development Commission Advisory Committee 11.—(1) There is hereby established for the Commission, a South East Development Advisory Committee (in this Bill referred to as “the Advisory Committee”), which shall consist of— (a) Retained as in the Bill (c) two other persons as may be appointed, from time to time, by the President, Commander-in-Chief of the Armed Forces. (2) Retained as in the Bill (3) Retained as in the Bill	
	Commission Secretary/Legal Adviser <i>12. (1) The Board shall appoint a Secretary to the Commission who shall also act as its Legal Adviser.</i> <i>(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.</i> <i>(3) The Secretary shall-</i> <i>(a) keep proper records and books of the Commission;</i> <i>(b) record proceedings of the Board and its Committees;</i> <i>(c) be responsible for the administration of the Secretariat;</i> <i>(d) issue notices of meetings of the Board and its committees; and</i> <i>(e) be responsible to the Managing Director and the Board.</i>	This new clause was introduced because it is appropriate for a Commission of this magnitude to have a Secretary/Legal Adviser to perform the functions stipulated in sub-clause (3) of this new clause. Accordingly, the preceding clauses were renumbered.

	<i>(4) The Secretary shall hold office on such terms and conditions as may be specified by the Board.</i>	
PART IV — STAFF OF THE COMMISSION. Appointment of Executive Secretary, etc. 12.—(1) There shall be for the Commission, a Managing Director, and two Executive Directors who shall — (a) have such qualification and experience as are appropriate for a person required to perform functions of that office under this Act, and (b) be the Chief executive and accounting officer of the Commission. (c) hold office on such terms and conditions as to emolument, conditions of service as may be specified in his letter of appointment. (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) for keeping the books and proper records of the proceedings of the Board; and (c) for—	PART IV — STAFF OF THE COMMISSION. Appointment of the Managing Director and Other Staff of the Commission 13.—(1) There shall be for the Commission, a Managing Director and two Executive Directors who shall — (a) Retained as in the Bill (b) Retained as in the Bill (c) be appointed by the President of the Federal Republic of Nigeria and confirmed by the Senate; (d) Retained as in the Bill (2) Retained as in the Bill (a) Retained (b) the general direction and control of all other employees of the Commission. (c) Deleted (d) Deleted	Paragraphs (b) and (c) of this clause in the draft Bill were deleted because the functions have

(i) the administration of the Secretariat of the Board, and (ii) the general direction and control of all other employees of the chairman. (3) The Board shall have to— (a) employ either directly or on secondment from any civil or public service, in the Federation or a State such number of employees as may, in the opinion of the Board, be required to assist the Board in the discharge of any of its functions under this Act; and (b) pay to persons so employed such remuneration (including allowances) as the Board may determine).	Delete Delete (3) Retained as in the Bill Retained Retained	already been conferred on the Secretary of the Commission.
Service in the Commission to be pensionable 13.—(1) Service in the Commission shall be approved service for the purposes of the Pension Act. (2) The officers and other persons employed in the commission shall be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades as appropriate. (3) Nothing in subsections (1) and (2) of this Section shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office. (4) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by the Minister or other authority of the Government of the Federation, other than the power to make regulations under section 23 thereof, is hereby vested in and shall be exercisable by the commission, and not by any other person or authority.	Service in the Commission to be pensionable 14. Retained as in the Bill Retained Retained Retained	

PART V — FINANCIAL PROVISIONS

Fund of the Commission

14.—(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—

- (a) from the Federal Government, the equivalent of 15 percent of the total monthly statutory allocations due to the member States of the Commission from the Federation Account; this being the contribution of the Federal Government to the Commission;
- (b) 50 percent of monies due to member States of the Commission from the Ecological Fund;
- (c) 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;
- (d) all moneys raised for the purposes of the Commission by way of gifts, loan, grants-in-aid, testamentary disposition or otherwise; and
- (e) 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 general of the power to make rules under this subsection, the rules shall in particular contain provisions—

PART V — FINANCIAL PROVISIONS

Fund of the Commission

15.—(1) Retained as in the Bill

(2) Retained as in the Bill

(a) from the Federal Government, the equivalent of 10 percent of the total monthly statutory allocations due to the member States of the Commission from the Federation Account; this being the contribution of the Federal Government to the Commission;

(b) 25 percent of monies due to member States of the Commission from the Ecological Fund;

(c) Retained as in the Bill

(d) Retained as in the Bill

(e) Retained as in the Bill

(3) Retained as in the Bill

(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.	Retained Retained	
Expenditure of the Commission 15. The Commission shall apply the proceeds of the fund established pursuant to section 14 of this Act 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.	Expenditure of the Commission 16. The Commission shall apply the proceeds of the fund established pursuant to section 15 of this Bill to – (a) Retained (b) Retained (c) Retained (d) Retained (e) undertaking such other activities as are connected with all or any of the functions of the Commission under this Bill.	
Gifts to the Commission 16.—(1) The Commission may accept gifts of land, money or other property on such terms and conditions; it may be specified by the person or organisation making the gift. (2) The Commission shall not accept any gift if the conditions	Gifts to the Commission 17. Retained as in the Bill Retained	

attached by the person or organisation making the gift are inconsistent with the functions of the Commission under this Bill.		
Power to borrow money 17. The Commission may, with the consent of the President, Commander-in-Chief of the Armed Forces, borrow, on such terms and conditions as the Commission may require in the exercise of its functions under this Bill.	Power to borrow money 18. Retained as in the Bill	
Annual Estimates and Expenditure 18.—(1) The Board shall, not later than 30th September in each year, submit to the President, Commander-in-Chief of the Armed Forces an estimate of the expenditure and income of the Commission during the next succeeding year. (2) The Board shall cause to be kept proper accounts of the Commission in respect of each year and proper records in relation thereto and shall cause the accounts to be audited not later than 6 months after the end of each year by auditors appointed from the list in accordance with the guidelines supplied by the Auditor-General for the Federation.	Annual Estimates and Expenditure 19. Retained as in the Bill Retained	
Quarterly Report 19. The Commission shall, at the end of every quarter in each year, submit to the President, Commander-in-Chief of the Armed Forces a report on the activities and administration of the Commission.	Quarterly Report 20. Retained as in the Bill	
Annual Report 20. The Board shall prepare and submit to the President, Commander-in-Chief of the Armed Forces, not later than 30th June in each year, a report in such form as the President, Commander-in-Chief of the Armed Forces, may direct on the activities of the Commission during the immediately preceding year, and shall include in the report a copy of the audited accounts of the Commission for that year and the auditor's report thereon.	Annual Report 21. Retained as in the Bill	

(2) The President, Commander-in-Chief of the Armed Forces 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.	Retained	
PART VI — MISCELLANEOUS PROVISION. Establishment of Monitoring Committee. 21.—(1) There is hereby established for the Commission a monitoring Committee which shall consist of such number of persons as the President, Commander-in-Chief of the Armed Forces may deem fit to appoint from the Public or Civil Service of the Federation. (2) The Monitoring Committee shall — (a) monitor the management of the funds of the Commission and the implementation of the projects of the Commission; and (b) have access to the books of accounts and other records of the Commission at all times, and submit periodical reports to the President, Commander-in-Chief of the Armed Forces.	PART VI — MISCELLANEOUS PROVISION Establishment of Monitoring Committee 22.Delete Delete Delete Delete	It is our concerted view that this provision be deleted because it is unnecessary. The Commission contemplated to be established under this Bill will be an executive body charged with statutory functions that will be subjected to legislative oversight of the National Assembly. Therefore, this provision is superfluous.
Office and Premise of the Commission, Cap. 202 LFN. 22.—(1) For the purposes of providing offices and premises necessary for the performance of its functions under this Act, the Commission may, subject to the land use Act— (a) purchase or take on lease any interest land, or other property; and	Office and Premise of the Commission, Cap. 202 LFN. 23.Retained as in the Bill Retained	

Service of Documents. 25. A notice, summons or other document required or authorised to be served upon the Commission under the provisions of this Act or any other law or enactment may be served by delivering it to the Managing Director or by sending it by registered post and addressed to the Managing Director at the principal office of the Commission.	Service of Documents. 26. Retained as in the Bill	
Restriction on Execution against Property of the Commission 26.—(1) In any action or suit against the Commission, no execution or attachment of process against the Commission unless not less than three months notice of the intention to execute or attachment has been given to the Commission. (2) Any sum of money which by the judgment of any court has been awarded against the Commission shall be subject to any direction given by the court, where no notice of appeal against the judgment has been given be paid from the fund of the Commission.	Restriction on Execution against Property of the Commission 27.—(1) In any action or suit against the Commission, no execution or attachment of process thereof can be issued against the Commission, unless not less than three months months notice of the intention to execute or attachment has been given to the Commission. (2) Any sum of money, which may by the judgment of any court, has been awarded against the Commission shall, subject to any direction given by the court where no notice of appeal against the said judgment has been given, be paid from the fund of the Commission.	
Indemnity of Officers. 27. A member of the Board, the Managing Director, any officer or employee of the Commission shall be indemnified out of the assets of the Commission against any proceeding, whether civil or criminal, in which judgment is given in this favour or in which he is acquitted, if any such proceeding is brought against him in his capacity as a member of the Board, the Managing Director, officers or employee of the Commission.	Indemnity of Officers. 28. Retained	
Regulations 28. The Commission may, with the approval of the President, Commander-in-Chief of the Armed Forces, make regulations, generally for the purposes of giving full effect to this Act.	Regulations 29. Retained	
Interpretations	Interpretations	

29. In this Act, unless the context otherwise requires— “Chairman” means the Chairman of the Board; “Commission” means the South East Development Commission, established by section 1 of this Act; “Board” means the Governing Board established for the Commission under section 2 (1) of this Act; “Member” means a member of the Board and includes the Chairman, Managing Director and Executive Directors; “Member States” include Abia, Anambra, Ebonyi, Enugu, and Imo States; and “President” means the President of the Federal Republic of Nigeria.	30. Retained as in the Bill Retained “Commission” means the South 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; Retained Retained “President” means the President and Commander-In-Chief of the Forces of the Federal Republic of Nigeria.	
Citation 30. This Act may be cited as the South East Development Commission (Establishment etc.) Bill, 2016.	Citation 31. This Bill may be cited as the South East Development Commission (Establishment, Etc.) Bill, 2017.	
SCHEDULE <i>Section 2(4)</i> SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD ETC. <i>Proceedings of the Board.</i> 1.—(1) Subject to this Act and section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any of its Committees.	SCHEDULE <i>Section 2(5)</i> SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD ETC. <i>Proceedings of the Board.</i> Retained	

(2) The Board shall meet whenever it is summoned by chairman is required to do so by notice 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.—(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 person 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. <i>Miscellaneous</i> 3.—(1) The fixing of the seat of the Committee shall be authenticated by the signature of the Chairman and the Secretary to the Board. (2) A document purporting to be a document duly executed under the seat of the Commission shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.	(2) At any meeting of the Board, the Chairman shall preside but in his absence the members present at the meeting shall appoint one of them to preside. (3) The Board shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice 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. Retained Retained Retained <i>Miscellaneous</i> 3.—(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 specifically authorised by the Board to act for that purpose and the Secretary to the Board. (2) A document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed. (3) The Board shall meet a minimum of four (4) times a year. At least one meeting in each quarter.	
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(3) The validity of any proceedings of the Board or of a Committee shall not be adversely affected by— (a) a vacancy in the membership of the Board or Committee; or (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.	(4) Retained as in the Bill Retained Retained Retained	
EXPLANATORY MEMORANDUM This Bill seeks to establish the South East Development Commission in the Federal Republic of Nigeria to be charged with the responsibility of Managing and administering for effectiveness, the sums received from the allocation of the Federation account for reinvigorating the commercial potentials of the South East and for the overall economic development of the South East.	EXPLANATORY MEMORANDUM This Bill seeks to establish the South East Development Commission in the Federal Republic of Nigeria to be charged with the responsibility of Managing and administering for effectiveness, the sums received from the allocation of the Federation account for reinvigorating the commercial potentials of the South East and for the overall economic development of the South East.	