

**VOL. 2
No. 15**

FEDERAL REPUBLIC OF NIGERIA

**Tuesday
17th November, 2009**



NATIONAL ASSEMBLY DEBATES

FOURTH REPUBLIC THIRD ASSEMBLY (SIXTH SENATE)

THIRD SESSION

SENATE OFFICIAL REPORT

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**SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA**

Tuesday, 17th November, 2009,

The Senate met at 10.15 a.m.

PRAYERS

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: Distinguished Senators, let us consider the Votes and Proceedings of Thursday, 5th November 2009. Pages 265, 266, 267, 268, 269, 270, 271, 272 and 273.

Senator Effiong D. Bob (Akwa Ibom North-East): Mr. President, I move that the Votes and Proceedings of Thursday, 5th November 2009 be approved.

Senator Adegbo Erhiawarie Eferakaya (Delta Central): Mr. President, I rise to second that the Votes and Proceedings of Thursday, 5th November 2009 be approved.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Thursday, 5th November, 2009 be approved.

MESSAGES FROM MR. PRESIDENT

*Distinguished Senator David Mark,
Senate President,*

Dear Brother,

2010 APPROPRIATION BILL

In compliance with Section 81(1) of the 1999 Constitution of the Federal Republic of Nigeria, I crave the indulgence of the National Assembly to grant me the slot of 11.00 a.m. on Thursday, 19th November 2009 to formally address the Joint Session of the National Assembly on Budget 2010.

While I thank the Distinguished Members of the Senate of the Federal Republic of Nigeria for the constancy of their cooperation and understanding, please accept, Distinguished Senate President, the assurances of my highest consideration.

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Yours sincerely,

(Signed)

UMARU MUSA YAR 'ADUA

*Distinguished Senator David Mark,
Senate President,*

Dear Brother,

CONFIRMATION OF NOMINEE

You may wish to recall that in your letter NASS/CS/R/04/65 of 30th July 2009 conveying the confirmation of nominees for their appointment as Chairman and Members of the Governing Board of the Niger Delta Development Commission, the nomination of Mr. Aloysius Nwagboso earlier submitted as a part-time member representing Abia State was not confirmed.

I am therefore presenting Dr. Sir Ogbonna Jacob Anuriegebe, whose Curriculum Vitae is attached herewith as a replacement for Mr. Aloysius Nwagboso.

In line with the provision of Section 2(2)(a) of the NDDC Act 2000, I hereby present the nominee for confirmation by the Senate in consultation with the House of Representatives.

While hoping that the confirmation will receive the usual expeditious consideration and passage by the distinguished Senators, please accept, Mr. Senate President, the assurance of my highest regard.

Yours sincerely,

(Signed)

UMARU MUSA YAR 'ADUA

*Distinguished Senator David Mark,
Senate President,*

Dear Brother,

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**CONFIRMATION OF APPOINTMENT OF
CHIEF JUSTICE OF NIGERIA, AND
PRESIDENT, COURT OF APPEAL**

In conformity with Section 231 (1) of the 1999 Constitution of the Federal Republic of Nigeria which gives the President powers to appoint a Chief Justice of Nigeria and President of Court of Appeal acting on the recommendation of the National Judicial Council and subject to confirmation of the appointment by the Senate, I have the honour to forward the under mentioned names for confirmation.

- (i) *Hon. Justice Aloysius Iyorgyer Katsina-Alu, CON for appointment as Chief Justice of Nigeria.*
- (ii) *Hon. Justice I. A Salami, OFR for appointment as President of the Court of Appeal.*

It is my hope that this request will receive the usual expeditious attention of the distinguished Members of the Senate of the Federal Republic of Nigeria.

Yours sincerely,

(Signed)
UMARU MUSA YAR 'ADUA

ANNOUNCEMENTS

Birthday Wishes to Senator Gregory Ngaji

The President: May I on behalf of all of us wish our very good friend, distinguished Senator of the Federal Republic of Nigeria, a friend of Senator Victor Ndoma-Egba and a friend of the Deputy Senate President in particular, Senator Gregory I. Ngaji a happy birthday. Today, Tuesday, 17th November, 2009 is his birthday. We pray that the Almighty God will protect, guide, and direct him and ensure that he is here on regular basis.

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Visit of Staff and Students of Loving Hands Day Care, Nursery and Primary School, Dutse Alhaji, Abuja

I wish to acknowledge the presence of staff and students of Loving Hands Day Care, Nursery and Primary School, Dutse Alhaji, Abuja. They are in the Gallery to observe Senate's Proceedings.

We wish you very fruitful observation of our Proceedings.

Screening of Mr. Samuel T. Ukara as Auditor-General for the Federation

This announcement is from Senate Committee on Public Accounts and it says:

This is to inform distinguished Senators that the screening of Mr. Samuel T. Ukara, Presidential Nominee for the post of Auditor-General for the Federation, is scheduled to hold as follows:

Date: Tuesday, 17th November, 2009

Venue: Senate Hearing Room 4

Time: 2.00 p.m.

(Signed)
Senator Ahmed Ibrahim Lawal
Chairman

Senator George Thompson Sekibo (Rivers East): Point of Order, Mr. President.

The President: There is a Point of Order from distinguished Senator George Thompson Sekibo.

Senator George Thompson Sekibo: It is a Constitutional Point of Order, Section 81(1), and with your kind permission, I would read.

The President: Read it, please.

Senator George Thompson Sekibo: Section 81(1) of the Constitution reads:

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The President shall cause to be prepared and laid before each House of the National Assembly at any time in each financial year, estimates of the revenues and expenditure of the Federation for the next following financial year.

I bring in this Point of Order because of the Message you read to us from Mr. President where he requested a Joint Session of the National Assembly for the purpose of laying the 2010 Appropriation Act.

It is my view that looking at Section 81(1) of the Constitution which I have just read, the mandate is that the preparation of the Budget shall be laid before each House of the National Assembly, and I think we have to follow our Constitution backing this provision.

The President: But does it preclude him from presenting it in a Joint Session?

Senator George Thompson Sekibo: The Constitution is the standard guide for whatever we are doing in the country. If it has spelt out that it shall be laid before each House of the National Assembly, those that drafted the Constitution could have also said that it should be laid before a Joint Session of the National Assembly. If they said that it should be laid before each House of the National Assembly, I think we have to go in line with the Constitution.

The President: I have heard that. If he delivers it in a Joint Session does it go against the spirit of the Constitution?

Senator George Thompson Sekibo: It is unconstitutional.

The President: I do not think so. We have had this debate before.

Senator Lee Ledogo Maeba (Rivers South East): Mr. President, to support the Point of Order raised by Senator Sekibo, we have passed through a lot of bashing from the House of Representatives about Chamber equality irrespective of the different colours. A lot of our Colleagues have said that we should keep to

certain respects. Part of what brought this Chamber equality is our going to sit together with them. So they feel that if we can move across, what next?

I believe that if the Constitution supports what we are doing, Mr. President should come to the Senate, lay the Budget and address us and then move to the House of Representatives maybe the same day or another day. The Constitution clearly says, *each House of the National Assembly*. If the Constitution has said each Chamber, our running to the other side is not justifiable. We should regulate our conduct by the provision of the Constitution.

Senator Audu Idris Umar (Gombe Central): Mr. President, it is true that Section 81(1) of the Constitution mandates Mr. President to lay before each House of the National Assembly the estimates of the revenues and expenditure of the Federation for the next following financial year, but we know that by practice and convention, Mr. President has been presenting the Budget in a Joint Session of the National Assembly every year. Nothing, I repeat nothing precludes Mr. President from attending a Joint Session of the National Assembly for the purpose of addressing the Nation through the Joint Session of the National Assembly on so many National issues including Fiscal Measures. I call in aid, Section 67(1) of the 1999 Constitution to substantiate this. It states:

The President may attend any joint meeting of the National Assembly or any meeting of either House of the National Assembly, either to deliver an address on national affairs, including fiscal measures, or to make such statement on the policy of government as he considers to be of national importance. That solves the issue.

The President has the right to attend any Joint Session of the National Assembly for the purposes of delivering Fiscal Measures of Government, and I think the President is well covered under this Section of the Constitution to appear before a Joint Session of the National Assembly to deliver his Budget Speech.

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Senator Ahmed Makarfi (Kaduna North): Mr. President, I rise to support the contribution made by Senator Audu Idris because the Address of the President in Joint Sessions were broad-based address. At the end of that address, he lays estimates of revenues and expenditure. That document (the estimates of revenues and expenditure) never contains other Fiscal and Economic Policies. It is only in the main address that you can find these issues being raised. I think rather than over-flogging this issue, I want to state that Joint Session is a combined issue - Address to the Nation on Economic issues or specific fiscal issues and other things which may be pertinent at that point in time.

I submit in support of Senator Audu Idris, Sir.

Senator T. U. Wada (Gombe South): Mr. President, a look at the two Sections cited by my learned Colleague gives us a leeway for two-way actions. If you look at Section 81 cited by Senator Sekibo, it says that *the President shall cause*, not that the President himself shall come and lay. *The President shall cause to be prepared and laid before each of the Houses.* It simply means that this Section is not requiring Mr. President to come personally or to prepare the document personally. He shall direct that estimates be prepared and laid before the House. This can be done by anybody either by the Minister or any other person.

The Section 67 cited by Senator Audu Idris Umar says that the President has the liberty to address a Joint Session and if he addresses a Joint Session, it could be on any national issue including fiscal measures and that is the Budget Address that we do annually. If Mr. President so chooses to address the two Houses, it is in line with the Constitution but if you are insisting it is only laying of the Budget, Mr. President does not have to come by himself to lay it but he can cause to be prepared and laid.

I want to suggest finally, that we adopt the normal procedure; allow Mr. President to come and address us and then give the benefit for other Nigerians to also take the advantage of that in

line with Section 67. Doing that is not unconstitutional at all.

The President: As you know, we have had this debate before. It is not a new debate. I think that the fear that has informed this debate is cured by Section 53(2) of the Constitution.

Senator Sekibo, while I have noted your Point of Order, I cannot sustain it because a Joint Sitting does not in any way negate the Constitution. There is a provision for Joint Sitting under Section 53(2). Therefore, my ruling is that I have noted your Point of Order but it is not sustained.

ORDERS OF THE DAY

MOTIONS

Confirmation of Prof. Adebowale I. Adefuye

Senator Teslim Folarin: Mr. President, the first Order of the Day is a Motion requesting the Senate to consider the request of Mr. President, Commander-in-Chief for the confirmation of the nomination of Prof. Adebowale I. Adefuye, as Ambassadorial Nominee, in accordance with Section 171 (2)(c) of the 1999 Constitution of the Federal Republic of Nigeria.

The purpose of this Motion on the Order Paper is for it to be referred to the relevant Committee for further legislative action.

I now move that this Senate do now consider the request of Mr. President and Commander-in-Chief for the confirmation of the nomination of Prof. Adebowale I. Adefuye as Ambassador in accordance with Section 171 (1)(c) of the 1999 Constitution of the Federal Republic of Nigeria.

Senator Adeleke Mamowora (Lagos East): Mr. President, I rise to second the Motion that the Senate do consider the request of Mr. President and Commander-in-Chief for the confirmation of the nomination of Prof. Adebowale Adefuye. Mr. President, I am emphasizing the word *Prof.*

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Adefuye and not *Senator Adefuye* because I got a text from the PDP saying he is Senator Adefuye. He is not Senator Adefuye but Prof. Adefuye. They are two different individuals that do not have any connection.

The Senate should therefore consider the request of Mr. President and Commander-in-Chief for the confirmation of the nomination of Prof. Adebowale I. Adefuye as Ambassadorial nominee in accordance with the relevance Sections of our Constitution.

The President: Before I put the question, what I have on my Order Paper is Prof. Adebowale Adefuye. So, I do not know where the word *Senator* is coming from. If there is a private communication between you and somebody not known to us here, I think that is a private matter between those of you who are communicating with people outside the Senate.

Let me put the Question.

Question put and agreed to.

Resolved: That the Senate do consider the request of Mr. President, Commander-in-Chief for the confirmation of the nomination of Prof. Adebowale I. Adefuye as Ambassadorial nominee in accordance with Section 171(c) of the 1999 Constitution of the Federal Republic of Nigeria.

Request accordingly referred to the Committee on Foreign Affairs and to report to the Senate within one and a half weeks.

Senator Jibril Mohammed Aminu (Adamawa Central): Mr. President, I thank you very much for referring this matter to the Committee on Foreign Affairs. As usual, we will do our best.

Sir, with your permission and with the concurrence of the Senate, I will like to raise an issue which arose because the Ambassador who was nominated and cleared by this Senate was not accepted by the host country. This is quite normal and it is the right of the host country. However, the Senate should just observe what happened which was that the host country came and announced in public that they could not accept him because his family member had a criminal record in America. This is their right.

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The Senate should observe that this was a bit unusual. It would have been quite easy for them to write to the President or to the Ministry of Foreign Affairs to say that the person is not acceptable. It has happened before and, it would have been the privilege of the President to send him to some other Embassy.

For somebody with a brilliant record of Public Service who had been a Minister and an Ambassador before, I think he was not very well treated and the Senate should extend sympathy to him for this occurrence.

The President: I think your explanation is all right but what are we extending the sympathy for? I think we should not; but your explanation is noted.

Senator Ike Ekweremadu (Enugu West): Mr. President, there was a point I was expecting Senator Aminu to emphasize. In that respect, I recall that the Senate first cleared the nominee. It was after the clearance that the issue upon which he was refused arose because there were insinuations in some media that the Senate cleared him despite that situation. The truth is that the nominee was cleared in July but the incident took place in August. It was after he was cleared and sent to the United States that the issue upon which they refused him arose; but not before the Senate clearance.

The President: Any insinuation that we should not have cleared him would be wrong. Truly, it has nothing to do with him as a person; it has to do with a relation of his. Like Prof. Jibril said, it is the right of the host country to accept or not to accept him. It has nothing to do with our clearance.

The insinuation in the press is wrong. It has nothing to do with us. We did our work and our work was thoroughly done. If the host country says that a relation of his has a criminal record or whatever and that they do not accept him, that has nothing to do with our clearance. This is because nobody coming for clearance would be asked whether any of his relations has any criminal records or not. That does not form part of our duties.

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Request for Virement

Senator Teslim Kolawole Folarin (Oyo Central): The Second Order of the Day is a Motion standing in my name on the request of Mr. President and the Commander-in Chief, for the Virement Proposal in the 2009 Appropriation Act for the following Ministries, Departments and Agencies, as contained in the Order Paper.

You will also recall that the Executive's communication was read by yourself on Tuesday, 5th November, 2009 requesting this Senate to approve the virement proposal for provisions in the 2009 Appropriation Act.

I therefore move that this Senate do consider the request of Mr. President and the Commander-in-Chief to approve the virement proposal for the provisions for the 2009 Appropriation Act of the following Ministries, Departments and Agencies:

- (i) Federal Ministry of Agriculture and Water Resources
- (ii) Federal Ministry of Aviation
- (iii) Federal Ministry of Defence
- (iv) Ministry of Federal Capital Territory Administration
- (v) Federal Ministry of Health
- (vi) Federal Ministry of Interior
- (vii) Federal Ministry of Niger Delta Affairs
- (viii) Federal Ministry of Power
- (ix) Federal Ministry of Science and Technology; and
- (x) Federal Ministry of Works, Housing and Urban Development.

Senator Olorunnimbe Mamowora (Lagos East): Mr. President, while I am standing up to second this Motion moved by the Senate Leader, I regret to say that I am doing so with some reservation. We seem to have too many virements and it means that something is wrong with the process of Budgeting, particularly from the Executive.

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We are talking of ten areas of virement. I do not know what the Senate is going to do; but then, I just want to put it on record that the Executive has to be more alive to its responsibilities so that we do not have this kind of occurrences; it is too recurrent. As I said, I am seconding the Motion with reservation.

The President: Distinguished Senator Mamowora, I assume that you seconded the Motion, right?

Senator Olorunnimbe Mamowora: I am supporting, but then, putting on record my reservation for the secondment, that is what I am saying.

The President: Before I put the Question, I will take comments.

Senator Victor Ndoma-Egba (Cross River Central): Mr. President, it is out of a great sense of duty and responsibility that I am constrained to make observations on the proposals for virement now being considered by this Senate; and I do so with a lot pain in my heart.

My contributions will be directed at the proposals as they relate to the Ministry of the Niger Delta Affairs. You will recall the recent events in the Niger Delta and the recent efforts by Mr. President to resolve the crisis in the Niger-Delta. Not long ago, this august Assembly commended Mr. President on the very bold and courageous efforts to bring peace to the Niger Delta Region of this country.

We all know the Niger Delta Region of this country, but I think we need to be reminded that even though we have one Niger-Delta, the Niger-Delta is made of clusters of States. In the Niger-Delta, we have Rivers-Bayelsa Cluster; Edo-Delta Cluster; Akwa Ibom-Cross River Cluster. If you look at the proposals for virement, what has happened is that virtually all the projects in the Cross River-Akwa Ibom Cluster of the Niger-Delta are being vired to service projects elsewhere. The implication of this is that we are unwittingly creating the impression that there is the Niger-Delta and there is the Niger-Delta. This does not say well for the good intentions that have been demonstrated by Mr. President.

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Mr. President, you will recall that in the last Senate, Bakassi was handed over to the Cameroons in spite of persistent protests from Senator Bassey Ewa-Henshaw and myself.

On the occasion of the handing over of Bakassi to the Cameroons, Nigeria was assured that we are not losing one Oil Well. Today, Bakassi went in one direction, the Oil Wells that used to belong to Cross River State when Bakassi was part of Nigeria, moved in the opposite direction.

The long and short of what I am saying is that Nigeria took away Bakassi from Cross River and Nigeria again, inflicted further pain on the heartless people of Cross River by taking away the Oil Wells of Cross-River.

Today, if you look at the virement proposals, I am sure that the explanation is that money is being vired for the East-West Road Project. The logical terminal point of any East-West Road Project will be Calabar. The proposed road today ends in the middle of the Sea in Oron.

Even the provisions made for Section 4 of the road which is in the Cross River Akwa Ibom cluster of the Niger Delta, is being taken away, again re-enforcing our suspicion that in certain quarters some people are perceived as more Niger-Delta than others.

I think approving the proposals as they concerned the Niger-Delta Ministry will be sending very wrong signals. It is on that basis that I want to register my very strong opposition to the virement proposals as it concerns the Niger-Delta Ministry.

Senator Effiong D. Bob (Akwa Ibom North-East): Mr. President, I am in full support of what Senator Ndoma-Egba from Cross River State has said. But just to add, for avoidance of doubt that the virement as proposed has also deliberately excluded the roads in Akwa Ibom. If you look at the details attached, money is not only vired from the Akwa Ibom/Cross River axis to anywhere else than to the other sub zones in the Niger Delta region.

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For avoidance of doubt, let me refer the Senate to page 1 of the details: *On East-West road Section 1, Warri, Kayama sub zone, ₦8 billion was appropriated* and now the amount to be vired is ₦2 billion to make it ₦10 billion for that section. When you get to East-West road, sub-section 2, Ahoda/Port Harcourt, the proposal was ₦1.8 billion but now ₦4.9 billion is added making it ₦6.7 billion for that sub-zone. For Section 3 of the East-West Zone - Port Harcourt/Eket road, ₦7 billion was proposed and now ₦500 million is added. For the East-West road section 4 - Eket/Oron road we protested before that this road that leads up to Ogoja, Katsina and the northern part of the country should get to Calabar. It is still deliberately excluded and it terminates at Oron as it were.

What has happened is that they have vired the money from ₦7 billion that was in the original budget. The sum of ₦169 million is now deducted. Assuming that a contract has been awarded, it cannot even be done. Instead of increasing it as it is being done in other sub-sectors, it is reduced. What is the offence of Akwa Ibom in this virement? What is its offence in the budget? What is the offence of Cross River and Akwa Ibom in this cluster of States? Are we in the Niger Delta or is Niger Delta excluding us?

If you look at the details, all the roads in Akwa Ibom and Cross River; I will mention them for the avoidance of doubt so that my distinguished Colleagues will understand what we are talking about. If you look at the details further, Ekpater Akwa-Ukanafun/Ikom/Aba road that is, Cross River/Abia State, the proposal in the Appropriation Act was ₦500 million, now it is reduced by ₦455 million leaving ₦45 million; what is it for? The Odorotan Ikot Ekpang/Ikot Inyang, Akwa Ibom Steel and Abia State axis, the sum of ₦200 million was provided, but now ₦119 million was deducted and vired. What is the money for? On internal road, Ikot/Ekwere-Ndokpoise/ Ikot/Eyo-Nnung Udo road with a bridge, the sum of ₦250 was included and now ₦194 million was deducted and vired to somewhere; where are they taking the money to?

If you go to second page of the attached details, you will see Ekang/Ogoni road, Cross

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River State, the sum of ₦250 million was provided for but ₦233 million deducted. It is the same thing with Nsiding/Ikot Inyang road in Cross River State. You can only see this only in Cross River and Akwa Ibom States axis. I will plead with this Senate that it is unfair, unjust and unequitable to see the laudable programme of the President to reposition the Niger Delta and now Akwa Ibom and Cross River States are bearing the brunt.

I am not talking about the movement of Bakassi and the movement of Oil Wells; and that is a matter within the Presidential prerogative. They will sort out the matter politically but what I am saying is, in this virement, justice must be done, not only done but seen to have been done. What is good for the goose is good for the gander. What surprises us is that in the sub-zone - Akwa Ibom/Cross River States, nothing has been done in this post rehabilitation. Do they want us to go rioting? Do they want us to go naked or want us to go on hunger strike again?

I will plead with this distinguished Senate to look at this matter and address it so that all the projects and the amount that were voted for in Akwa Ibom/Cross River States axis must be returned.

I so submit; otherwise, we stand down this virement.

Senator Manzo G. Anthony (Taraba North): Mr. President, I want to speak in line with my other Colleagues to give broad support to this virement; not because there are no mistakes but it is a very good start. In line with what the President did to ensuring peace in the Niger Delta, it is a starting process in ensuring that he strengthened the peace process. But in strengthening the peace process in the Niger Delta we must address the broad concern being addressed by my Colleagues especially from Akwa Ibom and Cross River States axis. On the whole it is a good start, but we can look at all these and when we get into the details we should try to see that the infrastructural development in the entire Niger Delta is more even. You will agree with me that the large bulk of the problem is arising from the Bayelsa, Rivers and Delta axis

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and it is only fair to say that concentrating on the East/West road, for instance, is good.

Secondly, I want to say also that the commitment of the administration in the power sector is giving impetus particularly with the full commencement of work on Mambila Hydro Electric Project in Taraba State. The project has a direct bearing to my State, especially the Taraba Central Constituency; and this is very good.

Finally, the introduction of rail system is something we should commend the Executive for because part of the problems with infrastructure, especially roads in this country is the pressure that we are having on our roads because of heavy vehicles. Although, the trains being introduced would ply from Kaduna to Abuja and also Lagos-Ibadan, one would have thought that if you take the rail system from Lagos up North it will make more sense because it will encourage the movement of heavy goods from the business centre of this country which is Lagos up North.

With this few remarks, I want to say that this is a very good virement proposal and I urge my Colleagues to support it with the proviso that we broaden the projects in all the Niger Delta.

Senator Uche Chukwumerije (Abia North): Mr. President, the structure of scale of priorities presented to us at the beginning of this budget is very massive. If this structure is so fundamental, I think it calls to question the rational behind the budget in the first instance because it involves massive movement of capital from certain areas of social services to other areas which were not envisaged or taken seriously at the beginning of the budget.

The point that I am trying to make is this, when you are considering a budget you should take into consideration first and foremost the rational behind the budget, the principles of social justice behind that budget and therefore the priorities the budget wants to achieve. If mid-stream, you want to totally re-arrange things and pick new priorities; you should be talking about new budgets.

But that said, I will go to the second point because that really supports what Senator Mamowora said early. We must know the

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difference between virement and an entirely new budget. When the scale of changes is being demanded, it is as massive as it is now. What this really means is that through the back door, the Government is presenting to us entirely new budget without calling it so.

Permit me for the first time in this House to sound a bit parochial. I must say Mr. President, that looking through this, Abia State which has always been at the lowest rung of allocations got it so bad here. Everything mentioned earlier about Abia State has been vired away (*Laughter*) including Isuochi Road which has only N50 million. A total sum of N39 million has been taken away.

The Umuahia Road which was allocated N100 million, a sum of N75 million out of it has been vired away. If you go down to the Arochukwu - Abam Road, which was allocated only N50 million, a total of N35 million has been vired away. In other words, whatever has been granted to these people at the beginning of this budget has all been taken away in order to reflect the new priorities of the government. And I think Senator Effiong Bob captured the issue very well.

Please, let us know the consequences of always *robbing Peter to pay Paul*. They are only transferring alienation from one sector to another and at the end of the day you will find out that all the changes they are making become counter productive.

I am therefore suggesting that the whole of these virements have to be referred to a Committee for a very serious scrutiny before they come for approval.

The President: Just to guide us, as you all know, this will go to a Committee at the end of the day. We are just making comments for the Committee Members to take note in case this paper eventually gets to them. But, it will definitely get to a Committee. We are not taking a decision here today.

Senator Iyabo Obasanjo-Bello (Ogun Central): Mr. President, I stand to support this virement. My only concern is the timing, the lateness of the submission. But other than that, I

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believe that some of the monies that were moved were appropriate and I believe that certain developments that will benefit the people of the country will come from this Virement. How this can be implemented before the end of the year given that we are in November, I do not know. Some of the roads projects and things like that, I will hope that some of them are already ongoing, or else this Virement would be exercise in futility.

I want to specifically refer to Health which has only a single virement. I am in total support of virement in Health and its completion of Primary Health Care Centres. These are Primary Health Centers that have been stopped for over three years. It does not make any sense to have uncompleted Primary Health Centres up to 200; as I was told, while we are trying to build new ones. So, we in the Committee feel that these on going Health Centres should be completed. Though, the Federal Government is still talking about building Primary Health Centers or not but stopping the on-going projects on the Primary Health Centres which have reached between 70 - 90 *per cent* completion is just a waste of money already spent.

I am in full support of this virement from the Federal Ministry of Health angle.

Senator Bassey Ewa-Henshaw (Cross River South): Mr. President, I want my Colleagues to see the pattern of events that are taking place in this country with regard to Cross River State.

Against the wishes of not just Cross Riverians but all of Nigerians, some people got together and gave away our territory. I remember that this Senate required the Committees on Foreign Affairs and Judiciary to conduct a Public Hearing on the Green Tree Agreement. That was more than one year ago. I am sad to say that the Report of that very important Public Hearing that was conducted on the Green Tree Agreement should be brought to the Senate. (*Interruptions*)

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The President: Sorry, Senator Ewa-Henshaw, can you come back to the issue of virement, please?

Senator Bassey Ewa-Henshaw: Yes, Mr. President. I am trying to set a pattern.

The President: No, please. That is an entirely different subject matter on its own. It is not directly related to this virement, please.

Senator Bassey Ewa-Henshaw: Mr. President, there is a pattern of events going on which is affecting Cross River State. I as a Representative of Cross River State have a duty and a responsibility to bring it to the attention of the Senate.

It is not just this virement. The virement is the latest in a series of events that people have taken against Cross River and I think it is important that it is understood and known. If you look at today's edition of *This Day Newspaper*, you will see that in the last two weeks more than a thousand refugees have returned from Bakassi Peninsula and they are being held in a camp. What I am saying is that the Public Hearing that was conducted on the Green Tree Agreement should be brought to the Senate. Not only has our territory been taken away, but the Oil Wells that were part of Cross Rivers State have been taken away also but the refugee problem that has resulted from the issue of Bakassi is saddled upon the Government of Cross Rivers State. The State Government is now saddled with the problem of dealing with streams of refugees after their Oil Wells have been taken away. In the virement that we are looking at, the funds for the projects that are supposed to be executed within Cross River State are being diverted to other areas. What has Cross River State done? What offence has Cross River State committed in Nigeria? Or are we trying to say that Nigerians do not appreciate civilized behaviour? Is it because we have not set up Militants in Cross River State? (Interruptions) I can hear a distinguished Senator saying that I can set one, we can do it. (Interruptions)

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The President: With all due respect, Senators Victor Ndoma Egba and Bob Effiong expressed the same issue. I believe you can still emphasize the same issue without taking the route you are taking now.

Senator Bassey Ewa-Henshaw: I think the point is made. All that I am saying is that, this virement is unacceptable to us because it tends to remove projects that are intended to be executed in Cross River State at a time that the State is impoverished by actions of the Federal Government. So, to that extent this virement as it stands is unacceptable to us and I think it should be withdrawn and re-examined; and we should know the reasons for all these movements. If money is allocated for certain projects and those projects are not executed, is it that the people responsible are not able to execute them or they simply refused to execute them? They take these monies to other places to execute other projects. We need to understand the reasons for this virement. Why are these monies being removed from certain projects and put into other? As it stands, we do not accept them.

Senator Lee Ledogo Maebe (Rivers South-East): Mr. President, there are some fundamental questions I would like to put forward. In 2005 when the issue of virement was raised here, the President wrote concretely about why the monies were being vired. There was a project where the contractor left the site because he was talking about variation and they were not able to accommodate the variation; and there was the need to move money to finance other projects.

Why I am raising this is that we are here talking about non execution of the projects and we who are accusing the President of not executing the budget are the same people encouraging him not to execute them by admitting this thing called virement. Senator Iyabo Obasanjo-Bello said here that there is a project which was 85 *per cent* completed in Federal Ministry of Health and money is being vired out of it to go and do something somewhere and the contractor is on site looking for money.

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So, I think that it is wrong for us to start discussing this issue of virement without investigating the root cause of this thing called virement. Work is going on somewhere and we sit down here appropriate money for the project to be done somewhere and the Federal Government refuses to execute the project. What they turn around to do is to come by the final day of the year. This is November, the Financial Year ends in December and you are coming to ask for virement. What has happened? Why was the money not spent, why was the project not done? If we are encouraging all this, it means we are encouraging the non-execution of the budget. The discussion of this virement, I believe should be stood down. The Senate Committee on Finance should investigate why these monies are being vired, why the projects were not done because sitting down here to accept that money should be vired. We should investigate and we should give a standard for virement. The standard of virement that was set here is that money can only be vired if the project has been stopped for certain reasons; maybe security reasons or anything, but not for deliberate non-execution of projects. Senator Chukwumerije said that this is an indirect way of bringing another budget.

So, I believe that the best thing is to stand down this request and ask the Committee on Finance to investigate in the first place, why these monies are to be vired so that we do not cause trouble to ourselves. We are saying that non-execution of a budget is an impeachable offence on the part of the Executive. To allow them do this means that we are dragging ourselves to the offence they are committing.

So, we should stand it down and ask the Senate Committee on Finance to investigate why this is being done, Sir.

The President: I think after making your contribution, your conclusion should be that it should be stood down. You should allow others to make their own contributions.

So, the conclusion that it should be stood down is not just the issue.

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Senator Nimi Barigha-Amange (Bayelsa East): Mr. President, my worry about this virement is that in the Ministry of Niger Delta Affairs, especially, it seems that the only job that the Ministry has is the East-West Road. I have reminded this Senate before that East-West Road alone is not the Niger Delta. Again, the East-West Road was awarded by President Obasanjo along with Abuja-Lokoja Road under the Federal Ministry of Works.

Now, the Ministry of Niger Delta Affairs has been created and it seems the only duty that Ministry has is the East-West Road. The sum of ₦50 billion was appropriated to the Ministry to tackle developmental issues in the Niger Delta; and not East-West Road. Why is it that the whole money meant for other projects is being vired to construct East-West Road alone. Is East-West Road synonymous to the Niger Delta? Is it because the East-West Road is not completed that we have problem in the Niger Delta? This is not correct. For example, we have Technological Centre, Eleme, Rivers State, the sum of ₦800 Million vired to construct East-West Road. For Skill Acquisition Centre, Ikwerre, Rivers State, the sum of ₦300 million was vired to construct East-West Road. This is not correct. I agree with some of the contributors that we should actually find out why money meant for other projects are being vired to construct just East-West Road.

Again, the East-West Road is supposed to be under Federal Ministry of Works. It is not supposed to be given to the Ministry of Niger Affairs. So, I think it is better for us to hold on to this paper and allow the Senate Committee on Finance to investigate why these projects cannot be executed.

Senator Paulker Emmanuel (Bayelsa Central): Mr. President, I rise to share the opinions earlier expressed by my Colleagues as far as this virement is concerned. But contrary to the opinion that this thing affected just a particular State within the Niger Delta, if you look at page 2 of that document, beside the East-West Road which the virement actually reflected, almost all the projects within Bayelsa

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are vired. If you look at electrification of Promabiri to Opokri in Akasa, Bayelsa State, you will agree with me that out of ₦200 million, ₦174 million is being vired. If you go down, the internal road at Opoliki in Yenagoa, Bayelsa State, for a project of ₦300 million you are viring ₦271 million, leaving a paltry sum of ₦33 million. Let me inform you, Sir, that this is a project that its design has been completed. It is as well as telling the people that you are no longer interested in the projects; and this is a situation where you do not know where the money is being vired to.

I sympathize with my Colleagues in Cross River State but what is happening in Cross River State is equally happening in Bayelsa State because aside the East-West Road, all the money appropriated in the projects within Bayelsa State are being vired without any mention. So, I share the view that the Senate Committee on Finance should look carefully into this issue and identify where this money is being vired to.

This is mid November, we just have a month and less than two weeks to go for the year and we are viring all this amount of money. What has stopped the Federal Government in implementing this project earlier before this period? So, I share the general views that this virement should be looked into very well before these items are debated upon by the Senate.

The President: Once more, at the end of this, definitely, it would be looked into because we are not taking a decision here today. Once it is given to the Committees on Appropriation and Finance and all the Committees that are being represented there, they would go there and decide what should be vired and what should not be vired.

May I take the last comment on this one, from Senator Jubril Aminu, please.

Senator Jibril Mohammed Aminu (Adamawa Central): Mr. President, I want to begin by appealing to our distinguished Colleagues. The point I raised in Enugu is that National Assembly is yet to begin playing any major role in the Budget. It would be far more useful for us, to concentrate on addressing that

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particular issue than coming here to make some ambush on various proposals of the Executives.

The Capital Budget is well developed and I have always said that we must ensure that we implement the Capital Budget because that is where you will see the difference, not how much money you give to Permanent Secretaries and the others. After the middle of November we should not begin to delay the Budget referring it to the Committee. I am appealing to distinguished Senators to allow this exercise to go on irrespective of whatever corrections we need to make.

Secondly, I would also like to recommend that we should consider particular cases together. I am really worried about Cross River State. I do not completely share the sentiments on some facts conveyed by Senator Ewa-Henshaw but if you look at what they face, particularly the derivation problem, and now to bring a road all the way from the West and stopped at Oron not taking it to Calabar, it would make the people begin to develop some kind of feelings. I think that something should be done. The road should be extended and taken to Calabar. There are some other projects, you do not have to come from that area to know that the projects are important. For example, the road from Shagamu to Owerri and to Benin; everybody knows the importance of that road. For me to find that they are reducing money from there; unless government is saying that they have found that we do not need so much money to construct the road and they are sure that they are not going to spend the money on the roads, otherwise, there are projects that you do not have to come from the area to know they are important to Nigeria. These are ways we should address our comments. I know we are representing our places but we are also elders and very senior Nigerians.

I would like to recommend also that the road from Jalingo to Mutumdu/Wukari is very important. We should take that road to Yola, and if money is reduced from there it should be looked into.

With all due respect, my feeling is that Senate should not run away from addressing the role it is supposed to play on Budget according to

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the Constitution. This is not being done and it is important going by the anger I witnessed.

The President: I know I said I was going to take the last comment from Professor Jibril Aminu but I think there are just one or two amendments I have to make to my comment. That includes Senator Ike Ekweremadu and Senator Abubakar Sodangi as the last two.

Senator Ike Ekweremadu (Enugu West): Mr. President, I want to start by saying that I agree with my Colleagues in respect of their comments and those who are annoyed with the movement of funds within their Senatorial Districts and the areas they represent, including their States. I agree and I support them. I have to point out too that I am also affected because some monies have been vired out of Enugu West, but I am going to make a general statement.

Firstly, I stand to be corrected that Virement is unconstitutional act. It does not have a place in our Constitution. It is part of the heritage of our military past, with due respect to Senators Maina and others. *(Interruptions)*

The President: Please after this, Senator Maina will also speak because he has been raising his hand.

Senator Ike Ekweremadu: The authority on what I am saying is Section 81 of the 1999 Constitution. Under Section 81, we have two sets of Appropriations within a year. One is the Annual Budget which is contained in Section 81(1) (2) (3) and then the Supplementary, which is sub-section (4) of 81. Outside this, there is no part of this Constitution where you can see Virement. What the Constitution envisages is that if there is a provision for any particular project and the money is insufficient what the Federal Government can do is to come back to the National Assembly for additional fund which is called Supplementary Budget. There is no provision for you to move funds from one project to another; it is not in the Constitution. I hasten to add that we need to also blame ourselves for this introduction. If you look at the 2009 Appropriation Act, Section III, that was where we made a provision for virement. I suggest

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strongly that in 2010, we need to remove that particular provision. We created the issue of virement, it is not in our Constitution and even that Section, if you put it to test, it is unconstitutional.

So, my submission is that from 2010, we should outlaw virement completely. If the Federal Government or any Agency of Government feels that there is need for additional money to a particular project, they should come by way of Supplementary not to move money from one Head to another. This is exactly what is causing the problem because nobody would sit here and allow fund meant for a project in his Constituency to be taken to fund another project somewhere. That is what is causing this problem. I suggest strongly that the issue of virement should be outlawed in the 2010 Appropriate Act because it is unconstitutional. We need to stop putting this kind of provisions; it has no place in our Constitution. And until we do it we would continue to have this kind of objections to virement.

Senator Abubakar Danso Sodangi (Nasarawa West): Mr. President, I subscribe to those who are frowning at this way of presenting virement to us. Virement to my understanding is where a Ministry is given a particular sum of money maybe for road construction and for whatever reason they can not utilize that money in that particular road.

It is not taking money meant for a particular road construction far away to fund another or taking a total sum of money for a particular road construction which is being done by a Contractor and he is on site to fund another road. Certainly, all of us are worried because this is not the way and manner to execute a budget that we have all approved. I will give you a typical example, in my Constituency in Nasarawa State, there is a road that has been under construction since 2003. I refer the Senate to Item 6 of page 8 where you have road reconstruction. It is not reconstruction, it is a new construction. They called it Construction of Nasarawa-Gboko Road with Alushi Loop. The money appropriated this year by all of us and signed by Mr. President is ₦2 billion. They are taking ₦1 billion. As I speak,

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the road work is going on, the Contractors (Gitto) are on site and there are bridges they are constructing to a town called Loko which is along River Benue bank.

If you read the details, it is called Loko-Awato-Bridge. Since we came in 1999, with all sense of humility and respect to the Senate President, you and I have been battling to get this bridge constructed. In 2004, money was appropriate but it was not done; in 2005 it was not done. In 2007, we insisted that it should commence. They gave us money to construct the bridge from Loko which would take you to Benue and from Benue to the East. Now, they are taking almost the entire road. What kind of sense is this? What are they telling us? You have gone to your people and told them that there is going to be a bridge constructed and they have seen people working and they have taken the money and we are sitting down here to approve something illegal.

Sir, this is a matter of concern to all of us. I am not saying that we are not going to support this Government. We have been supporting this Government but things should be done orderly. What is virement? After all, it is not in the Constitution. They said that there is no law that is sacrosanct and that you cannot give a room for maneuvering. If we want to accommodate the Executive, we say there should be virement and we always make virement provision; but it is being abused seriously.

Therefore, I do not subscribe to those who said we should throw away this proposal so that it will not go to various Committees. I will beg all of us to allow it get to the various Committees and at the same time when we are trying to approve this virement we can find out from various Ministries why the virement and where is the money given to them before?

Moreover, like you said, we are not talking of my constituency only but if you look at the same page 7 there is a very important road from Ibadan to Ilorin that has been killing people. It was given only ₦2 billion in the budget and they have collected the entire money. In other words, they are saying that Ibadan-Ogbomosho road

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should just go but until when? It is not good and proper.

I beg Mr. Senate President and my Colleagues to accommodate this request by allowing it to go through various Committee levels where justice will be done. Let us call on the Minister and ask him why he has taken the money. If he does not agree, we will leave the money so that the contract could be executed. We should ask him how many months he has to the end of the year and when would he get the work done?

Once again, I will beg you to allow the proposal to go through the various Committees and to ask the Ministry or the Agency why the virement?

The President: Senator Mohammed Mana do you still want to make comment? You actually raised your hand ahead of time.

Senator Mohammed Mana (Adamawa North): Mr. President, first and foremost, in 2007 they brought virement to us towards the end of the year. In 2008, they also brought similar virement; and this year again they have brought virement. This is completely against the dictum of what the military said when they were handing over. (*Laughter*) I am very serious about this and I do not think that this virement will help this country. I do not think that this virement will do anything to meet the need of this Budget.

For example, in the Budget, Adamawa State constituency budget was completely removed and we were told that during the virement they will include it and now it is not there, so why the virement? Three of us put our money on an existing road and that road was completely excluded and it has not been captured here.

Secondly, on the issue of Mambilla project, it has been on the drawing board for many years but has not taken off? There was allocation for over ₦1 billion for consultancy and other things and this money has also been taken away. The same thing happens to the road in my constituency. There was a road contract awarded

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in 2002 with the completion period of four years. It is supposed to have been completed in 2006 but we are now in 2009 with only about ten kilometers was done. Now, they have also removed the money meant for this project. Generally speaking, my Colleagues have said so much on this virement. I think it should go to the Committees and we should go and make sure that where there is no proper explanation we should ensure that no change is made.

The President: Distinguished Colleagues, truly we have all hammered virtually on the same point. Firstly, we have not been sufficiently given the reasons for this virement. I read through the letter from Mr. President where he said that some areas have performed better than others.

Secondly, this is bound to receive a sort of resistance that it has seen here. For the obvious reasons that nobody wants to sit down here and see money taken from a project in his own area and put somewhere else. We believe that all the projects are very important. Having said that, I also would like to sympathize with the situation in the Cross River, Akwa-Ibom, Rivers, Bayelsa, Delta and Edo, where it would appear that a lot of money is being taken from Cross River Akwa-Ibom Sector and deployed somewhere else. That obviously is not the best situation though Senator Ewa-Henshaw became rather sentimental about it. I can understand but we must also ensure that in anything that we do we are seen to be reasonably balanced at the moment. On this paper, it is very difficult to see where the balance is. The emphasis is on road because it is a key indicator of national development. When the Senate did not allow Senator Bob Effiong's Motion to go through people took us up that they were talking of roads and we were not sensitive to it. That was not correct because we know that this will come over and over. Even if we had taken that Motion it would not have made any difference.

My suggestion is that having made our comments, we have created these lapses because in passing the 2009 Budget we allowed for virement which was wrong. I think in 2010 we should provide no room for virement at all. If

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Ministries cannot programme themselves properly, then, they should be held responsible and not Senators in this Chambers. Having made this allowance, I would humbly suggest that this should be referred to the Committee and then we would go to the various Committees and make our points. The Committees should also invite the Ministries for questioning and if they are able to justify it, then we can approve it but if they can not justify it, then we will not approve it. I do not think that we should dismiss it at this stage.

Having said that, I would like to put the question and the Committee must make sure that all those involved are called to justify whatever figure they put there.

Question put and agreed to.

Resolved: That the Senate do consider and approve the request of Mr. President, Commander-in-Chief for the virement of the proposed Ministries in respect of the 2009 Appropriation Act prepared for the under listed Ministries.

The President: It is referred to the Committee on Appropriation and Finance; and we must get the result this week. The Committee on Appropriate must work with Committee on Finance on this.

Let me emphasize once more that you should get the Ministries to justify the virement. If they cannot justify it, we are not going to compel ourselves unless we can get real justification for this virement.

The Committees on Appropriation and Finance, we expect to get it back on Tuesday next week.

Supplementary Appropriation Act 2009

Senator Teslim Kolawole Folarin (Oyo Central): Mr. President, the Third Order of the Day is a Motion requesting the Senate to consider the request of Mr. President, Commander in Chief, for the approval of the Supplementary

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Appropriation Act, 2009. The purpose of this Motion on the Order Paper is for the request of Mr. President, Commander-in-Chief, to be referred to the relevant Committee for further legislative action.

I now move that the Senate do consider the request of Mr. President, Commander-in-Chief for the approval of the Supplementary Appropriation Act, 2009.

I so move.

Senator Olorunnimbe Mamowora (Lagos East): Mr. Senate President, once again, at this very sitting, I have great pains supporting this Appropriation just about six weeks to the end of this year. Like I did express my reservation on the other issue, I hope I will not open another Pandora box of resentment. I do know that we need to work together. So, reluctantly, I support the Motion as moved by the Leader.

The President: Again, I will take comments before I put the question.

Senator George Thomson Sekibo (Rivers East): Mr. President, I have no quarrel with the Supplementary Appropriation, but I want to ask a fundamental question. The question is that today, 17th November, 2009, in another one month and 13 days this year will end. This same week on the 19th, we are having the Budget for 2010.

We have just seen the issue of virement where so much money could not be spent either because of lack of designs of projects or proper planning. We are now getting Supplementary Appropriation of over N350 billion. Can the Executive sincerely spend this money before the end of the year? They cannot. If they cannot spend N250 million kept aside for a small road; and they vired over N208 million to another project, can they spend this money?

I think that we have allowed ourselves to be toyed with in this direction. But not to be a cog in the wheel of progress, we would allow this one to go through, but the question is, can they spend it?

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Such huge Supplementary proposals are indices of a failed Budget. When a Budget has failed, there are always critics that come to play; the first is virement and the second is Supplementary Appropriation.

I believe that we can make our voices loud enough now and call on the Executive to still implement the remaining part of the Budget where they have not either vired any money or have not started any project. This is because if they can send this Appropriation Bill to us at this point in time, it means that they can still implement the remaining part of the budget.

Senator Joel Danlami Ikenya (Taraba South): Mr. President, I looked at the issue of virement and I also looked at the request of Mr. President for the endorsement of the Supplementary Appropriation. I looked at the letter that he sent where he dwelt on the issue of Amnesty and Niger-Delta. I am worried, if I can combine the two letters where very vital funds are being vired to other areas. Since all of us have endorsed the issue of amnesty; the development of the Niger Delta is one of the priority of this Government, I support the endorsement because I want peace. I support the endorsement because I want development in Niger-Delta. Let it not fail from here. Our work is to endorse and endorse properly because we represent people.

The issue of Niger-Delta as indicated by Mr. President in his letter is very deep. All of us here have agreed and have shared the joy with Mr. President because the amnesty issue that has been successful. It also started with the Senate when we visited Port-Harcourt and went to various creeks in the Niger Delta. Every one of us has seen how it is today in the Niger-Delta.

Therefore, I support the approach that Mr. President is bringing towards the development the Niger Delta. But how are we sure that this Supplementary Budget will achieve what they intend to do. If they have not spent the one that they were given a long period to do, I am worried about the period we are now in, that is the only fear I am expressing. Therefore, I believe that proper work should be done, ours is to make sure that we do the proper thing and let

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everything be pushed to them, so that the Government would be able to understand and the people would also be able to judge between us and the Executive, who is really doing the right thing.

I support the endorsement as well as support Mr. President.

The President: May I put the question?

Some Distinguished Senators: Yes.

Question put and agreed to.

Resolved: That the Senate do receive and consider the request of Mr. President, Commander-in-Chief, for the approval of the Supplementary Appropriation Budget 2009.

This goes to the Committee on Finance and Appropriation. It is to be returned by Tuesday next week.

CONSIDERATION OF BILLS

Hydrological Services Agency Bill, 2009

A Bill for an Act to Establish the Nigeria Hydrological Services Agency Bill, 2009

Senator Teslim Folarin: Mr. President, the first Business of the Day is the Lead Debate on a Bill for an Act to Establish the Nigeria Hydrological Services Agency Bill, 2009.

The Bill was read the first time in this hallowed Chamber on Tuesday 14th October, 2008. With your kind permission I want to start the lead debate.

The President: You may start the lead debate, the Leader of the Senate

Question proposed

Senator Teslim Folarin: Mr. President, once again I thank you for the privilege to lead the debate on the general principles on a Bill for an Act to Establish the Nigeria Hydrological Services Agency and for Matters Connected Therewith, 2009.

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This Executive Bill was read the first time on the 14th day of October, 2008 in this Senate.

The management of our water resources and its potentials has been undergoing transformation over the years. This necessitated the ceding of the Department of Water Resources from the omnibus Ministry of Agriculture and Water Resources. The collection, processing and analysis of hydrological and hydro-geological data is a very specialized field and there is absolute need for a specialized agency to provide professional information to decision maker thereto. Hydrological and hydro-geological information is required in all sectors of our economy for planning, operations and developmental purposes.

Mr. President, Hydrological Services Agency is a product of the transformation of the Department of Hydrological and Hydrogeology of the defunct Federal Ministry of Water Resources, designed to further maintain the country's urgent quest for a sustained development and management of its water resources potentials. This Bill attempts to fast track the prescription of the United Nations on the provision of adequate water for both domestic and industrial use.

The core functions of this agency are the collection, processing and analysis of hydrological and hydro-geological data on a continuous basis with a view to providing information for decision makers on the status and trends of the nation's water resources. Such information include the location of water resources, its volume, dependability, quality and possibilities of usage and control. The Agency is to be further charged with the responsibilities of monitoring and enforcement of international standard and best practices in hydrological operations and in the calibration, development and fabrication of hydrological equipment for both domestic use and export amongst other functions.

This Agency is very necessary in order to fully develop and regulate hydrological service operations in Nigeria. I, therefore, recommend

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that this Bill be read the second time and be committed to appropriate Committee for necessary legislative actions.

Senator Uche Chukwumerije (Abia North): Mr. President, I rise to strongly support the Bill in general terms purely on one ground; on the compelling need for us to first expending national disaster. In the last 50 years, you can see what desert encroachment is doing to the country. We have virtually lost one third of the country. From below the Oceanside, again as a result of poor management of our hydrological resources, water is eating up another one third. When you contrast this with what is happening in certain other countries, Saudi Arabia and Israel; these are semi desert areas but they have turned their countries into virtually an all-year agricultural area because of proper harnessing of their hydrological and hydro-geological resources. We do not do so in this country.

When do we start this? I think this is a very good beginning for now. We should go into specialized agencies and get them to begin to address now a future that would swallow all of us tomorrow.

Senator Joseph Iorshagher Akaagerger (Benue North-East): Mr. President, I stand to support this Bill on quite a number of pedestals. Firstly, not less than 30 years ago, research has proved that water would soon be the most scarce commodity in the entire world. The Nigeria Constitution under Section 20, if I may read Sir, states that: *The State shall protect and improve the environment and safe guard the water, air and land, forest and wild life of Nigeria.*

In the Exclusive Legislative List at item 64, this issue has also been constitutionally provided for. In this country we have always had a problem of articulating our ideas and programme and it is good we are responding at this time to impending danger which has already been fully disclosed.

I support completely this Bill and I do hope also that it will not create yet another bureaucracy in this very important field.

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Senator Abubakar Danso Sodangi: Mr. President, I rise with all sense of respect to subscribe and support this very important Bill that is before us this morning. The importance of this Bill cannot be overemphasized. World over, it is said that water is essential to the country and the nation. Water as far as I am concerned is also important to our industrial growth and most importantly to our agricultural environment. Essentially, this is the target of this very important Bill.

Sir, we talk about climatic change, it is coming everyday. Senator Uche Chukwumerije has said it. In Saudi Arabia that we all have been visiting, you can see how they are utilizing water resources inside the desert. In Israel and the other part of the desert land they utilize the water just because they have the proactive approach to utilization of water both for domestic, industrial and agricultural input.

In Nigeria, even though we are blessed with rainfall annually, we must know how to reserve water for the raining day. I subscribe to this important Bill.

This is a very important Bill to all of us; not only those of us who are inclined to agriculture as a last resort on our retirement, but for all Nigerians so that we can have sufficient food, have water in all our houses both in the rural and urban cities and also have industrial growth.

I believe it is a very straightforward Bill that will help this country and also to go in line with the United Nation compliance in climate change approach as well as proactiveness in trying to see that we have water; not only for this year or next year, but for years to come.

I thank you very much for the opportunity. We should all support this Bill.

Senator Bassey Ewa-Henshaw: Mr. President, this is an extremely important Bill, which I support.

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This is one of a collection of Bills. The other ones which passed Second Reading include the Dam Management Agency Bill and the National Water Resource Management Commission Bill. So, it is a collection of Bills that are intended to assist us to manage our water resources and my Colleagues have alluded to the challenges of managing our water resources that are posed by the climate change, drying up waters in the North, creating floods in the South. This therefore will help in trying to evaluate the surface and underground water that we have in Nigeria and also the international waters which we share with other countries that are our neighbours. This Bill will allow us to try and determine how we can allocate this important resource to agriculture, domestic, industrial and international uses.

It is an important Bill and it comes to complement the other Bills that have already been passed to this Chamber for Second Reading.

So, I do support it.

Senator Suleiman Adokwe (Nasarawa South): Mr. President, I rise to support this Bill for the simple reason that any Bill that seeks to establish an Agency, the importance of it should be seen in what it sets out to do. The Agency that is being established seeks to manage our water resources, particularly, if you consider that it is fashionable in Nigeria now to sink borehole virtually in every place, we are no doubt endangering the aquifer of our territorial jurisdiction.

To that extent, it has become imperative that we need an agency that will be able to give us those data and information that will alert us on whether we have sufficient water to embark on indiscriminate access to them. Virtually, the use of boreholes in Nigeria has overtaken any other source of water and all sorts of equipment are used to access water in the bowels of our earth. Any agency that will regulate this activity will go a long way in sustaining the available water resources for this country; particularly, that we are witnessing so much of desert encroachment

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and the recession of water levels at the various regions of Nigeria, particularly the far North and at the moment reaching the middle belt. There are so many areas now across the middle belt that you cannot access water very easily.

Therefore, it is pertinent that this Agency is allowed to see the light of the day so that we will be able to control the way we access our water. Like somebody mentioned earlier on, in other jurisdictions like Israel, they make sure that whatever water they are collecting is recycled so that they are not losing more than 10% of the total body of water that they can access. With this kind of agency, we should be able to establish this possibility for managing our water and not wasting them and be able to recycle them as much as we can.

It is with this in view that I give my total support to this Bill and urge my Colleagues to do same.

Senator Ayogu Eze (Enugu North): Mr. President, I rise to support this Bill because it is a Bill whose time has come. But, I am surprised that we had to wait this long before putting in place this type of Agency. I remember that in 1992 when I was part of a delegation from Enugu that made a state visit to Israel, one of the recommendations that the Government of Enugu State made to the Federal Government on return from that visit was the setting up of a National Water Management Agency or National Water Management Authority. My Colleagues here have said, including the *bridge builder*, Senator Suleiman Adokwe just mentioned that through adroit and very resourceful management of their very lean water resources, Israel has managed to turn what was a desert into a very green area to the extent that the world now looks up to Israel for importation of agricultural produce.

I think that this Agency should not just be like any other Agency that Bureaucrats and Civil Servants will just go there and be more interested in what they can get rather than what the Agency can do for Nigeria. I think that this is one Agency, if properly managed and its resources well harnessed will put paid to the scourge of

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desertification and drought in this country because we will be able to, through the Agency, fund and power our Irrigation. Additionally, the issue of potable water in Nigeria is also a vexed issue because even though a sizeable percentage of Nigerians have access to water, not more than 5 - 10 *per cent* have access to potable water, that is, water that is healthy and good to drink. It is my expectation that this Agency will also put in place a robust water administration policy that will guarantee the access to drinkable water by the greater majority of Nigerians because it will promote the health of our people and productivity because a healthy population will lead to increased productivity. People will not report sick and therefore be alive to their responsibilities whether they are self-employed or working for people or government.

With these few observations and many more that my Colleagues have well articulated here, I support this Bill and urge our Colleagues to give it expeditious passage.

The President: I think that this is a straight-forward Bill. My problem is not really with the Bill itself. It is once we pass it and it becomes an Act, implementation; putting round pegs in round holes or square pegs in square holes. At the end of the day, we may end up just like most of the Agencies that have employed people who are totally incapable and incompetent and the resultant effect will be that, though the Agency exists and everybody is being paid, it is not doing its proper function.

Also, when this Bill gets to the Committee on Water Resources, the Meteorological Agency of that Ministry will ensure that there are clauses that conflicts with that one, they can be resolved properly so that we do not have the same situation that we found ourselves in the Health Bill. We need to take a look at the Act that established the Meteorological Agency so that common areas are resolved properly.

With these few remarks, I would like to thank you for your contributions and I think I can now put the question that this Bill be read a Second Time.

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Question put and agreed to.

Bill read the Second Time and referred to the Senate Committee on Water Resources.

The Committee is expected to report back in two weeks.

Energy Commission Act (Amendment) Bill, 2009

A Bill for an Act to amend the Energy Commission of Nigeria Act to Grant Priority to the Promotion and Development of Renewable Energy Sources and Provide for Other Matters related Thereto.

Order for Second Reading

Senator Teslim Kolawole Folarin: Mr. President, the second and last Business of the Day is the Second Reading of the Energy Commission Act Amendment Bill 2009. The Bill was read for the first time in this Chamber on Thursday, 30th July, 2009.

May I invite the sponsor of this Bill, Senator Dahiru A. Kuta to move the Motion for the Bill to be read for the Second Time.

Senator Dahiru A. Kuta (Niger East): Mr. President, this Amendment Bill on Energy was first read in this Chamber on 30th July, 2009. The Energy Commission of Nigeria was established by Decree 62 of 1979. The Commission was established to promote and develop Renewable Energy Sources in order to find lasting solutions to the problem of inadequate energy supply in the country.

The Commission is the apex Government Agency for the formulation of the most appropriate energy plans and frameworks and for monitoring and evaluation of their implementation.

The Commission received a boost in 1982 when consequent upon the outcome of a meeting that year convened for all Heads of ECOWAS in

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Conakry, it was directed that each member state was expected to establish an agency charged with the responsibility of coordinating and supervising all energy functions and activities within each member state.

The Decree No. 62 of 1979 establishing this Commission was therefore, amended in 1988 by Decree 32 not only to ensure better performance but also to expand the Commission's mandate in line with the recommendations of the 1982 meeting in Conakry. The amendment of 1988 was also effected to enable the Commission to widen its activities to include more specialized functions such as:

- (a) Guaranteeing adequate, sustainable and optimal supply of energy at appropriate cost in an environmentally responsible manner to the various sectors of the economy by utilizing all viable and indigenous energy resources optimally. This will ensure increased contribution of the energy sector to national economy.
- (b) Promoting indigenous acquisition of energy technology and managerial expertise as well as indigenous participation in the energy sector industries.
- (c) Reconstituting the membership of the Commission and its Technical Advisory Committee and establish specialized departments for the Commission. The new provision also empowered the Commission to monitor the performance of all Government policies on energy.
- (d) Developing renewable energy devices that are key elements for providing electricity to the rural areas.

Decree 62 of 1979 was further amended by Act 19 of 1989. This amendment was to restrict the membership of the Commission to those Ministers and Ministries that were of direct relevance to the Commission's functions. Thus Decree 62 of 1979 which set up the Commission has been amended twice. And with these amendments, the following activities and achievements have been recorded by the Commission:

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- (a) The development of renewable energy devices by its centers at the Universities of Nigeria Nsukka and Usman Danfodio which include solar cookers, solar dryers, solar water heaters, as well as wind electricity converters. But for lack of fund, most of these would have been ready for mass production and commercialization.
- (b) The acquisition of the Tandem Accelerators for the center for Energy Research and Development, Obafemi Awolowo University, Ile-Ife. This was commissioned in 2008.
- (c) The popularization of the new and renewable energy technologies through the construction of more than seventy (70) pilot projects.
- (d) The development of a 500W Solar PV Vaccine Refrigerator at its center at Usman Danfodio University Teaching Hospital in Sokoto for the storage of vaccines. The project was commissioned in 2006 and sponsored by the Sokoto Energy Research Centre.
- (e) The construction of a 5.0kWp Solar Pv Power Plant at the Comprehensive Health Centre in Laje Village, Ondo West Local Government Area of Ondo State.
- (f) The development of a 1.5k Wp Solar Power Project for Solar Refrigeration and lighting for the Community Health Centre, Lighting of Mosque and Church, some Street Lighting within the Community and Lighting of the Chief's house at Igbindo Village, Ondo West Local Government Area of Ondo State.
- (g) Development of a 5KW Wind Power for Village Electrification at Sayyan Gidan Gada, Wamakko Local Government Area of Sokoto State.

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- (h) The development of a Solar P Internet Power Supply back-up at Usman Danfodio University, Sokoto.
- (i) The construction of Solar PV Pumping Systems at Kilgori in Yabo Local Government Area of Sokoto State, and at Birjingo in Goronyo Local Government Area also in Sokoto State.
- (j) The construction of Solar Dryers at Sokoto Energy Research Centre as a demonstration outfit with the capacity of 5-10kg of drying products for staff, students and investors.
- (k) The construction in 2006 of single and double box type solar cookers at the Sokoto Energy Research Centre, Sokoto for students and staff – for research, development and demonstration.
- (l) The construction of a Solar Chicken Brooder developed by the National Centre for Energy Research and Development, Nsukka.
- (m) The development in 2006 of a Family-based Improved Wood Burning Stoves at Government Girls Secondary School, Argungu, Kebbi State for the school community by the Sokoto Energy Research Centre.
- (n) The development of 1.5KWp Powered Bore-Hole and some Street Lighting at Malarin Gwamma Village, Malam Madori Local Government of Jigawa State.
- (o) The development of 1.75KW Solar Electricity System Supplying Electricity to the Local Government Computer Centre, Offices and Street Light in Ini Local Government Area of Akwa-Ibom State.
- (p) The development of a 2.85 Solar Pw Plant at the Centre for Mentally ill Destitute at Itumbazo in Abia State.
- (q) The Energy Commission of Nigeria in collaboration with the Directorate of the National Youth Service Corps has continued with the programme of training

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Youth Corps Members in the design, construction and maintenance of simple energy technologies with a training workshop at the Kaduna Polytechnic in June 2006 and another one in October 2008 at the Federal University of Technology, Minna.

- (r) Besides this training, the Corps Members are being encouraged to make the construction and sale of these devices as their business.

The Energy Commission of Nigeria has further secured approval for the establishment of four Energy Research Centres at Abubakar Tafawa Balewa University Bauchi, Universities of Ilorin, Lagos and Benin.

From the foregoing, despite numerous challenges, the Commission has tried to put in place those measures necessary for it to justify its existence and for it to achieve the objective for which it was established.

The Commission has made appreciable energy research and development, the result of which is yet to be commercialised because of lack of adequate funds.

Generally, funding for research, development and demonstration activities has been grossly inadequate for the Commission to achieve its Mission and Vision.

Since the second amendment of this Act 20 years ago, no further amendments have been made to meet the challenges of the persisting energy crisis in the country. This amendment will therefore, bring up-to-date, the various provisions of the Act and suggest new and additional provisions for the Commission's effective performance.

With this amendment, the Commission can now work out more comprehensive master plan for developing alternative sources of energy for the enhancement of energy supply in the country, and at the same time ensuring that our environment is fully protected in the course of exploring and exploiting alternative sources of energy.

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The amendment is giving more powers to the Commission to further develop technologies for the generation of electricity from the renewable energy sources.

The proposed amendment will also provide for more effective and efficient management of the Commission's finances.

The amendment will further enable the Commission to address the problem of low public awareness of sustainable energy methodologies.

In all, there have been 15 sections that require amendment. I have therefore, attached herewith, the original Bill, the amended copies and my proposed Bill.

This amendment does not in any way attract financial implications. Section 77 (3) of the Senate Standing Order 2007 as amended will therefore not apply.

Mr. President, distinguished Colleagues, I thank you very much for supporting this Amendment Bill.

Senator Olorunnimbe Mamowora: Mr. President, I rise to support this proposed amendment to an existing Act. It is straightforward, we are talking of energy, energy is not out of place, perhaps, it is next to water. Energy is life as well because there is hardly anything we do that does not have the component of energy. We are saying that there is need for us to harness what is available to us, particularly within the environment in order to safeguard the environment that we belong to.

As brought by the sponsor of this Bill, it is also in consonance with our statutory obligation constitutionally, that is, as a Legislature we have the power to make new Laws, amend existing Laws and repeal if need be.

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Coming at this time, we are looking at the power to amend an existing Act. I think that the principles behind this Bill are sound. They are

such that cannot be faulted. Of course, when you look at the merits, the merits are enormous. What is being asked for is straightforward. It is to that extent that I fully support this Bill and urge my Colleagues to support the Bill and give it accelerated hearing.

Senator Ibrahim Saminu Turaki (Jigawa North-West): Mr. President, I am supporting this Bill with an amendment. I remember that we had the first solar village in the world when I was a Governor and now we have thirty solar villages. I know what the Commission is doing, nationally. However, solar is an international business today. A lot of the money we are using today is grant from other nations. This Bill directly collides with Electric Regulatory Commission and also the Law setting up PHCN.

Some countries including Germany give 20 *per cent* subsidy for any Solar or Renewable energy produced and put on the national grid. That is why Germany is investing \$600 billion dollars for forty years in North Africa, including the Sahara so that they can have 28 *per cent* of their power from there.

I think that what the Commission should try to do is to support national companies just like we have the PHCN that could invest in the production of solar sales because everyday we have newer technologies. Countries like China and Japan have some technologies.

We need to look at the National Regulatory Agency. When we went to Aba Power Plant I know that a lot of new IPPs are coming up. This Bill would have to look at that so that if it is a national policy coming from this Senate, we would not need to amend the Act, we can pass a Law to say that for renewable energy you have 20 *per cent* subsidy apart from whatever is taken to the national grid.

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In as much as I would like this amendment, I feel it would hinder other areas which I think need a lot of research before we can work on it. My suggestion is that before we do anything we need to form a bigger Committee at the Senate level, including Committee on Environment and others to look at this Bill. Right now, they have budgetary allocation to do this work but they are competing with a lot of States and other Agencies. 90 per cent of the solar projects in Nigeria are not with the Commission. In the amendment you can see ₦3 billion going to Katsina State for the Wind Mill which is not included in this but a part of the virement which we saw today. There is lots of money going for different initiatives by different organs of the government. Therefore, we need to do more research on this proposal; we need to have a bigger Committee to look at it before we take on this amendment.

Senator Grace Folashade J. Bent (Adamawa South): Mr. President, I rise to really commend the sponsor of this Bill and the content of this amendment. I am rather excited about this because of the aggressive quest that is going on around the world by countries and indeed, by the developed nations on the need for us to have alternative sources of energy and renewable source of energy.

I must confess that this Bill is a timely one. We have been frustrated to an extent especially on our quest to have sustainable environment because of our inability to explore alternative sources of energy. The dilemma before Nigerian people especially as it affects our environment is the fact that we have not been able to put this Commission in a proper position. It has not been properly positioned to be able to promote and develop renewable energy sources. With this amendment being proposed, it will empower the Commission, reposition and make it more vibrant and able to stand side-by-side with other energy Commissions across the world in our quest to have very dynamic energy sources.

I am worried that as at today in Nigeria we are campaigning against felling of trees and deforestation. If you do not want people to fell more trees what alternatives have you provided

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for them? There is no alternative on ground and that is why a lot of time when we advocate for people to plant trees and we try to discourage people in the villages from felling trees, what has the government provided in the alternative for them? If you travel along Abuja/Lokoja road, on

both sides of the road you will see sacks of charcoal. Each bag of charcoal you see there is equivalent to about ten healthy trees that have been fell. What do you tell a woman in the village; do not fell these trees when she has to provide food and cook for her household? There is no alternative source of energy.

If you view all these, unless and until such a Commission is put in a proper perspective if this amendment is allowed to sail through we would be doing Nigeria a great favour and a great service.

This amendment is apt and imperative. This amendment is what we need now in our quest to have a very sustainable environment and alternative sources of energy.

We are talking of bio-fuel. Most nations all over the world are beginning to look for alternatives to bio-fuel. Nigeria is still using petrol, *et cetera*. If this Commission is properly positioned and this amendment is allowed to go on, I am convinced that with proper oversight function and proper setting up of that Commission, we would have been able to reduce some of these problems that are confronting us in the environment sector.

On this note, I want to urge us to quickly pass this Bill and let it go for Public Hearing. It is a very straight forward Bill.

Senator Ibrahim Mohammed Ida (Katsina Central): Mr. President, I stand to join voices with those who spoke before me to support this Bill. While I do so, I want to start by making observation. In the Lead Debate, there are references to many decrees. I think that it is time we redirect our minds to the fact that we are no longer in that era. Every decree is now an Act and a proper reference to the laws of the

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Federation will give a proper citation. Since this is a record, it should always reflect the correct citation of laws rather than making historical references.

Concerning the issue itself, it is heartwarming to see that we are really seeking to amend an existing legislation to enable it conform to existing realities. However, I get a bit disturbed when I went through amendments being proposed. I have seen references being made to the fact that while the Commission has made appreciable progress in research, it is yet to be commercialised because of lack of adequate funds. Is it the same Commission that makes the research that is supposed to also commercialize the research? If that is what we think, I think it is now seen clearly the problems we have on why our National Institutions fail because they take upon themselves too much.

I believe that this Commission should be either a regulatory body or at least, an initiator of a research but the commercialization of the research it makes should not lie on it again. In fact, it should not lie on it at all.

There is no interface between our research institutions and our commercial concerns. In other places where innovations happen day-in day-out, you would find out that a lot of institutions are even sponsored by private concerns so that the outcome of it would be commercialized. Now we want to establish a governmental body and charge it with the responsibility of research and also expect it to commercialize it. That is why we have institutions like the Raw Materials Research Institute that has not really gone beyond certain limit because they are expected to research and also commercialize. So we have a lot to do in that respect. We should not rely on government for commercialization of research.

I believe that by the time this new body comes into being, it should be able to reach out. If it has ideas, it should be able to sell these ideas to the private sector and get the private sector to really fund this.

Secondly, they should go round to the private sector and find out what aspect of their

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activities will they like the Commission to research on. It is when we do this that we will progress in both ways. We would progress on the side of the research itself and that of commercialization.

I hope that this Commission, when the existing legislation is finally amended and the Bill is passed, it would turn out to be well focused. We should also look at the existing legislation that has bearing on the activities we expect this Commission to perform. Let us not allow areas of conflict. Let there be a Commission that is well focused, well positioned and devoid of any function that is already being undertaken by our existing concerns.

With this, I want to say that I support the Bill in its entirety and I do hope that it will be given accelerated hearing.

Senator John Nanzip Shagaya (Plateau South): Mr. President, the Chairman of the Joint Senate Defence Committee has spoken. If I will start from his observation, I think the lead debate is only talking about history, referring us to be amended Decrees/Enactments that will become Act. I think what Senator Ida, is saying is that he is indirectly throwing a challenge to the Sixth Senate, that there would be need for us to bring all the Decrees that have not been changed in our statute books in the last many years and to get them amended. If they have been changed, then this Senate holds the responsibility that such publications are made available to all the Senators for future references.

Having said that, I want to say that I support completely this Amendment.

The President: Point of Order! Senator Mamowora

Senator Olorunnimbe Mamowora: Mr. President, it may seem to have been overtaken by events, but I just want to read Order 56. Extension of that Order 56 as we have in Code of Ethics of the Senate states thus: *a senator shall not approach the chair except when invited by the presiding officer.* I was just wandering whether you invited Senator Idris Umar. This is Senate Code of Ethics. *(Interruptions)*

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Several distinguished Senators: We have not been given.

The President: Senator Mamowora, is the Point of Order on me or Senator Idris Audu?

Senator Olorunnimbe Mamowora: It is on Senator Idris.

The president: It is all right.

Senator Olorunnimbe Mamowora: It states: *a Senator shall not approach the Chair except when invited by the Presiding Officer.*

Mr. President, the whole essence is to avoid a situation where the presiding officer would be distracted. It is part of our Rules, an extension of the Rules of the Senate. I was just going to find out whether you did invite Senator Idris or he invited himself to your Chair?

The President: I called Senator Idris. The paper from where he gave his Point of Order is not a qualified paper to raise Point of Order.

Senator John Nanzip Shagaya: Mr. President, I was just saying that I support and commend the Amendment as being suggested by my brother from Niger, before that Point of Order.

This Amendment for the need to establish an Energy Commission has come very timely. As we all know, nations of the world will be gathering in Copenhagen in December. I think one of the most topical subjects that would be discussed by Heads of Government would be renewable Energy. This therefore puts our National Assembly especially, the Senate ahead of time. I do know that whatever is the outcome of this Amendment that would come up here, the Executive may be able to borrow some leaf for presentations at Copenhagen.

I know today that in renewable Energy, we are today discussing a very Environmental friendly source of Energy like the ones grown very widely in some of the Northern States. Of course, on the issue of Windmill, to the best of my knowledge, research has gone in to the six Geo-political zones of this country; and I think six major points have been identified. These two will compliment our hydro that is existing. So it

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becomes imperative that you have a Commission that now coordinates all these activities as far as renewable Energy is concerned.

I commend the amendment as suggested; and recommend that my Colleagues also support Senator Kuta in this amendment, not because he is a comrade but that he has brought in a subject matter that is very tropical in the world.

Senator Sola Akinyede (Ekiti South): Mr. President, in my Constituency in Ekiti, we get an average of fifteen hours of electricity a month; that is about thirty minutes of electricity a day. We have been promised 6,000 megawatts by December, but only yesterday, I read in the papers that this will not be possible because of shortage of gas; and it is obvious that we cannot get 6,000 megawatts in December.

In these days of climate change, this amendment is not only timely, but it is imperative. One of the plans that the western world has launched in getting out of the global economic crisis, is Renewable Energy. This has been said many times by President Barak Obama, Tony Blair and many other Leaders in the West. If countries in the temperate parts of the world where they have long winters are heavily involved and have invested heavily in Solar and Wind Energy; why Nigeria and other countries in the tropics that have more than ten hours of sunshine a day have not invested in Solar Power?

I believe that large countries where they have a large population like India, if they are investing in Solar Energy; they have Solar Power, Bulbs for the villages, why can we not have this in Nigeria? I believe that this is imperative and I support this Amendment whole heartedly.

I however believe that the Commission should be involved principally in providing an enabling environment for the Private Sector to work. As we all know, we do not want a Commission that will become a large bureaucracy and drain more on these resources. For instance, I understand that the import duty on Solar Panel is about 30 *per cent*. I do not see why this duty cannot be brought down to zero so

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that Nigerians can import these panels, manufacture them, provide jobs for our people; and provide cheap energy for people in the rural areas such as in my Constituency. We have this example in Australia where a large part of the rural agricultural part of the country is powered by Solar Energy. I therefore, urge my Colleagues to support this amendment. It is not only timely but imperative.

Senator Idris Audu Umar (Gombe Central): Mr. President, I wish to lend my voice in support to this all important Bill. Any bill that is seeking to give more powers to a Commission charged with responsibilities of energy affairs, particularly emphasizing on a renewable energy sources must be supported. As a nation, we need to promote more than ever before, our renewable sources of energy because of the deficit and the deficiencies we have in our electricity supply in this country.

However, much as I support this Bill, I want to sound a word of caution to the Committee that will eventually work on this Bill to look meticulously on the provisions of the Power Sector Reform Act which has been passed by this National Assembly, assented to and indeed in operation in this country. I am referring to the provision specifically that created the Nigerian Electricity Regulatory Commission under the Act because under that Act the Nigerian Electricity Regulatory Commission has been empowered with the powers of regulating electricity supply, licensing of companies in both the private and public sectors.

From the context of the Bill, it does appear to me that there may be some areas of conflicts between what is proposed in the amendment and what is contained in the Electric Power Sector Reform Act particularly with reference to the powers granted to the Nigerian Electricity Regulatory Commission on the regulation of licenses to the private sectors.

If you look at the Bill, Section 5(b)(b) states thus: *which seeks to prescribe a formula for regulating the purchase and transmission of, and payment for such electricity by any private grid system operator below one mega watt.*

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I know that there is adequate provision on regulation of electricity generation particularly on captive power generation in the Power Sector Reform Act and that power is vested on the Nigerian Electricity Regulatory Commission. Then, if you look at 5(c)(a), it states thus:

Device methods for the registration of installations and the issue of licences to private grid system operators who produce below one mega watt and may apply for entry into the register of grid system operators.

That is also contained under the powers vested on the Nigerian Electricity Regulatory Commission. I therefore, want to sound a word of caution to the Committee that they must look at this powers very meticulously otherwise, we might end up passing an Act or amending this Act directing powers to the Commission that has already been given to another Commission to exercise.

With these few comments, I lend my voice in support to this Bill that it should be passed to the Committee to work on it meticulously and report back to this Senate.

The President: Thank you very much, distinguished Colleagues. Again, this Bill is a straightforward Bill. The amendments that Senator Kuta is seeking are also straightforward.

The caution here is to make sure that we do not give the activities of this Commission mixed up with that of the Regulatory Agency. You have to make sure that they are properly separated. Also, the Commission should as much as possible involve itself in research and development but it is difficult for the Commission to go commercial.

I do not think that the Commission would be able to produce any of these things in commercial quantity. The idea is to provide an avenue whereby private entrepreneurs can go to and get the products of their research and then commercialize it as much as possible

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I also would like to emphasize here that anything that we can do to ensure that we have renewable energy, we should encourage it. Again, my fear is that the Commission should not just be another group put together where a lot of money is being given and very little is coming out of it.

With these few remarks, I think I can now put the Question.

Question put and agreed to.

Bill read the Second Time and referred to the Committee on Science and Technology and to be returned within four weeks.

ADJOURNMENT

Senator Teslim Kolawole Folarin: Mr. President, having exhausted all items on the

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Order Paper, I move that this Senate adjourn till tomorrow, Wednesday, the 18th November, 2009, at 10.00 a.m.

Senator Olorunnimbe Mamowora: Mr. President and my Colleagues, having fulfilled all righteousness, I rise to second the Motion as ably moved by the Senate Leader that this Senate do adjourn till tomorrow, Wednesday, 18th November, 2009, at 10.00 a.m.

Question put and agreed to.

Resolved: That the Senate do stand adjourned till tomorrow, Wednesday, 18th November, 2009, at 10 a.m. prompt.

The Senate adjourned accordingly at 1.25 p.m.