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RIVER BASINS DEVELOPMENT AUTHORITIES
DECREE 1979



Decree No. 87

[28th September 1979]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. There shall be continued in being, in accordance with the provisions of this Decree, the eleven bodies corporate known by the following names, that is to say—

River
Basins
Develop-
ment Autho-
rities con-
tinued in
being.

- (a) the Sokoto-Rima River Basin Development Authority ;
- (b) the Hadejia-Jama'are River Basin Development Authority ;
- (c) the Chad Basin Development Authority ;
- (d) the Upper Benue River Basin Development Authority ;
- (e) the Lower Benue River Basin Development Authority ;
- (f) the Cross River Basin Development Authority ;
- (g) the Anambra-Imo River Basin Development Authority ;
- (h) the Niger River Basin Development Authority ;
- (i) the Ogun-Oshun River Basin Development Authority ;
- (j) the Benin-Owena River Basin Development Authority ; and
- (k) the Niger Delta Basin Development Authority ;

which shall in their respective areas have such powers and exercise such functions as are specified in this Decree.

2.—(1) Each Authority shall consist of the following members, that is to say—

Membership.

- (a) in respect of the Sokoto-Rima River Basin Development Authority—
 - (i) three persons who possess detailed knowledge of the area of the Authority appointed by the Federal Executive Council, one of whom shall be appointed as Chairman of the Authority at the time of his appointment ;
 - (ii) the Permanent Secretary, Federal Ministry of Agriculture and Water Resources or his representative ;
 - (iii) three persons appointed by the Government of Sokoto State ;

(iv) the Permanent Secretary, Sokoto State Ministry of Agriculture and Natural Resources or his representative ;

(v) one person appointed by the Government of Kaduna State ;

(vi) the Permanent Secretary, Kaduna State Ministry of Agriculture and Natural Resources or his representative ;

(b) in respect of the Hadejia-Jama'are River Basin Development Authority—

(i) three persons who possess detailed knowledge of the area of the Authority appointed by the Federal Executive Council, one of whom shall be appointed as Chairman of the Authority at the time of his appointment and one of the remaining two persons who shall be from the Bedde Local Government area of Borno State ;

(ii) the Permanent Secretary, Federal Ministry of Agriculture and Water Resources or his representative ;

(iii) three persons appointed by the Government of Kano State ;

(iv) the Permanent Secretary, Kano State Ministry of Agriculture and Natural Resources or his representative ;

(v) one person appointed by the Government of Bauchi State ;

(vi) the Permanent Secretary, Bauchi State Ministry of Agriculture and Natural Resources or his representative ;

(c) in respect of the Chad Basin Development Authority—

(i) three persons who possess detailed knowledge of the area of the Authority appointed by the Federal Executive Council, one of whom shall be appointed as Chairman of the Authority at the time of his appointment ;

(ii) the Permanent Secretary, Federal Ministry of Agriculture and Water Resources or his representative ;

(iii) three persons appointed by the Government of Borno State ;

(iv) the Permanent Secretary, Borno State Ministry of Agriculture and Natural Resources or his representative ;

(v) one person appointed by the Government of Gongola State ;

(vi) the Permanent Secretary, Gongola State Ministry of Agriculture and Natural Resources or his representative ;

(d) in respect of the Upper Benue River Basin Development Authority—

(i) three persons with detailed knowledge of the area of the Authority appointed by the Federal Executive Council, one of whom shall be appointed as Chairman of the Authority at the time of his appointment ;

(ii) the Permanent Secretary, Federal Ministry of Agriculture and Water Resources or his representative ;

(iii) three persons appointed by the Government of Gongola State ;

(iv) the Permanent Secretary, Gongola State Ministry of Agriculture and Natural Resources or his representative ;

- (v) one person appointed by the Government of Bauchi State ;
- (vi) the Permanent Secretary, Bauchi State Ministry of Agriculture and Natural Resources or his representative ;
- (e) in respect of the Lower Benue River Basin Development Authority—
 - (i) three persons who possess detailed knowledge of the area of the Authority appointed by the Federal Executive Council, one of whom shall be appointed as Chairman of the Authority at the time of his appointment ;
 - (ii) the Permanent Secretary, Federal Ministry of Agriculture and Water Resources or his representative ;
 - (iii) two persons appointed by the Government of Benue State ;
 - (iv) the Permanent Secretary, Benue State Ministry of Agriculture and Natural Resources or his representative ;
 - (v) two persons appointed by the Government of Plateau State ;
 - (vi) the Permanent Secretary, Plateau State Ministry of Agriculture and Natural Resources or his representative ;
- (f) in respect of the Cross River Basin Development Authority—
 - (i) four persons who possess detailed knowledge of the area of the Authority appointed by the Federal Executive Council, one of whom shall be appointed as Chairman of the Authority at the time of his appointment ;
 - (ii) the Permanent Secretary, Federal Ministry of Agriculture and Water Resources or his representative ;
 - (iii) four persons appointed by the Government of Cross River State ;
 - (iv) the Permanent Secretary, Cross River State Ministry of Agriculture and Natural Resources or his representative ;
- (g) in respect of the Anambra-Imo River Basin Development Authority—
 - (i) three persons who possess detailed knowledge of the area of the Authority appointed by the Federal Executive Council, one of whom shall be appointed as Chairman of the Authority at the time of his appointment ;
 - (ii) the Permanent Secretary, Federal Ministry of Agriculture and Water Resources or his representative ;
 - (iii) two persons appointed by the Government of Anambra State ;
 - (iv) the Permanent Secretary, Anambra State Ministry of Agriculture and Natural Resources or his representative ;
 - (v) two persons appointed by the Government of Imo State ;
 - (vi) the Permanent Secretary, Imo State Ministry of Agriculture and Natural Resources or his representative ;
- (h) in respect of the Niger River Basin Development Authority—
 - (i) three persons who possess detailed knowledge of the area of the Authority appointed by the Federal Executive Council, one of whom shall be appointed as Chairman of the Authority at the time of his appointment ;

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- (ii) ~~the~~ Permanent Secretary, Federal Ministry of Agriculture and Water Resources or his representative ;
- (iii) ~~one~~ person appointed by the Government of Kwara State ;
- (iv) ~~the~~ Permanent Secretary, Kwara State Ministry of Agriculture and Natural Resources or his representative ;
- (v) ~~one~~ person appointed by the Government of Niger State ;
- (vi) ~~the~~ Permanent Secretary, Niger State Ministry of Agriculture and Natural Resources or his representative ;
- (vii) ~~one~~ person appointed by the Government of Kaduna State ;
- (viii) ~~the~~ Permanent Secretary, Kaduna State Ministry of Agriculture and Natural Resources or his representative ;
- (i) in respect of the Ogun-Oshun River Basin Development Authority—
- (i) ~~three~~ persons who possess detailed knowledge of the area of the Authority appointed by the Federal Executive Council, one of whom shall be appointed as Chairman of the Authority at the time of his appointment ;
- (ii) ~~the~~ Permanent Secretary, Federal Ministry of Agriculture and Water Resources or his representative ;
- (iii) ~~one~~ person appointed by the Government of Oyo State ;
- (iv) ~~the~~ Permanent Secretary, Oyo State Ministry of Agriculture and Natural Resources or his representative ;
- (v) ~~one~~ person appointed by the Government of Ogun State ;
- (vi) ~~the~~ Permanent Secretary, Ogun State Ministry of Agriculture and Natural Resources or his representative ;
- (vii) ~~one~~ person appointed by the Government of Lagos State ;
- (viii) ~~the~~ Permanent Secretary, Lagos State Ministry of Agriculture and Natural Resources or his representative ;
- (j) in respect of the Benin-Owena River Basin Development Authority—
- (i) ~~three~~ persons who possess detailed knowledge of the area of the Authority appointed by the Federal Executive Council, one of whom shall be appointed as Chairman of the Authority at the time of his appointment ;
- (ii) ~~the~~ Permanent Secretary, Federal Ministry of Agriculture and Water Resources or his representative ;
- (iii) ~~two~~ persons appointed by the Government of Bendel State ;
- (iv) ~~the~~ Permanent Secretary, Bendel State Ministry of Agriculture or his representative ;
- (v) ~~two~~ persons appointed by the Government of Ondo State ;
- (vi) ~~the~~ Permanent Secretary, Ondo State Ministry of Agriculture and Natural Resources or his representative ;

(k) in respect of the Niger Delta Basin Development Authority—

(i) six persons who possess detailed knowledge of the area of the Authority appointed by the Federal Executive Council, one of whom shall be appointed as Chairman of the Authority at the time of his appointment ;

(ii) the Permanent Secretary, Federal Ministry of Agriculture and Water Resources or his representative ;

(iii) the Permanent Secretary, Federal Ministry of Economic Development or his representative ;

(iv) the Permanent Secretary, Federal Ministry of Industries or his representative ;

(v) two persons appointed by the Government of Bendel State ; and

(vi) two persons appointed by the Government of Rivers State.

(2) Members of each Authority who are not public officers and who are appointed by the Federal Executive Council and the State Governments concerned shall be referred to as "nominated members".

(3) The provisions of the Schedule to this Decree shall have effect with respect to the proceedings of each Authority and the other matters therein mentioned.

3.—(1) A nominated member shall hold office for a period of 3 years from the date of his appointment and shall be eligible for re-appointment for one further term of 3 years and thereafter he shall no longer be eligible for re-appointment.

Tenure of office of members of the Authorities.

(2) A nominated member may resign his appointment by a letter addressed to the Commissioner in the case of a Federal member, or to the Secretary to the Military Government of the State that appointed him, in the case of a State member, and the resignation shall take effect on the date of receipt of the letter by the Commissioner or the Secretary to the State Military Government concerned.

4. The functions of each Authority shall be—

(a) to undertake comprehensive development of both surface and underground water resources for multi-purpose use ;

(b) to undertake schemes for the control of floods and erosion, and for water-shed management including afforestation ;

(c) to construct and maintain dams, dykes, polders, wells, bore-holes, irrigation and drainage systems and other works necessary for the achievement of the Authority's functions under this section ;

(d) to provide water from reservoirs and lakes under the control of the Authority for irrigation purposes to farmers and recognised associations as well as for urban water supply schemes for a fee to be determined by the Authority concerned, with the approval of the Commissioner ;

(e) the control of pollution in rivers, lakes, lagoons and creeks in the Authority's area in accordance with nationally laid-down standards ;

(f) to resettle persons affected by the works and schemes specified in this section or under special resettlement schemes:

Functions of each Authority.

(g) to develop fisheries and improve navigation on the rivers, lakes, reservoirs, lagoons and creeks in the Authority's area ;

(h) to undertake the mechanised clearing and cultivation of land for the production of crops and livestock and for forestry in areas both inside and outside irrigation projects for a fee to be determined by the Authority concerned with the approval of the Commissioner ;

(i) to undertake the large-scale multiplication of improved seeds, livestock and tree seedlings for distribution to farmers and for afforestation schemes ;

(j) to process crops, livestock products and fish produced by farmers in the Authority's area in partnership with State agencies and any other person ;

(k) to assist the State and Local Governments in the implementation of the following rural development work in the Authority's area—

(i) the construction of small dams, wells and bore-holes for rural water supply schemes and of feeder roads for the evacuation of farm produce,

(ii) the provision of power for rural electrification schemes from suitable irrigation dams and other types of power stations under the control of the Authority concerned,

(iii) the establishment of agro-service centres,

(iv) the establishment of grazing reserves, and

(v) the training of staff for the running and maintenance of rural development schemes and for general extension work at the village level.

Powers of
each
Authority.

5.—(1) Subject to this section, each Authority shall have power to do anything which in its opinion is calculated to facilitate the carrying out of its functions.

(2) No Authority may acquire or lease land or take over any existing project without the agreement of the State Government concerned.

1975 No. 6.

(3) Subject to the Land Use Decree 1978, the control of land development for irrigation by each Authority shall be as provided under section 2 of the said Decree.

(4) Subject to section 6 of the Land Use Decree 1978, not more than 4 hectares of land may be allocated to an individual for any purpose under this Decree, but appropriate adjustment as to size of land held under this Decree may be made in the case of co-operative farming units.

(5) No Authority may borrow or lend money without the general or special approval of the Federal Executive Council.

(6) Each Authority may make bye-laws for the management of irrigation schemes and regulating the use of water with respect to the functions specified in section 4 of this Decree, but no bye-law made in pursuance of this section shall come into force unless it is confirmed by the Federal Executive Council.

(7) The Commissioner may give to any of the Authorities directions of a general character or relating generally to particular matters with regard to the exercise of the functions of the Authority concerned and it shall be the duty of that Authority to comply with the directions.

- 6.—The functions of each Authority under this Decree shall be exercised within its area which for the purposes of this Decree shall, in the case of—
- (a) the Sokoto-Rima River Basin Development Authority, be the whole of Sokoto State and the Katsina Emirate of Kaduna State ;
- (b) the Hadejia-Jama'are River Basin Development Authority, be the whole of Kano State and those parts of Bauchi State drained by the Jama'are and Misau River Systems ;
- (c) the Chad Basin Development Authority, be the whole of Borno State and those parts of Gongola State drained by the Yedseram River System ;
- (d) the Upper Benue River Basin Development Authority, be those parts of Bauchi State drained by the Gongola River System and the whole of Gongola State excluding those parts drained by the Yedseram River System ;
- (e) the Lower Benue River Basin Development Authority, be the whole of Benue and Plateau States ;
- (f) the Cross River Basin Development Authority, be the whole of the Cross River State ;
- (g) the Anambra-Imo River Basin Development Authority, be the whole of Anambra and Imo States ;
- (h) the Niger River Basin Development Authority be the whole of Kwara and Niger States and the Federal Capital Territory and the whole of Kaduna State excluding the Katsina Emirate ;
- (i) the Ogun-Oshun River Basin Development Authority, be the whole of Oyo, Ogun and Lagos States ;
- (j) the Benin-Owena River Basin Development Authority be the whole of Bendel and Ondo States ;
- (k) the Niger Delta Basin Development Authority, be the whole of the Rivers State.

Area of each Authority.

7.—(1) Each Authority shall maintain a fund from which shall be defrayed all expenditure incurred by the Authority.

Financial provisions.

(2) There shall be paid or credited to the fund—

(a) such sums as may be provided by the Federal Military Government or by the Government of any State in the Federation for the purposes of this Decree either by way of loans or grants ; and

(b) such other assets as may from time to time accrue to the Authority.

(3) Each Authority shall keep proper accounts in respect of each financial year, and proper records in relation to those accounts and shall cause the accounts to be audited as soon as may be after the end of the financial year to which the accounts relate by a firm of auditors appointed (after consultation with the Federal Commissioner for Finance) by the Authority with the approval of the Federal Executive Council.

8.—(1) Each Authority shall prepare and submit to the Commissioner, once every year a report in such form as the Commissioner may direct on the activities of the Authority during the last preceding financial year and shall include in the report a copy of the audited accounts of the Authority for that year and of the auditor's report on the accounts.

Annual reports.

(2) The Commissioner ~~shall~~ cause a copy of each report made to him under this section to be ~~laid~~ before the Federal Executive Council and shall also send a copy to the ~~Military~~ Administrators of the States concerned.

Repeals.
1964 No. 1.
1976 No. 25.
1976 No. 37.
1977 No. 31.
1977 No. 32.

9. Subject to section 6 of the Interpretation Act 1964, the River Basins Development Authorities Decree 1976 and the Niger Delta Basin Development Authority Decree 1976 are ~~hereby~~ repealed and the River Basins Development Authorities (Amendment) Decree 1977 and the Niger Delta Basin Development Authority (Amendment) Decree 1977 are hereby consequentially repealed.

National
River
Basins
Develop-
ment
Co-ordina-
ting
Committee.

10.—(1) There shall ~~also~~ be continued in being the body called the National River Basins Development Co-ordinating Committee which shall consist of—

(a) the Director of the Federal Department of Water Resources, who shall be Chairman ;

(b) the General ~~Manager~~ of each of the Authorities established under section 1 of this Decree ;

(c) the Directors of the following Federal Departments that is—

(i) Agriculture ;

(ii) Animal Production and Veterinary Services ;

(iii) Fisheries ;

(iv) Forestry ; and

(v) Pest Control ~~Service~~.

(2) The Committee ~~may~~ co-opt other persons who in its opinion can make useful contributions to the work of the Committee.

(3) It shall be the ~~function~~ of the National River Basins Development Co-ordinating Committee to ~~advise~~ the Commissioner with respect to—

(a) the potential for ~~integrated~~ development of each River Basin ;

(b) the effects of the ~~activities~~ of each Authority on the water resources of the other River Basins ;

(c) the co-ordination of ~~the~~ activities of the Authorities so as to ensure the even development of ~~the~~ different River Basins ; and

(d) such other matters ~~as~~ the Commissioner may from time to time determine.

Interpre-
tation.

11. In this Decree, ~~unless~~ the context otherwise requires—

“the Authorities” ~~means~~ the Authorities established by section 1 of this Decree and when used in ~~the~~ singular means any of those Authorities ;

“the Commissioner” ~~means~~ the Federal Commissioner charged with responsibility for water ~~resources~~ ;

“functions” include ~~powers~~ and duties.

Citation.

12. This Decree ~~may~~ be cited as the River Basins Development Authorities Decree 1979.

SCHEDULE

Section 2

Proceedings of the Authorities

1. Subject to the provisions of section 26 of the Interpretation Act 1964 (which provides for decisions of a statutory body to be taken by a majority of its members and for the person presiding to have a casting vote), each Authority may make standing orders regulating its proceedings or any committee thereof. 1964 No. 1.
2. At any meeting of the Authority the Chairman shall preside but if the Chairman is absent, the members present shall appoint one of their number to preside at that meeting.
3. Where any Authority desires to obtain the advice of any person on a particular matter, the Authority may co-opt him as a member for such period as the Authority may deem fit ; but a person who is a member of the Authority by virtue of this paragraph shall not be entitled to vote at any meeting of the Authority and shall not count towards a quorum.
4. The quorum for meetings of each Authority shall be 6 and the quorum for any meeting of a committee of the Authority shall be determined by the Authority.
5. Each Authority shall meet not less than twice in each year and on such other occasions as the Authority may consider necessary. Any member of the Authority or any committee thereof having a personal interest in any contract or arrangement entered into or proposed to be entered into by the Authority or any committee thereof shall forthwith declare his interest to the Authority and shall not vote on any question relating to the contract or arrangement.

Advisory Committees

- 6.—(1) Each Authority shall establish an Advisory Committee which shall consist of—
- (a) the General Manager of the Authority who shall be Chairman ;
 - (b) the Heads of the following Divisions of the Ministry of Agriculture and Natural Resources of each State having representation on the Authority—
 - (i) Agriculture,
 - (ii) Irrigation,
 - (iii) Fisheries,
 - (iv) Forestry, and
 - (v) Veterinary Services ; and
 - (c) the directors of research institutes conducting research relevant to work of the Authority as may be determined by the Authority, or their representatives.
- (2) Each Authority may, notwithstanding the foregoing provisions, appoint other persons in addition as it thinks fit, to be members of the Advisory Committee.
- (3) It shall be the function of the Advisory Committee to advise the authority with respect to—
- (a) the matters mentioned in section 4 of this Decree generally ;

- (b) the technical soundness of specific projects and programmes ;
 - (c) the co-ordination of the activities of the Authority and the Ministries of Agriculture and Natural Resources of the States represented on the Board ; and
 - (d) such other matters as the Board may from time to time determine.
- (4) Each Authority may also establish such other standing, steering and *ad hoc* committees to carry out on behalf of the Board such of its functions as the Authority may determine.

Officers and Servants

7. For each Authority there shall be a General Manager who shall be the chief executive officer and who shall be appointed by the Commissioner with the approval of the Federal Executive Council on the recommendation of the Authority.

8. Without prejudice to the generality of subsection (7) of section 5 of this Decree, each Authority shall have power—

- (a) to appoint such other officers and servants as it may determine ;
- (b) to pay its officers and servants such remuneration and allowances as are payable to persons of equivalent grades in the public service of the Federation ;
- (c) as regards any officer or servant in whose case it may determine to do so, to pay to or in respect of such officer or servant such pensions and gratuities as are payable to persons of equivalent grade in the public service of the Federation ; and
- (d) to give loans to its officers and servants for purposes approved by the Authority.

Miscellaneous

9. The fixing of the seal of each Authority shall be authenticated by the signature of the Chairman or of a member of the Authority authorised in that behalf by the Authority.

10. 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 Authority by any person generally or specially authorised by the Authority to act for that purpose.

11. Any document purporting to be a document executed under the seal of the Authority and authenticated as aforesaid shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

12. The validity of any proceedings of the Authority shall not be affected by any vacancy in the membership of the Authority or by any defect in the appointment of a member of the Authority.

MADE at Lagos this 28th day of September 1979.

GENERAL O. OBASANJO,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*