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**NATIONAL AGENCY FOR THE GREAT GREEN WALL
(ESTABLISHMENT) ACT, 2015**



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**NATIONAL AGENCY FOR THE GREAT GREEN WALL
(ESTABLISHMENT) ACT, 2015**

ACT No. 3

AN ACT TO ESTABLISH THE NATIONAL AGENCY FOR THE GREAT GREEN WALL
FOR THE IMPLEMENTATION OF THE GREAT GREEN WALL PROGRAMME
IN NIGERIA ; AND FOR RELATED MATTERS.

[27th Day of May, 2015]

Commence-
ment.

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

PART I—ESTABLISHMENT OF THE NATIONAL AGENCY
FOR THE GREAT GREEN WALL

1.—(1) There is established the National Agency for the Great Green Wall (in this Act referred to as ‘the Agency’).

Establishment
of National
Agency for
Great Green
Wall.

(2) The Agency shall be a body corporate—

(a) with perpetual succession and a common seal ;

(b) which may sue or be sued in its corporate name ; and

(c) which may acquire, hold, purchase, mortgage and deal with property, movable or immovable, real or personal.

2. The Head Office of the Agency shall be in Abuja with field offices, in the frontline States as defined in the First Schedule to this Act.

Head Office
of the
Agency:
First
Schedule.

3.—(1) There is established the National Council on the Great Green Wall (in this Act referred to as ‘the Council’).

Establishment
of the
National
Council on
the Great
Green Wall.

(2) The Council shall be the governing body for the Agency.

4.—(1) The Council shall consist of—

Composition
of the
Council.

(a) a chairman who shall be appointed by the President, on the recommendation of the Minister ;

(b) a representative of the Secretary to the Government of the Federation not below the rank of a Director ;

(c) one representative each from the following Federal Ministries, not below the rank of a Director—

- (i) Environment,
- (ii) Finance,
- (iii) Youth Development,
- (iv) Information,
- (v) National Planning,
- (vi) Water Resources,
- (vii) Science and Technology,
- (viii) Agriculture and Rural Development,
- (ix) Women Affairs and Social Development, and
- (x) Education ;

(d) Permanent Secretary, Ecological Fund Office or his representative ;

(e) 3 representatives of the private sector to be appointed by the President on the recommendation of the Minister of Environment ;

(f) a representative from each of the 6 geo-political zones of the country ; and

(g) Director-General of the Agency who shall be the Secretary to the Council.

(2) Members referred to in sub-section (1) (e) and (f) of this section shall be persons versed in areas of drought, desertification, afforestation and environmental management.

Second
Schedule.

(3) The supplementary provisions set out in the Second Schedule to this Act shall have effect with respect to the proceedings of the Council and other matters contained therein.

General
powers of
the Council.

5. The Council shall—

(a) formulate policies for the attainment of the objectives of the Agency under this Act ;

(b) consider and approve policies for the implementation of the Great Green Wall Programme ;

(c) ensure the efficient performance of the functions of the Agency ;

(d) receive and consider for approval the budget, annual report and audited accounts of the Agency ;

(e) approve staff regulations, rules and operational guidelines ; and

(f) carry out such other functions as are incidental to the performance of its functions under this Act.

PART II—FUNCTIONS AND POWERS OF THE AGENCY

6. The functions of the Agency are to—

Functions of
the Agency.

(a) implement the Great Green Wall Programme (“the Programme”) in Nigeria ;

(b) provide baseline information to stakeholders for the implementation of the Programme ;

(c) formulate strategies and action plans for the implementation of the Programme ;

(d) co-ordinate efforts of agencies, organizations and institutions responsible for desertification towards the attainment of the objectives of the Programme ;

(e) build capacity, knowledge and skills at Federal, States and local community levels for the effective implementation of the Programme ;

(f) serve as the focal point for the co-ordination of interventions by regional, sub-regional and international organizations and agencies involved in natural resources management in the drylands of Nigeria in the implementation of the Programme ;

(g) ensure effective liaison with the African Union Commission and the Pan African Agency of the Great Green Wall ;

(h) ensure compliance with the provisions of international conventions, protocols, agreements and treaties pertaining to the implementation of the Programme ;

(i) monitor and ensure compliance with laws, rules and regulations on sustainable management of the natural resources in the affected land put in place by Government from time to time in consultation with States ;

(j) ensure uniformity of laws, rules and regulations that impact on the ecosystem ;

(k) ensure that projects funded by donor agencies to mitigate or eradicate effects of drought and desertification are properly implemented ;

(l) enter into scientific and technical co-operation with persons and institutions for the effective implementation of the Programme ;

(m) implement programmes geared towards the rehabilitation of degraded land and ecosystem restoration ;

(n) establish appropriate machinery for monitoring and evaluation of the Programme and put in place appropriate feedback mechanisms for necessary action of implementing institutions and stakeholders ;

(o) conduct environmental baseline studies and establish data bank for effective delivery of the Programme ;

(p) co-operate with the appropriate agencies of Government in the provision of emergency reliefs and settlement of people in areas affected by draught and desertification ;

(q) create public awareness and provide environmental education on the goals and objectives of the Programme in addition to promoting private sector and stakeholders compliance with guidelines, rules and regulations, including new orientation on sustainable land management system ;

(r) promote early warning systems and remedial measures on drought and desertification ;

(s) promote activities in the dry land for improved livelihood ; and

(t) do any other thing as is expedient for the realization of the functions of the Agency under this Act.

Powers of
the Agency.

7.—(1) The Agency shall have powers to—

(a) receive and disburse funds for the carrying out of approved projects ;

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

(c) enter into such contracts as may be contained in the approved programmes ;

(d) purchase or acquire any asset or business considered necessary for the proper conduct of its functions under this Act ; and

(e) sell, let, lease or dispose of any of the property of the Agency with the approval of the Council.

(2) The powers conferred on the Agency may be exercised by it or through any of its employees or agents as may be specifically authorized by a written mandate or policy direction.

PART III—STAFF OF THE AGENCY

Director-
General of
the Agency.

8.—(1) The President shall, on the recommendation of the Minister, appoint a Director-General for the Agency.

(2) The Director-General shall be—

(a) the Chief Executive and Accounting Officer of the Agency ; and

(b) responsible for the execution of the policies, programmes and plans as approved by the Council ; and

(c) responsible for the day-to-day administration of the Agency.

9.—(1) The Director-General shall hold office—

Tenure of
Office.

(a) for a period of 4 years subject to re-appointment by the President on the recommendation of the Council for a further term of 4 years and no more ; and

(b) on such other terms and conditions as may be specified in his letter of appointment.

(2) The office of the Director-General becomes vacant where—

(a) his term of office expires ;

(b) he resigns his appointment by a notice in writing under his hand addressed to the President ;

(c) he dies ;

(d) he is incapable of performing the functions of his office due to mental or physical illness ;

(e) he has been convicted of a felony or any offence involving dishonesty ;

(f) he is guilty of gross misconduct relating to his duties ; or

(g) the President directs the removal of a member if he is satisfied that it is not in the interest of the Agency or the public for the person to continue in office as Director-General.

10.—(1) The Council shall appoint for the Agency, either directly or on secondment from any public service in the Federation, 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 under this Act.

Staff of the
Agency and
their
remunera-
tion.

(2) A person seconded to the Agency under this section may elect to be transferred to the service of the Agency and any previous service that person may have rendered in the public service shall count as service in the Agency for the purpose of any pension or entitlement under the Pension Reform Act.

Act No. 4,
2014.

(3) The National Salaries, Incomes and Wages Commission is responsible for determining wages and salaries of employees of the Agency.

(4) The Council shall make rules relating generally to the conditions of service of employees of the Agency, including rules providing for the appointment, promotion, advancement, determination of appointment, and disciplinary control of those employees.

(5) Service in the Agency shall be subject to the Pension Reform Act and nothing in this section shall exclude the Agency from employing staff on non-pensionable terms and conditions.

The structure of the Agency:

11. The Agency shall have powers to establish departments, units and such other administrative outfits as the Agency may deem appropriate with the approval of the Council, from time to time.

PART IV—FINANCIAL PROVISIONS

Funds of the Agency:

12.—(1) The Agency shall establish and maintain a fund (“the Fund”) into which monies accruable to the Agency are paid and from which all the activities of the Agency shall be funded.

(2) There shall be paid and credited to the Fund—

(a) all subventions and annual budgetary allocations appropriated by the Federal Government for the Agency ;

(b) 15 percent of the Ecological Fund accruable to the Federal Government for the Great Green Wall ;

(c) contributions of funds from the natural resources development fund ; and

(d) gifts, loans and grants in aid from national, bilateral and multilateral organizations and donor international development agencies as well as individuals or corporate organisations.

Power to accept gifts.

13.—(1) The Agency 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.

(2) The Agency shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Agency under this Act.

Power to borrow.

14. The Agency may, with the approval of the Council, borrow such sums of money as may be required, from time to time, to execute or complete any special project of the Agency.

Estimates of the Agency.

15. The Agency shall, not later than 30th September in each financial year, submit to the National Assembly through the Minister, an estimate of income and expenditure of the Agency during the next succeeding year.

Accounts and audit.

16.—(1) The Agency shall keep proper and regular accounts and other records of monies received and paid by the Agency and of the several purposes for which the monies have been received or paid, and of its assets, credits and liabilities.

(2) The Agency shall do all things necessary to ensure that all payments out of its funds and bank accounts are correctly made and properly authorised and that adequate control is maintained over the assets in its custody and over the expenditures incurred by the Agency.

(3) The Council shall cause the accounts of the Agency to be audited quarterly and shall be externally audited once every year.

(4) The Auditor-General of the Federation shall—

(a) inspect and audit the accounts and records of financial transaction of the Agency ;

(b) inspect records relating to assets of the Agency ; and

(c) draw the attention of the Minister to any irregularity disclosed by the inspection and audit.

(5) The Auditor-General may dispense with all or any part of the detailed inspection and audit of any account or record referred to in section 16(3) of this Act.

(6) The Auditor-General or an officer authorized by him is entitled at all reasonable time to a full and free access to all accounts, records, documents and papers of the Agency relating directly or indirectly to the receipt or payment of money by the Agency or to the acquisition, receipt, custody or disposal of assets by the Agency.

(7) As soon as the accounts and the financial statements of the Agency have been audited in accordance with the requirement of this Act, the Council shall forward a copy of the audited financial statements to the Minister for onward transmission to the National Assembly, together with any report or observation made by the auditors and the Auditor-General on the statement of accounts.

(8) The audited accounts of the Agency and the Auditor-General's report on those accounts shall form part of the Auditor-General's overall annual report to the National Assembly.

17. The Agency shall submit to the Minister, not later than 30th June of each financial year, a report of its activities during the preceding financial year and it shall include a copy of the audited accounts of the Agency for that year and a copy of auditor's report thereon.

Annual
Report.

PART V—STATES AND LOCAL GOVERNMENTS IMPLEMENTATION COMMITTEES

States and
Local
Governments
Implementa-
tion
Committees.

18.—(1) For the purpose of executing the Programme in the frontline States, such States may establish Implementation Committees or such other similar institutions to carry out any component of the Programme in their respective States.

(2) The affected Local Governments in the frontline States may establish Local Government Implementation Committees to carry out any component of the Programme at the Local Government and Community levels.

(3) The frontline States may by law make provision for the structure, operation and functions of the Implementation Committees in the States and their respective Local Governments.

Relationship
between the
Agency,
States and
Local
Government
Implementa-
tion
Committees.

19.—(1) The Agency shall maintain effective liaison with the Implementation Committees established in the frontline States and Local Government Areas of such States to—

(a) ascertain the status of the Programme in the States and Local Government Areas concerned ;

(b) review, in conjunction with the States or Local Governments, matters connected with or expected to affect the progress of the Programme in the States or Local Government areas ; and

(c) consider and advise the States and Local Government Areas on the adoption of the best strategies for the realization of objectives of the Programme.

(2) The Agency, as considered appropriate, may assist a frontline State or Local Government Implementation Committee in the formulation and preparation of strategic plans for the implementation of any component of the Programme in a State or its Local Government or in their local communities.

(3) The Agency may provide information and render advice to Implementation Committees in the frontline States and their Local Government Areas or to any person or body, where it considers that, to do so will assist in achieving the efficient implementation of the Programme.

(4) The Agency shall provide such technical assistance as may be practicable and also encourage frontline States to provide technical and financial assistance, including training, human capacity development, transfer of any required technology to the local communities in the frontline States for the attainment of the objectives of the Programme.

20.—(1) For the purpose of monitoring progress in the execution of the Programme, the Agency may obtain quarterly reports from the States and Local Government Implementation Committees on the activities and progress made in the implementation of the Programme.

Progress report.

(2) The quarterly reports on the progress of implementation of the Programme in the frontline States shall include—

(a) the progress of the implementation of the strategic plans ;

(b) the extent to which the projects set out in the strategic plan are being achieved ; and

(c) the review of any enforcement mechanism contained in a strategic plan.

21. The Agency shall put in place an appropriate machinery for the monitoring of the implementation of the Programme in the frontline States and their respective Local Government Areas.

Monitoring of programme implementation in frontline States. Cap. P41 LFN, 2004.

PART V—MISCELLANEOUS

22.—(1) The provisions of the Public Protection Act shall apply in relation to any suit instituted against any officer or employee of the Agency.

Limitation of suits against the Agency.

(2) No suit shall be commenced against a member of the Council, the Director-General, officer or employee of the Agency before the expiration of a period of 60 days after written a notice of intention to commence the suit shall have been served upon the Agency by the intending plaintiff or his counsel.

(3) The notice referred to in section 22(2) of this Act shall state—

(a) cause of action ;

(b) particulars of the claims ;

(c) name and place of abode of the intending plaintiff ; and

(d) relief which he claims.

23. A notice, summons or any other document required or authorized to be served upon the Agency under the provisions of this Act or any other law or enactment may be served by delivering it to the Director-General at the head office of the Agency.

Service of documents.

Restriction
on
execution
against
property of
the Agency.

24. No execution or attachment of process shall be issued against the Agency in any action or suit without the consent of the Attorney-General of the Federation.

Indemnity
of officers.

25. A member of the Council, the Director-General and Officers of the Agency shall be indemnified against any proceeding, whether civil or criminal, in which judgment is given in his favour, or in which he is acquitted, if any such proceeding is brought against him in his capacity as member of the Council, the Director-General, Officer or employee of the Agency.

Engagement
of
consultants
and experts.

26. The Director-General may, with the approval of the Council, engage persons with knowledge or experience in drought, desertification and deforestation control, and environmental matters or in any other area pertaining to the functions of the Agency to assist the Agency otherwise than on the basis of full time employment.

Power to
make
Regulations.

27.—(1) Subject to the approval of the Minister, the Agency shall have powers to make regulations for the proper implementation of the provision of this Act.

(2) Any contravention of the provisions of a regulation made under this section shall be penalized as may be prescribed in the regulation.

Power of
Minister to
issue
directives to
the Agency.

28. The Minister may issue to the Agency directives of a general or special nature with respect to any of the functions of the Agency under this Act.

Interpretation.

29. In this Act—

“*Agency*” means the National Agency for the Great Green Wall established under section 1(1) of this Act ;

“*Council*” means the Governing Council of the Agency established under section 3(1) of this Act ;

“*desertification*” includes drought and desert encroachment, land degradation in arid, semi- arid and dry-humid areas resulting from various factors, including climatic variations and human activities ;

“*dryland*” means arid, semi arid and dry humid areas in the frontline States ;

“*ecosystem*” mean the interconnected community of living things interacting with their physical environment to form a life support system ;

“*frontline States*” means Bauchi, Borno, Jigawa, Kano, Kebbi, Sokoto, Yobe, Zamfara, Adamawa, Katsina and Gombe States of Nigeria ;

“*function*” includes power and duty ;

“*Government*” includes the Federal, State and Local Governments of the Federation ;

“*Great Green Wall Programme*” or “*Programme*” means the Great Green Wall initiative conceived as a set of cross-sectoral actions and interventions aimed at the conservation and protection of natural resources with a view to achieving development and particularly alleviating poverty ;

“*Implementing Committees*” means the Implementation Committees at State and Local Governments level referred under Part V of this Act ;

“*Integrated ecosystem management*” means a holistic approach to addressing the link between ecosystem functions and services, and the human, social, economic and production system ;

“*international conventions*” referred to in this Act includes the United Nations Convention to Combat Desertification, 1994, Convention on the Great Green Wall, 2010, Convention on Biodiversity, 1992 and the United Nations Convention on Climate Change, 1992 ;

“*member*” means a member of the Council and includes the Chairman and the Director-General ;

“*Minister*” means the Minister responsible for the environment ;

“*President*” means the President of the Federal Republic of Nigeria ;

“*Project Implementation Committee*” means the Implementation Committee at the State and Local Government levels referred under Part V of this Act ;

“*shelterbelt*” means a strip of trees and shrubs consisting of at least 3 parallel rows planted to shelter community and their land from strong winds.

30. This Act may be cited as the National Agency for the Great Green Wall (Establishment) Act, 2015. Citation.

SCHEDULES

FIRST SCHEDULE

Section 2

LIST OF FRONTLINE STATES

1. Bauchi State ;
2. Borno State ;
3. Jigawa State ;
4. Kano State ;
5. Kebbi State ;
6. Sokoto State ;
7. Yobe State ;
8. Zamfara State ;
9. Adamawa State ;
10. Katsina State ; and
11. Gombe State,

(2) Notwithstanding the meaning of frontline States under section 29 of this Act, the Council shall, with the approval of the National Assembly, from time to time, by order published in the *Gazette*, alter, add, delete or amend the provisions of the First Schedule to this Act to include more States of the Federation of Nigeria that may be affected with drought and desertification.

SECOND SCHEDULE

Section 4 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

Proceedings of the Council

1.—(1) Subject to provisions of this Act and section 27 of the Interpretation Act, the Council may make standing orders regulating its proceedings or those of any of its committees.

Cap. I 23
LFN, 2004.

(2) The quorum of the Council shall be the Chairman, or the person presiding at the meeting, and 7 other members of the Council, 3 of whom shall be ex-officio members, and the quorum of any committee of the Council shall be as determined by the Council.

(3) The Council 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 8 other members, he shall summon a meeting of the Council to be held within 24 days from the date on which the notice is given.

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

Committees of the Council

2.—(1) The Council may appoint one or more committees to carry out, on behalf of the Council, such functions as the Council may determine.

(2) The Committee appointed under this paragraph shall consist of such number of persons as may be determined by the Council and a person shall hold office in the Committee in accordance with the terms of his appointment.

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

The seal of the Agency

3.—(1) The fixing of the seal of the Agency shall be authenticated by the signature of the Director-General and the Head of the Legal Unit of the Agency.

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

Miscellaneous

4.—(1) The validity of any proceeding of the Council or its committees shall not be affected by—

- (a) any vacancy in the membership of the Council or its committees ;
- (b) reason that a person not entitled to do so took part in the proceedings ; or
- (c) any defect in the appointment of a member.

(2) Any member of the Council or Committee who has a personal interest in any arrangement entered into or proposed to be considered by the Council or any Committee shall—

- (a) disclose his interest to the Council or Committee ; and
- (b) not vote on any question relating to the arrangement.

(3) A resolution of the Council is valid, even though it is not passed at a meeting of the Council, if—

- (a) the notice in writing of the proposed resolution was given to each member ; and
- (b) the resolution is signed or assented to by a simple majority of members of the Council, including the Director-General.

I certify, in accordance with section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

SALISU ABUBAKAR MAIKASUWA, OON, mni
Clerk to the National Assembly
26th Day of May, 2015.

EXPLANATORY MEMORANDUM

This Act establishes the National Agency for the Great Green Wall for the implementation of the provisions of the Convention on the Great Green Wall Programme in Nigeria, management of drought, desertification and afforestation control measures.