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FEDERAL REPUBLIC OF NIGERIA

**Wednesday
28th October, 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**

Wednesday 28th October, 2009

The Senate met at 10:20am

PRAYERS

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: Distinguished Senators, we have the Votes and Processing of Wednesday, 27^h October, 2009 before us for approval: Pages 237, 238, 239, 240.

Senator Dahiru A. Kuta (Niger East): Mr. President, this mistake may be coming from the movers of this Motion or the drafters of the Votes of Proceedings. We must be sure that anytime we have a Motion, it must be properly looked into in order to avoid mistakes.

Prayer No. (iii) says that the Senate do direct the relevant Committee of the Senate to meet with NEMA to assess the Agency's preparedness to deal with the situation. That is very wrong. The new one I have has *of*.

The President: I am sorry, what is the correction? Is your page 240 correct? *Accordingly resolves to*, that is what is in the Motion in Prayer (iii).

Senator Dahiru Kuta: That the Senate do direct the relevant Committees of the Senate to meet with NEMA to assess the agency's preparedness to deal with the situation. The latest I have has *of* and the former one that was given to me still has *of*.

The President: What I have here is: *Direct the relevant Committees of the Senate to meet with NEMA to assess the agency's preparedness to deal with the situation*. But this is what is in the Motion. I have not got the correction, but if you have it, give it to the Secretariat to make the necessary corrections.

Senator Omar A. Hambagda (Borno South): Mr. President, my observation is on page 240. It says: *Notes also that the regrettably*. I think that the word *the* should be omitted.

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The President: *Notes also that the regrettably*, I think the word *the* is not there on page 240.

Senator Adegbo Erhiawarie Eferakeya (Delta Central): The last paragraph, *amendment proposed*. The name is Eferakeya and not Eferakeya.

The President: Please do not manage his name let it be done properly. Secretariats please, note the correction. Page 241

Senator Ganiyu Olarenwaju Solomon (Lagos West): Mr. President, I rise to move that the Votes and Proceedings of Tuesday, 27th October, 2009 be approved as amended.

Senator Wilfred Bode Olajumoke (Ondo North): Mr. President, I rise to second the Motion ably moved by Senator Ganiyu Solomon that the Votes and Proceedings of Tuesday, 27th of October, 2009 be approved as amended.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Tuesday, 27th October, 2009 be approved.

ANNOUNCEMENTS

Committee on the Review of the 1999 Constitution

The President: This announcement is from the Committee on the Review of the 1999 Constitution and it reads:

The President of the Senate,

Your Excellency,

The Senate Committee on the Review of the 1999 Constitution will meet today, Wednesday, 28th October, 2009 by 2.00 p.m at the Meeting Room 301 Senate Building, New Wing.

(Signed)

Senator Ike Ekweremadu CFR
Ikeoha ndi Igbo nile n'uwa
Deputy President of the Senate
Chairman of the Review Committee

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Marriage Ceremony

This is from Senator Patrick Enebeli Osakwe and it reads:

It is with great pleasure and gratitude to God almighty that I announce the marriage ceremony between my Son, Dr. Edwin Anamaka Osakwe and Miss Hilda Chinwe Ugbe which is scheduled to take place as follows:

Date: Saturday, 7th November, 2009

Venue: Saint Paul's Catholic Church, Airport Road, Benin City, Edo State

Time: 10.00 a.m. prompt.

Reception follows immediately after the Mass at the groom's residence. Once again, all distinguished Senators are invited to the ceremony and I look forward to their highly esteemed presence there.

While looking forward to the pleasure of welcoming you, please have the renewed assurances of my highest regard.

(Signed)

Senator Patrick Enebeli Osakwe
(Delta North)

Visit of Students of Junior Secondary School, Orozo, Abuja

I wish to acknowledge the presence of Students of Junior Secondary School, Orozo, Abuja, who are in the Gallery to observe Senate's proceedings. We wish you fruitful observation of the Senate's proceedings. *(The visitors stood recognition)*

PERSONAL EXPLANATION

Senator Mohammed Ibrahim Ida (Katsina Central): Point of Order, Mr. President!

The President: What is the Point of Order, distinguished Senator Mohammed Ibrahim Ida?

Senator Mohammed Ibrahim Ida: Mr. President, I am coming under Order 43 and with your permission I will read.

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By the indulgence of the Senate and the leave of the President of the Senate, a Senator may make a Personal Explanation although there be no question before the Senate, but no controversial matter may be brought forward nor may debate arise upon the Explanation. The terms of the proposed statement shall be submitted in detail to the President of the Senate when his leave to make it is sought.

I want to make an explanation about the aborted trip of the President of the Senate and Members of the Senate Committee on Defence and Army to Sudan, which happened on Monday, 26th October, 2009 and which has generated a lot of interest.

In exercise of its oversight functions the Committee on Defence and Army of the Senate in April, 2009, planned two visits to our troops on Peace Keeping Operations. One was to Liberia and the other to Darfur. The Liberian trip held while arrangements were put in full force for the trip to Darfur. These arrangements were completed and everything that should be done was done; all appointments were fixed including a courtesy call by the Senate President to the President of the Sudan and the leadership of the Legislature there.

Upon that completion, on Monday, 26th October, 2009 the delegation made up of the Senate President and some Members of the Committee took off from the Airport in Abuja in a Presidential Aircraft, and as we were leaving Abuja Airport the Sudanese Ambassador to Nigeria sent a message of goodwill wishing the delegation a safe trip to Sudan. That also confirmed that all arrangements had been completed.

The delegation was on its way and had already entered the Sudanese airspace when the Pilot briefed the Senate President that the Sudanese authorities had sent message through the Chadian Airspace Authorities to the effect that the Airport at Khartoum had been closed to international flights and that the closure was for repairs and it was to be opened five hours from the time the message reached the delegation.

The Pilot also confirmed that all efforts by him to contact the Sudanese Authority to clear the air proved abortive as they refused to answer to his calls. The decision was made for the Pilot to ask for permission for the aircraft to land in Ndjamena. This was done.

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When the aircraft landed, we made efforts, contacted our Ambassador in Sudan who was unaware of the development. In fact, he was shocked. We also contacted the Sudanese Ambassador in Nigeria who said that he was not aware of the development, because to the best of his knowledge all arrangements had been completed.

All efforts by our Ambassador in the Sudan to get the Sudanese authority to rescind the decision and allow the aircraft to land proved abortive. After due consideration, the decision was taken that the trip should be aborted and the delegation returned to Abuja. Since then we have taken up the issue with our Foreign Affairs Ministry. And because of the sensitivity of the exercise the Nigerian Ambassador to Sudan is now in the country and I believe that the Foreign Affairs Ministry through diplomatic channels will be able to unravel the circumstances that led to this.

We want to say very categorically that before the delegation took off from Nigeria all arrangements and plans were completed; all approvals were sought for and secured. We, therefore, could not understand the reason for the development but we believe that through the diplomatic channels, our Foreign Ministry will be able to unravel what happened. That is the situation.

The President: It is Personal Explanation. What observation do you want to make on a Personal Explanation? The Senate's Standing Order is very clear on this. By our Order 43, there is even a bit of a problem because this is fairly controversial issue. It has come under Order 43, but there is no room for further comments, observations or further information on it.

Thank you very much Senator Ida.

PRESENTATION OF REPORTS

Committees' Sessional Reports

Senator Teslim Kolawole Folarin (Oyo Central): Mr. President, the first business of the day is the presentation of the Sessional Reports of the following Committees listed on the Order Paper in accordance with Order 102(d) of the Senate Standing Orders 2007, as amended, for the period June 2008 to June 2009. With your kind permission, I move that this Senate do now receive the Reports of the following Committees as contained in the Order Paper in accordance with the Senate Standing Order 102(d).

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Senator Maina Ma'aji Lawan (Borno North): Mr. President, I rise to second the Motion that the Senate do receive the Sessional Reports of the under-listed Committees on our today's Order Paper in accordance with Order 102(d) of the Senate Standing Order 2007, as amended, for the period June 2008 to June 2009 to be laid on the Table.

Question put and agreed to.

The Sessional Reports of the following Committees for the period June 2008 to June 2009 were accordingly laid on the Table: Committee on Education, Committee on Environment and Ecology, Committee on Establishment & Public Service, Committee on Federal Capital Territory (FCT), Committee on Federal Character and Government Affairs, Committee on Finance, Committee on Foreign Affairs, Committee on Gas, Committee on Health, Committee on Housing and Urban Development and Committee on National Identity Card and Population. Others were; Committee on Industries, Committee on Independent National Electoral Commission (INEC), Committee on Interior Affairs, Committee on Inter-Parliamentary Affairs, Committee on Employment, Labour and Productivity, Committee on Drugs, Narcotics and Financial Crimes Committee on Air Force and Committee on Downstream Petroleum.

Report of the Committee on Banking, Insurance and other Financial Institutions on the Screening of Alhaji Umaru Ibrahim as the Executive Director of NDIC

Senator Teslim Kolawole Folarin: Mr. President, the second business of the day is the presentation of the Report of the Committee on Banking, Insurance and Other Financial Institutions on the screening of Alhaji Umaru Ibrahim as the Executive Director of the Nigeria Deposit Insurance Corporation (NDIC).

You may wish to invite the Chairman of Banking, Insurance and Other Financial Institutions, Senator Nkechi Nwaogu to move the Motion for the Senate to receive the Report.

Senator Nkechi Nwaogu (Abia Central): Mr. President, may I urge the Senate to receive the Report of the Committee on Banking, Insurance and Other Financial Institutions on the screening of Alhaji Umaru

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Ibrahim as the Executive Director of the Nigeria Deposit Insurance Corporation (NDIC).

Senator James Ebiowou Manager (Delta South): Mr. President, I rise to second the Motion ably moved by my Chairman, Senator Nkechi Nwaogu that she be allowed to lay her Report on the Table.

Question put and agreed to.

(Report accordingly laid on the Table)

Report of the Committee on Banking, Insurance and Other Financial Institutions on the Screening of Dr. Kingsley C. Moghalu as the Deputy Governor, Central Bank of Nigeria

Senator Teslim Kolawole Folarin: Mr. President, the third business of the day is the presentation of the Report of the Committee on Banking, Insurance and Other Financial Institutions on the screening of Dr. Kingsley C. Moghalu as the Deputy Governor, Central Bank of Nigeria.

You may again wish to invite the Chairman of Banking, Insurance and Other Financial Institutions, Senator Nkechi Nwaogu to move the Motion for the Senate to receive the Report.

Senator Nkechi Nwaogu: Mr. President, may I move that the Senate do receive the Report of the Committee on Banking, Insurance and Other Financial Institutions on the screening of Dr. Kingsley C. Moghalu as the Deputy Governor, Central Bank of Nigeria.

Senator Audu Idris Umar (Gombe Central): Mr. President, I rise to second the Motion that the Senate do receive the Report of the Committee on Banking, Insurance and Other Financial Institutions on the screening of Dr. Kingsley C. Moghalu as the Deputy Governor, Central Bank of Nigeria.

Question put and agreed to.

(Report accordingly laid on the Table).

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ORDERS OF THE DAY

MOTION

Confirmation of the Nomination of Mr. Samuel T. Ukura as the Auditor-General for the Federation

Senator Teslim Kolawole Folarin: The first Order of the day is a Motion requesting this Senate to consider the request of Mr. President, Commander-in-Chief for the confirmation of the nomination of Mr. Samuel T. Ukura as the Auditor-General for the Federation, in accordance with Section 86(1) of the 1999 Constitution of the Federal Republic of Nigeria. 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 move that this Senate do consider the request of Mr. President, Commander-in-Chief for the confirmation of the nomination of Mr. Samuel T. Ukura as the Auditor-General for the Federation, in accordance with Section 86(1) of the 1999 Constitution of the Federal Republic of Nigeria.

Senator Maina Ma'aji Lawan (Borno North): Mr. President, I rise to second the Motion moved by the Majority Leader of the Senate that the Senate do consider the request of Mr. President, Commander-in-Chief for the confirmation of the nomination of Mr. Samuel T. Ukura as the Auditor-General for the Federation in accordance with Section 86(1) of the 1999 Constitution of the Federal Republic of Nigeria.

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 Mr. Samuel T. Ukura as the Auditor-General for the Federation, in accordance with Section 86(1) of the 1999 Constitution of the Federal Republic of Nigeria.

The President: Distinguished Senator Makarfi, can we get it back in a week?

Senator Ahmed Mohammed Makarfi (Kaduna North): Mr. President, if the nominee is available, otherwise two weeks would be ideal.

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Several distinguished Senators: It is for the Public Accounts Committee.

The President: Chairman, Public Accounts Committee, can we get it back in a week or two? Or how many weeks do you want?

Senator Ahmad Ibrahim Lawan (Yobe North): Mr. President, one week would be enough.

(Request accordingly referred to the Senate Committee on Public Accounts to report back within one week).

Rescission of Senate Resolution on the Electoral Offences Commission Bill, 2009

Senator Teslim Kolawole Folarin: The second Order of the day is a Motion standing in the name of Senator Isiaka A. Adeleke and seven others on the rescission of Senate Resolution on the Electoral Offences Commission Bill, 2009.

You may invite Senator Isiaka A. Adeleke to move his Motion.

Senator Isiaka Adetunji Adeleke (Osun West): Mr. President, you will recall sometime ago, I raised a Point of Order on Personal Explanations citing our Standing Order 53(6). I am today, bringing a substantive Motion on the Point of Order I raised, which is for the rescission of the Senate Resolution on the Electoral Offences Commission Bill, 2009. The Motion reads:

The Senate:

Notes that the Electoral Offences Commission (Establishment, etc) Bill, 2009 was read for the Second Time on Wednesday, 30th September, 2009 and was committed to the Committee on the Review of the 1999 Constitution;

Observes that the Bill is purely on Electoral Offences and has no Constitutional provisions;

Observes also that it is necessary to recommit the Bill to the Committee on INEC whose jurisdiction the Bill falls in accordance with our Standing Order 98 (33) (iii);

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Accordingly resolves to;

- (i) Rescind its earlier Resolution to commit the Electoral Offences Commission Bill, 2009 to the Committee on the Review of the 1999 Constitution;
- (ii) Recommit the Electoral Offences Commission Bill, 2009 to the Committee on INEC.

Senator Abubakar Danso Sodangi (Nasarawa West): Mr. President, Sir, I rise with all sense of humility to second the Motion ably moved by distinguished Senator Isiaka Adeleke, Chairman of INEC Committee. I want to believe that the Motion is not controversial. A kind of error had been made and the good thing about our practice is that it is very dynamic. Once an error has been committed by practice one is allowed to come by way of Motion for its rescission. Precisely, that is what he had done. He is guiding jealously the work of his Committee. I believe that the Committee on the Amendment of the Constitution which is headed by our own Deputy Senate President, a very true democrat, a man of wisdom will definitely not object to this.

So, I urge all of us to approve this Motion and allow the INEC Committee to do justice to the matter.

Senator Nimi Barigha-Amange (Bayelsa East): Mr. President, I am in full support of this Motion and I would like to draw attention to our Standing Order 81. If you permit me I will read to support my argument. Order 81 deals with commuter of Bills and it says:

*When a Bill has been read the second time, it shall stand committed to a **Standing Committee**, unless the Senate on motion made commits it to the Committee of the Whole Senate. Such motion shall not require notice but must be made immediately after the Bill is read a second time and must be proposed by the Leader of the Senate. Bills committed to Standing Committees shall be allocated to a particular Committee by the President of the Senate whose discretion in this matter is final.*

You will see that we have made a costly mistake by referring the Bill to an Ad-hoc Committee instead of to a Standing Committee. Therefore, I fully support the

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Motion that we should rescind our decision and re-commit this Bill to the Committee on INEC.

Senator Adeleke Olorunnimbe Mamowora (Lagos East): Mr. President, let me say that there is a Chinese proverb that says: *It is not prudent to climb the tree when you are looking for fish.* (Laughter)

I feel I will just appeal to my Colleague Senator Isiaka Adeleke to withdraw this Motion. It is totally unnecessary, superfluous, time wasting and not in the interest of this Senate. I will take cue from what my Colleague read out. The Order 81 which he read says:

When a Bill has been read the second time, it shall stand committed to a Standing Committee, unless the Senate on motion made commits it to the Committee of the Whole Senate. Such motion shall not require notice but must be made immediately after the Bill is read a second time and must be proposed by the Leader of the Senate. Bills committed to Standing Committees shall be allocated to a particular Committee by the President of the Senate whose discretion in this matter is final.

We are talking about the discretion of the Senate President in this instance. What has happened in respect of this Bill is the discretion of the Senate President.

But having said that let me refer this Senate to Section 62 of the Constitution of Federal Republic of Nigeria. The Constitution is the Supreme law of the land. It takes precedent over any and every other law or rule in this country. Section 62 by your kind permission says that:

The Senate or the House of Representatives may appoint a committee of its members for such special or general purpose as in its opinion would be better regulated and managed by means of such a committee and may by resolution, regulation or otherwise, as it thinks fit, delegate any functions exercisable by it to any such committee.

That is what has been done in this instance. The Senate Committee on Constitution Review is a creation of this Senate, of course, taking its roots from the supreme law of the land and in the wisdom of Mr. President the Bill in question has been referred appropriately.

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Again, we are talking of a situation where we are looking at the electoral reforms and we have a number of Bills that are related and we are taking them together. I think this Motion is not necessary, it should fail and let us just limit further discussion on this issue based on the submission from the Constitution and, of course, from the Rules of the Senate.

Senator Uche Chukwumerije: Mr. President, we do not allow technicalities of procedure to divert our attention too much from the merits of what is being sought for here. My understanding of what is being sought for here is not even from the Prayers but from the observations. It says that the Bill is purely an electoral offence and no constitutional provisions. All informed observers agree that Nigerian's Constitution is probably the most bulky in the world. Why? Because it contains details which ought not to be in Constitution; details which ought to be left to subsidiary legislations or ordinary statutes. In most countries electoral offences are left to mere statutes or subsidiary legislations while here everything is brought into the Constitution making it the largest in the world and the most disobeyed in the world anyway.

So, whatever technicalities involve on this let us face the main issue of what they are really asking for, is let us begin the process of taking this away from a constitutional issue and refer it to the Committee it belongs to. I agree with them that it should go the INEC Committee.

Senator Ayogu Eze (Enugu North): Mr. President, I rise to lend my support to this Motion and also to associate myself with the views expressed by Senator Uche Chukwumerije. It was Senator Barigha-Amange who tried to make controversial a very straightforward matter. If you recall, this was the same position he took previously. He quoted this same section the day we committed this matter to the Constitution Review Committee. He just seized this opportunity to reverse himself to return to where he was to create the controversy that is beginning to rear its head.

What Senator Adeleke is seeking is to take away from the Constitution Review Committee are things that are bothering on the Constitution all these years. There are specific details and I have heard the Chairman of the Constitution Review Committee on a number of occasions state, and I agree with him that there are issues that ought not to be in the Constitution which are in the Constitution right now.

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This morning, I was listening to a debate by lawyers on the NTA, trying to look at some of the issues in the Constitution and they were talked specifically about carpet-crossing, and the condition in the Constitution that would stop you from moving from one political party to the other. In a bid to capture everything the Constitution brought in a lot of words that are not needed both for its operation and definition. Take for example, if there is a division in a Party, the Constitution does not recognise whether that division is at the Ward level, or at the point of conducting the primaries or at the National Headquarters. So, the job before us in re-drafting this Constitution is to copy the models of Constitutions in other countries. The American Constitution is a very small pamphlet that states the directive principles and the fundamental objectives of governance. The rest are by regulations.

If we begin to prescribe offenses concerning elections in our Constitution, sooner or later we would find ourselves in very tight corner. Even if I agree completely with Senator Mamowora that the President of the Senate was completely well-guided in the decision he took based on Section 62 of the Constitution, I still think that we should be able to separate technicalities from the desirability of the change that is being sought. I cannot see how we can stay inside our Constitution and begin to prescribe offences on elections. There is a lot of merit in this Motion and I support it. I enjoin my Colleagues to support it.

The President: The final discretion was mine but I was also guided by the voice vote that came from the Floor. It is not as if I did not ask and took a decision. Points were raised. You were correct in saying that Senator Barigha-Amange raised the same point and that point was quickly dismissed that day by the same argument that Senator Mamowora put up. So, Senator Barigha-Amange's point was not the strongest. The important point is that I was guided by the voice vote that came from the Floor.

I have heard from those who are in support of the Motion; let me now take those who are against the Motion.

Senator Ike Ekweremadu (Enugu West): Mr. President, let me put the issues in a better perspective so that we understand where we are and be able to take a proper decision.

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I recall that this matter came up before this Senate during the Second Reading. It was well canvassed. At the end of the day, it was sent to the Committee on Constitution Review. The Constitution Review Committee met in Kaduna State in the course of its Retreat and one of the outcomes of that Retreat was a Communiqué which was issued in Kaduna State where we resolved among other things, that we need to remove most of the matters concerning election in the Constitution and have a very comprehensive Electoral Act that will guide us as a country; freeing them from the cumbersome processes of constitutional amendment when the need arises in the future.

What we intended to achieve by that is to look at the Electoral Act as it is today and marry it with some of those provisions in the Constitution which will ultimately be brought out. A lot of work is already being done in respect of this decision that we took in Kaduna Retreat. Therefore, the problem I have with this Motion is that if it scales through, it is going to set back the work of the Committee in that respect, because it means that that Committee will be working on Electoral Offences Bill while also bringing together a comprehensive Electoral Act that will also encompass what we are presently discussing. At the end of the day, we will have an Electoral Act that will have the same subject and a Bill that is going to deal with the same issue.

So, my suggestion is that, if it pleases my distinguished Colleague, he should withdraw this Motion to enable the Committee do a comprehensive work that will encompass all matters concerning elections in this country including the offences that would be committed in the course of the elections, and the Commission if it is approved by this Senate, and other matters that will come out of the Constitution. We would have a comprehensive Electoral Act which was the decision we took at Kaduna Retreat. If we now begin to shift some of these issues to a Committee and they are working and we are also working, we may be duplicating our effort. At the end of the day, we would find ourselves having two documents stating the same thing which may be difficult for us to reconcile.

I suggest strongly that the Motion should be withdrawn to enable us put into effect the decision we arrived at in Kaduna which is to have a comprehensive Electoral Act that will encompass all the provisions of the present Electoral Act and those which we are going

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to be sieved away from the Constitution, so that our Constitution will be free from those encumbrances.

Senator Umaru Dahiru (Sokoto South): Mr. President, before I make my stand, I will like to make references to our Standing Orders and the provision of the Constitution for our guidance.

Section 60 of the Constitution it states: *Subject to the provisions of this Constitution, the Senate or the House of Representatives shall have power to regulate its own procedure, including the procedure for summoning and recess of the House.* It went further in Section 62 as has been cited by Senator Mamowora to say that:

The Senate or the House of Representatives may appoint a committee of its members for such special or general purpose as in its opinion would be better regulated and managed by means of such a committee, and may by resolution, regulation or otherwise, as it thinks fit, delegate any function exercisable by it to any such committee.

There are two arguments here. We have a Special Committee mandated to amend the Constitution of this country. Before then we had so many Standing Committees in which we regulate our own procedures in accordance with Section 62 of the Constitution of the Federal Republic of Nigeria.

Equally, the Senate Standing Orders, Order 1 states thus: *The proceedings in the Senate and in all Committees of the Senate shall be conducted in accordance with the following Standing Orders.* In other words, the INEC Committee, as has been mentioned, was the creation of the Senate, and we are supposed under Order 81 to conduct our affairs. So, the Bill under consideration is talking about setting up a Committee or Commission to take care of electoral offences. This is a Bill, I believe, is a proposal by the Executive. It is not meant to come under the Constitution. It is talking of establishing a Commission and by virtue of Section 4 of the Constitution the Legislature has every right to create whatever Commission to come under any of the laws. Right now, on issues of conducting election, all electoral offences have come under Electoral Offences Act of 2006 as amended.

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Now, for somebody to say that the issue under discussion is certainly constitutional, I feel, he is asking for more than what he can chew. In other words, the relevant Committee to deal with electoral issues is INEC Committee set up by the Senate.

In case, the Constitutional Review Committee wants to deal with the issue of electoral offences and once we move it under the Constitution which is never the case anywhere in the world, I have never seen it happening in any other constitution. They should know the way to do it. It is not an ease matter. Since we are dealing with electoral offences, I feel the better approach is to discuss it under the very Committee set up by the Senate.

We have every right to revisit our decision. As moved by the mover of the Bill, the issue under consideration should be moved to the Committee on INEC for a better discussion.

I so submit.

The President: You raised your hands when I said I wanted those who are against the Motion and you almost stood up and I thought you were against the Motion but you have actually spoken in favour of the Motion. Can I have those who are against the Motion and not those who are for the Motion? We have heard enough from those who are for the Motion.

Senator Mohammed Kabiru Jibrin (Kaduna Central): Mr. President, when taking a decision of this nature, it is necessary for us to consider the outcome and consequences of such decisions. No doubt, the Constitution and Rules gave us the latitude to conduct our affairs the way we see it in the best circumstances. However, we should reconsider our positions at all times, looking at the consequences or the effects of those decisions that we have taken.

Ordinarily, I would have given in to the argument in support of this Motion but I realised that we are going to divide one subject into different parts and take different decisions. Let us take for example that we allow the Committee on Electoral Matters to consider this Bill that we have committed to the Committee on the Constitution Review. Now, having considered it and brought it back to the Senate, the likelihood is that we

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may want to act further and pass it. Now, having passed it, what happens to the result of the Electoral Committee's recommendations to this Senate encompassing other recommendations concerning electoral reforms that would probably swallow and consume this part as a whole?

So, we should not take a very rash decision. At the end of the day; we are going to have holistic approach to the issue when the Constitution Review Committee brings out its total recommendations on the Electoral Reform. This and all other issues surrounding our electoral systems which will guide us in making proper legislations and other regulations for the proper conduct of elections and all other matters surrounding it. If we take only these Offences Bill and decide on it what happens when the final decision comes from the Constitution Review Committee.

I believe that this Motion, well intended as it were, perhaps, would defeat the entire purpose at the end of time. We should re-consider our position and allow the Constitution Review Committee to continue to discuss and bring out their recommendation on this issue.

Senator Anthony Manzo (Taraba North): Mr. President, I quiet sympathise with Senator Adeleke. The intention of a rescission Motion is that it should come immediately after a decision had been taken. We took a decision on this Bill many months ago and already we had gone a long way to submit this Bill to the Committee of 42 Senators that has representation from each of the 36 States including zonal representatives. If this Motion on rescission had come a day or two after, it would have been much easier. But now the Committee had already gone a long way.

The important thing is that we should not be seen as a divided body. There is pressure from the public to see something done about our electoral laws. So, we should allow this Bill to continue to be handled by the Constitution Review Committee. As right as it may be for Senator Isiaka Adeleke to bring this Motion on rescission, it came too late and I think the matter should continue to be handled by the Constitution Review Committee.

The President: The point is that Senator Adeleke is right in bringing a substantive Motion for rescission. There is no problem with that. The problem is whether the decision we took before is right or wrong. The way

it stands at the moment, Senator Adeleke is the Chairman of the Committee on INEC but we are talking about a Commission that is responsible for Electoral Offences. I remember very vividly that we had a heated debate on that particular Bill. The Bill, in the first instance, nearly died; it just managed to survive. Then at the end of that, we also had a heated debate on whether we should commit it to a Standing Committee or the Committee on the Review of the 1999 Constitution. I put the Question and it was very clear from the voice vote that our decision was to commit it to the Committee on the Review of the 1999 Constitution.

However, what Senator Adeleke is asking for is that this Bill, ideally, ought to have come to Committee on INEC and not to the Committee on the Review of the 1999 Constitution. It is neither here nor there because both Committees are Senate Committees. Like I made a mistake just now and committed the screening of the Auditor-General to Committee on Finance and the Chairman, Committee on Finance immediately said that it was not to be committed to it but to the Public Accounts Committee. Assuming that we went ahead and pass the committal to that of Committee on Finance and Committee on Public Accounts brings up a Motion for a rescission on of our decision, there is absolutely nothing wrong with bringing up such a Motion.

At the end of the day, it is this Senate that would decide what we want to do. Whether it goes left or right is not the issue. From the technical point of view, we have committed so many other Bills that otherwise, would have gone to Standing Committees to the Constitutional Review that is where the problem is. We have to be careful so that we do not start a chain reaction of everybody coming up and taking his Bill from the Constitutional Review. Whatever it is, I would read the Prayers and put the Questions and whatever decision we take is what we would go by.

Senator Adeleke, is there any more comments? If there is none, I will put the Questions on the Prayers. Prayer (i) reads:

- i. Rescind its earlier Resolution to commit the Electoral Offences Commission (Establishment) Bill, 2009, to the Committee on the Review of the 1999 Constitution;

Question put and negatived.

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- ii. Recommit the Electoral Offences Commission Establishment Bill 2009 to the Committee on INEC.

Question put and negatived.

Senator Adeleke, truly do not get discouraged by this. In my candid opinion, you took a decision in which you tested our Rules. We have every right to test it at any given point in time.

CONSIDERATION OF BILLS

National Food Reserve Agency Bill, 2009

A Bill for an Act to Establish the National Food Reserve Agency and for Other Matters Connected Therewith Bill, 2008 (SB. 179)

Order for Second Reading.

Senator Teslim Kolawole Folarin: Mr. President, the third Order of the day is the Second Reading of the National Food Reserve Agency Bill, 2009. The Bill was read for the First Time in this Chamber on Thursday, 9th October, 2009. With your very kind permission, I wish to start the lead debate.

The President: You can start the lead debate, the Leader.

Senator Folarin: Mr. President, I thank you for the privilege to lead the debate on the general principles of a Bill for an Act to Establish the National Food Reserve Agency and for Matters Connected Therewith 2008.

This is an Executive Bill which was read the First Time in this Chamber on the 9th day of October, 2008.

Mr. President, Distinguished Senators, the need for Nigeria to have a national reservoir to store excess food for future consumption is very timely taken into consideration the lack of storage facilities being experienced by our farmers.

This Bill if passed into law, will encourage farmers to produce knowing that enough storage facilities would be available to preserve their surpluses.

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The Bill is structured in a deliberate way to achieve the following objectives:

- (i) Implement the overall National Food Reserve Policy to ensure a reliable supply of designated commodities in the country.
- (ii) Reduce post harvest losses by contribution and management of silos, warehouses and other suitable storage facilities to be installed at such places and ensure the functionality of all plants
- (iii) Facilitate and provide guidelines for the establishment and maintenance of better stock by all States of the Federation including the FCT in order to ensure proper stabilization and food security;
- (iv) Build capacity of farmer groups and cooperatives to improve access to agriculture support services and facilitate participation development in each Local Government Area including the FCT;
- (v) Collaborate with National and International Agencies to promote agricultural development and coordinate donor-sponsored agricultural development programmes and projects implementation in all the States of the Federation and the FCT;

Mr. President, my distinguished Colleagues, the coming of this Bill at this time is a calculated attempt to ensure that through legislation we fast track the realisation of one of the Seven Points Agenda of the present administration which is food security.

Our country stands to gain immensely from the passage of this Bill in the following areas:

- i. It will ensure food security for the country thus abating the menace of global food crisis;
- ii. Create employment for the teeming number of unemployed youths;
- iii. Reduce poverty amongst the populace;
- iv. Move the country towards creation and generation of wealth;

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- v. Improve the citizenry's standard of living, and
- vi. Ensure that our farmers benefit from recent discoveries in the field of agriculture.

The importance of this Bill cannot be overemphasised. It is at the root of the success of our economic, political and social stability.

Mr. President, my distinguished Colleagues, I urge you all to ensure that this Bill is given a speedy passage into law.

I thank you for listening.

Senator Bode Olajumoke (Ondo North): Mr. President, I rise to support the Leader on this debate for an Act to establish the National Food Reserve Agency and for Other Matters Connected Therewith. I only hope that this new initiative would not be another effort in futility. I recall that in the past we had similar initiatives. We had establishment of silos all over the country with the nation gaining nothing from it. I only hope that a serious Committee would be put in place this time around to ensure that whatever concrete recommendations are contained in this lead debate would be implemented.

We have had Operation Feed the Nation and colossal sums of money invested in the establishment of silos across the nation. I really do not know what has become of those silos. As laudable as this initiative is, I am only praying that this time around we would get it right.

Senator Zaynab Abdulkadir Kure (Niger South): Mr. President, I want to congratulate the sponsor of this Bill, my Leader for bringing this Bill at a time like this. This Bill is timely and it is just the item on agenda for everyone now. Just yesterday a Motion was debated here on this Floor regarding the drought situation foreseen by NEMA. All these, I believe, would be taken care of by this Agency.

This agency that is being put in place, I believe, would be able to put into consideration the issue of perishable food items we have in this country. You would believe me that in this country we are losing a lot of foodstuff. Tomatoes are being produced in large numbers but we do not have proper storage facilities for them. So, also is onion especially in the Northern part

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of this country. Also we have fruits such as watermelon that is liked by every one because the juice is being struggled over by us here. I believe that with this agency being put in place a lot of industries would be revived so that the teeming population of unemployed youth would be able to be engaged. Some one here just mentioned that he hope that the Agency would not go the way that the other agencies that were meant to put the issue here into consideration had gone. At this point in time in this country, we have learnt our lesson and I believe most of us here would be able to guard and guide an agency as this that would be put in place.

If we go through the lead debate that was read by my Leader, you will see that a lot of issues that hitherto we would have been thinking of how to get them on track are being captured here. The Agency, I believe, would be able stem the tide of poverty in this country. I urge all of us here to support this Bill and to, in fact, fast track it so that as soon as possible, the Food Reserve Agency would be put in place.

Thank you very much for the opportunity given to me to speak.

Senator Garba Yakubu Lado (Katsina South): Mr. President, I rise to give my candid support to this all important Bill for the establishment of a National Food Reserve Agency.

Establishing a National Food Reserve Agency, to my mind, is a very good idea. This is because it makes more sense now that the entire country is focusing attention on reviving agriculture activities.

I happen to be from the area where a lot of crops are produced, so I believe that if this Bill is passed into law as clearly stated by my able Leader in his lead debate it would address areas like ensuring food security and drastically reduce the level of poverty in this country. It would also boost the economic activities in our society. With these reasons, I believe it is a good idea and I commend the Executive for their wisdom to come up with this very important Bill. I urge my Colleagues to give all their necessary support so that the Bill will see the light of the day. I rest my case.

Senator Patricia Naomi Akwashiki (Nasarawa North): Mr. President, I want to commend this Bill just as Senator Zaynab Kura has said, it flows from yesterday's debate. All over the world, especially in

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America the wealthiest people are farmers and it is high time we move away from mono economy instead of depending on oil. We are all looking towards people farming in commercial scale not peasant farming. My Sate Nasarawa has being in the forefront by launching the Badekwofi Agricultural Scheme and everybody in the state is back to the field to farm. This is Bill is not just about storage, it is all also about providing employment. You have to farm to produce in order to utilize the storage.

One thing that should bother us in this nation is having to much perishable goods but no storage faculties. If we have an agency that would take off that particular aspect from the Ministry of Agriculture and allow them to concentrate very well, then we would not have silos littered all over the nation not utilised. We would not have people who would have grains but would not know what to do with it. So that when we have famine in the future there would be nothing to fall back to. So, I believe this Bill is very timely and it would go a long way to reducing the work load of the Ministry of Agriculture and making this agency very effective.

Senator Adamu Mohammed Bello (Kano Central): Mr. President, I am in total support of this Bill. I am from Kano where almost every other person used to be a farmer but today it is completely a different story. Today almost everybody is trying to become a politician simply because there is no employment in other places. First of all, there is no where in the world where you can go into production without having a place to preserve it, therefore, reserve is for food security,

It is not possible to produce and eat almost everything. It is not even possible to say you do not have plan to reserve whatever excess you have. In all the religions, waste is not supported. What is actually going on in this country is a lot of waste. We do not really take care of things the way they should. We allow a lot of waste and as a result make a lot of people poorer. Whatever we should do to save our waste and turn it into wealth, would certainly empower a lot of people and remove our people from poverty. So, it is also a key to poverty alleviation.

In terms of food security as I said early on, if you have food reserve you are now able to determine what the farmer is going to get. But if a farmer is expected to sell everything he has at that particular moment, prices

will be low but if there is food reserve, you are helping the farmer by paying him the prices he is supposed to get and would encourage him to go into food production. The government can also intervene when there is food scarcity. The government can also intervene when there is need for people to have food at that particular moment.

Yesterday we took a Motion on the issue of drought, and a way of resolving the issue of drought is by storing whatever food we have as food reserve because you could go into crisis and if you do not have anything in the reserve or you have not even provided the place where you keep your reserve you fall into problem. So, this is what can be regarded as food security.

Senator Grace Folashade Bent (Adamawa South): Mr. President, I commend the Executive for bringing us this very timely Bill. This is one of the most impressive Bills that have come to us from the Executive. I believe that my Colleagues will agree with me that it is going to have overwhelming support for its passage.

May I say that a nation that fails to plan for the future have already planned to fail. This is precisely what this Bill stands for. It is a strategic Bill as it affects our agricultural sector. This Bill will help us diversify our mono-economic dependency on oil. It will encourage farmers to see the results of their hard labour on the farms so as to do more. It will provide jobs for our youths who would want to invest in agriculture. There is no doubt that this Bill from my Christian point of view has a lot of spiritual implications. *(Laughter)* The Christians that are here would support my stand that in Egypt when there was famine, because Joseph took his time to save grains for seven years that saved Egypt and Israel. They built barns *(Interruptions)*

Please, Mr. President, I need your protection.

The President: I think when you mentioned Joseph, Senator Akaagerger was pointing to himself. *(Laughter)*

Senator Grace Folashade Bent: I know that this is a very good Bill and the chances of its success are very high if it is well managed because of its spiritual undertone. God loves strategic planners. We must begin in this country to look at our progress from these points

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of view. If there is a Food Reserve Agency, a lot of Nigerians will look away from oil. Lots of Nigerians will go back to the villages where the soil is fertile enough and waiting to be tilled.

In conclusion, I submit that there is no point over-flogging this issue. This is a good and timely Bill. We should allow it to go through for the next Reading so that Nigerians can enjoy what it means to have a National Food Agency.

The President: Let me hear from Senator Mohammed Mana whether there are any other spiritual or inspirational comments.

Senator Mohammed Mana (Adamawa North): Mr. President, the passion with which my Colleague spoke is because Adamawa just like Benue State, which is the food silos of Nigeria.

This is a very important Bill and as has been said, only yesterday, we discussed Senator Ahmed Lawan's Motion on drought and one of the prescriptions made was that there must be food reserve in this country at all times. All great nations all over the world ensure food security. Just like you defend a country against external aggression so is the importance of food to any nation.

In the 80s, in our heart-fainted effort to build this reserve, some silos were to be built in this country and I will tell you that 50 *per cent* of these silos up till now has not been completed. The issue of commitment by government is very important for the realisation of the objectives of this Bill. We may pass this Bill quite all right but implementation will be the problem.

This country produces enough food at all times, and with the implementation of this Bill, hopefully, more food would be produced but if the foods are not preserved, the point has been made of perishable foods such as tomatoes, Irish potatoes, onions, if you see the way they are transported from the North to the South, you will pity this country. If this Bill can inculcate in us scientific preservation of our food so that farmers in the rural areas would be able to move their foodstuffs from their villages to the preservation areas within 24 hours the same way that they move their food stuffs on market days from their villages to the markets. If they are paid adequately, they will be able to produce all year round. So, the importance of this Bill cannot be overemphasised. I urge my Colleagues to support it. As

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the Bill goes through the normal stages so many other important areas should be added so that it is not only building the reservoirs but also preserving the food stuffs.

Senator Eme Ufot Ekaette (Akwa-Ibom South): Mr. President, I am very grateful that the Executive has sent this Bill at this time to this Senate. We all know the problem of food wastage in Nigeria. When certain areas at certain periods will have abundance of grains, foodstuffs, *et cetera* and at another time, they will have shortages and the prices go up. So, if we have the National Food Reserve Agency in place, we will have stabilised price regime for our grains and foodstuffs. The issue of food security that is the catchword all over the world, Nigeria will be part of it.

Therefore, the Bill is timely. I urge all my Colleagues to support it and let us pass it on time so that we can catch up with the present farming period and get our food reserve on and check food pricing as well as stopping the wastage that we have exhibited over the years.

Senator Smart Adeyemi (Kogi West): Mr. President, I will begin by commending the Executive for sending this Bill to the Senate. Permit me to say that this Bill is fundamental to the success of the Seven Point Agenda of this Administration.

In any nation where people are not sure of their three square meals, you do not talk about patriotism or commitment. In some nations of the world, we know their citizens are ready at any point in time to give their lives for their nation, because in such nations the well-being of the people is guaranteed. In any nation where food security is not in place, you do not talk about commitment and patriotism nor will you talk about fighting corruption. It is only when people are sure that there is security for them to be able to live as healthy citizens that you can talk about obedience and respect for the laws of the land.

I commend the Executive because if this Agency is established, jobs would be provided. Today, we have a large army of unemployed youths capable of making you and me not to sleep with our two eyes closed. Therefore, we should give all our support to the success of this Bill so that jobs can be provided for the youths. I must add that agriculture still remains the best option in providing job opportunities. We are almost at the edge

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of revolution. We have today highly educated youths without jobs. If you go round the local government areas you will see youths without jobs. The unfortunate dimension today is that the youth now see politics as a source of livelihood. So, politics is no longer made for those who are accomplished in chosen profession before coming to serve. Youths now see politics as a means of survival. They see you and I as the source of their daily bread, which should not be.

If you have cause to visit Kwara State, there is a silent revolution going on whereby the Kwara State Government brought in white farmers. There is a mechanised agriculture scheme in place. I want to say that this Bill must equally consider the possibility of us having full fledged mechanised farm settlements in all the States of the federation. The social ill confronting our nation today is on the increase, kidnapping and armed robbery. They will continue as long as the youths who have left universities have no jobs.

This Bill is very important. Apart from the fact that it is going to make citizens to be more committed bearing in mind that food is available for them. In the United States of America, food is the cheapest thing that is available. Every citizen in most of these developed nations is somehow guaranteed cheaper and affordable food.

Let us meditate over those who do not know what they will eat in the next one hour. There are families in Nigeria who cannot guarantee what they would eat today. This Agency must be made to work. This scheme is good but making it to work is important. When we pass Bills and Motions, we must monitor and ensure that they are properly implemented so that we can emancipate our people, socially and economically.

Finally, I am only saying that for the nation to be able to emancipate her people food security must be in place. When that is done, the Seven Point Agenda is realisable, achievable, and able to carry all of us to the Promised Land. More importantly, it would silence our opponents in 2011.

Senator Anyim C. Ude (Ebonyi South): Mr. President, anybody who has had the opportunity, as I and other Colleagues on the Senate Ad-Hoc Committee on Food Crisis have had to go round this country will see so many uncompleted and under-utilised silos made for storage of grains he will see the need for this proposed Agency.

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Enquiries indicate that why these silos are not working is because they are managed by a department in the Ministry of Agriculture. Therefore, if this Agency is put in place and properly managed, it would solve a lot of problems. All the big yams in the South, fishes from the South-south, the mangoes and the fat yams from the Benue axis up to Sokoto area where you will find a lot of groundnuts, grains, *et cetera* would be stored for the rainy day. If only we have been preserving these food items over the years we would not have any cause to talk about food insecurity.

Sometimes when I hear of the intention to create new bureaucracy, I shudder because if care is not taken it would just be an agency for corruption and mismanagement. We have not been told of the financial implication of setting up this agency but I know we would get there. By the time we get there we would scrutinise and make sure that both the structure and all it takes to make it work would be properly scrutinised. If we have this agency in place we would definitely be able to feed ourselves, not just by word of mouth but indeed.

All of us should support the creation of this agency but the problem we would have is finding Nigerians who are capable of managing the agency.

Senator Nkechi Nwaogu (Abia Central): Mr. President, we need an agency such as this especially in a place like ours and many other States that have been ravaged by menace of kidnapping, armed robbery and youth restiveness. I believe that agricultural sector should be made attractive through sustainable storage system with the agency established because we have vast unutilised land in the entire nation. Due to non-availability of food storage agencies such as the one being proposed now the land has been left fallow while everybody clamours for white collar jobs. A lot has already been said on the merit and support for the establishment of this Food Reserve Agency, for which I am also in support.

When the time comes, it should not just be establishing an agency but how is the food preservation technology being proposed for this Agency. Let it also not be a bureaucratic entity that will house so many people who will swell the employment statistics of the Federal Government but one that will add value to the agricultural sector. We need an agency that will bring about stability and availability of agric products all year

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round. We need agency that will ensure that our agric products comply and compete favorably. We need well researched and cash-yielding agric products. In a situation where we have seasonal agric products which are sold at almost give away prices during the season and when it is out of season, and there is no preservation technology available it brings about high prices, scarcity and malnutrition.

Therefore, this Bill is very timely. The government in fulfillment of their Seven Point Agenda has brought this human Bill. I call it a human Bill, Popular Bill and a populace approach Bill. We should support this Bill to ensure that this agency is established. Of course, when it gets to the next level, there are so many things that we need to put in. We would need to ensure that the food we are talking about would be made available to every person in this country in order for the government to be able to provide what they have assured Nigerians being able to be in charge of our welfare. With this comments, I support the establishment of the Food Reserve Agency.

Senator Ahmad Ibrahim Lawan (Yobe North): Mr. President, let me start by quoting the Constitution of the Federal Republic of Nigeria, 1999. The Fundamental Objectives and the Directive Principles of State Policy, Section 16(d) provides that: *Citizens of this country be provided with adequate and suitable food.*

Nigeria is blessed. We have vast agricultural land and so much water resources. Above all, we have energetic, hardworking and dedicated citizens. But Nigeria lacks the institutional capacity to ensure food availability in the country. The entire system from production to processing, storage and marketing is fraught with inadequacies.

Let us start from production. Today, in Nigeria because the Federal Ministry of Agriculture is in control of inputs, the inputs do not get to the farmers at the right time. Even where they are available, they are not the right inputs.

Senator Ayogu Eze (Enugu North): Point of Order, Mr. President!

The President: What is your Point of Order, distinguished Senator Ayogu Eze?

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Senator Ayogu Eze: It is Order 53(4) of the Senate Standing Orders and if you permit me I will read, Sir.

The President: Read, please.

Senator Ayogu Eze: Order 53(4) says: *A Senator must confine his observations to the subject under discussion and may not introduce matter irrelevant thereto.* A lot of our Colleagues are getting carried away. The field of agriculture is a very wide one. The subject of this Bill is very clear and if we continue in this dilatory manner, we may not finish this debate today.

The President: You are absolutely right, Senator Ayogu Eze. There are too many people that have left the real subject matter. They are going into food inputs and mechanised farming. The subject matter is very clear and very straightforward. We should restrict ourselves to it because there are so many hands up and it is proper for people to be given opportunity to speak on this subject matter because food preservation is a very serious thing in this country. It is one of the problems in the agricultural sector.

Senator Ayogu Eze I sustain your Point of Order. Senator Ahmad Lawan you can please round up.

Senator Ahmad Ibrahim Lawan: Mr. President, I crave your indulgence to say that what I was saying was in perfect order because *infra (Interruptions)*

The President: I am surprised that you are making that sentence. What you said is totally out of order.

Senator Ahmad Ibrahim Lawan: The National Food Reserve Agency is now an amalgamation of Strategic Grains Reserve; Project Coordinating Unit, Fertilizer Department of Federal Ministry of Agriculture and Storage Facilities Development Technology. What we are saying is that the establishment of National Food Reserve Agency is meant to address the entire agricultural production system of Nigeria, therefore, we cannot run away from the fact that some Senators here will discuss food processing and others will discuss marketing. Let me say that today INFRA that we are trying to have established by passing this Bill is largely to ensure that fertiliser distribution is entirely in the hands of private

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sector. That processing which we lack in Nigeria is properly addressed so that when mangoes and other vegetables are produced either in Benue or in Kano they are properly processed.

In 2005 we had a programme in this country where cassava was to be produced for marketing. Farmers in this country produced cassava in excess and they had nowhere to trade the cassava and they lost because we had no market outlets. National Food Reserve Agency is meant to address this issue. Therefore, this is a very good development but I must add that at the end of the day, it is not establishment that matters because we have established so many organisations before, but how is the organisation is run and how the agency is properly addressing the issues?

Let me round up by saying that I give my complete and total support for the establishment of this organisation because I believe that Nigerian farmers suffer. Guaranteed minimum price, which is an aspect of the focus of this agency is such an important item that farmers will benefit from provided the agency looks at the guaranteed minimum price as an issue that it is supposed to address.

Senator Joy Ifeyinwa Emodi (Anambra North): Mr. President, this is a very important Bill because we know that one cankerworm that has eaten deep into our social fabric is that of poverty. It has affected the dignity of this country. So, this is a good Bill that will go a long way in solving the problem of poverty. I do not want to waste the time of the Senate by going into the merits of establishing National Food Reserve Agency because a lot had been said on this.

I just want to make one or two observations. One is that in looking at this very good Bill, it does not contain the financial implication of setting it up which is a very important character in a Bill.

Again, I want to advise, maybe, when it gets to the relevant Committee, that there is need to refocus this Bill and move it away from being an omnibus agency to listing the specific crops that would be taken care of. As it is now, it is just omnibus and a good Law is one that is not speculative but one that is specific.

With this few comments, I thank Mr. President for given me this opportunity to make my observations.

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Senator Simeon Olasunkanmi Oduoye (Osun Central): Mr. President, I want to start by commending the initiative of the Sponsors of this Bill. The Federal Ministry of Agriculture with all their experts had in place the National Institute for Stock Research and Research Institute for Preservation. A lot of theories propounded were to be used by farmers but because of lack of support from an Agency of this nature, they were not used.

During seasonal period we have a lot of seasonal fruits and grains that are being wasted but if we have had an Agency of this nature, it would have stocked all these fruits and grains being wasted and preserve them for the rainy day. The Agency would also have, at least, regulated prices especially, during the time of disaster that follows drought or flood.

Clause 6 of this proposed Bill speaks a lot of what the proposed Agency is expected to do. So, I would hesitate to urge my distinguished Colleagues to allow the passage of this Bill without too much ado.

Senator Ayogu Eze (Enugu North): Mr. President, I rise to support this Bill and to commend the Executive for bringing it as my distinguished Colleagues have already said. I am sure that when this Bill is finally implemented, it will settle the argument between Benue and Adamawa States as to which is the Food Basket and which is the Food Silos of this country. Maybe, Enugu State is the Food Pot of the nation because they send the food to us and we consume.

One thing that has attracted my attention is the sort of bureaucratic infrastructure that is setting up for this Agency. I have seen the list of people that are going to run the Agency and it seems to me, firstly that it is unwieldy and secondly, the real farmers who are going to be the beneficiaries, and who have had the technical exposure on the field are not being brought in. When we get to the Committee level and possibly the Third Reading, I will urge that we be very careful on how we compose those who are going to run the Agency so that it will not be another opportunity for Civil Servants and Politicians to gather in Abuja to collect the foods and keep or send them to areas that would not benefit our people. That would be counter- productive. So, we have to be careful how it is administered. As to whether or not it is a desirable, it is and it will strengthen the desire to secure our people food wise.

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With these few points, I support this Bill and enjoin my distinguished Colleagues to give it speedy passage.

Senator John Nanzip Shagaya (Plateaus South): Mr. President, I rise to lend my voice in support of this very important Bill. I have three main reasons to support this Bill, since much has been spoken about. The first is that like distinguished Senator Ude, I have the privilege of being a Member of a Committee set up by this Senate to look after the issue of Food Crisis and report back to Senate. I believe that Report is long overdue. Part of the recommendations of that Committee if it has been reported; my Chairman is here, this issue we are discussing is part of it.

The second reason is that when going round this country, we came across quite a few pathetic situations where Grain Reserves Silos were supposed to have been erected in some locations, some exist but in some places they do not exist. When questions are asked the various River Basins that are responsible the answers the Committees got was that they do not have responsibility for that particular aspect of the Ministry of Agriculture outfit which is the food reserve.

The worst most pathetic situation was in Port-Harcourt, where over N9 billion had been paid for the construction of a reserve in the name of a silos, the contractor was nowhere to be found; the silos was not found; non-existent yet money had been paid. The Managing Director of that River Basin was called to question, his answer was; sorry, it is the Ministry of Agriculture. So, this becomes very important to us as a Senate to pass this Bill, so that at least, one body is responsible for looking after the Food Reserve in the name of Food Agency.

The third reason is what some of my distinguished Colleagues have alluded to. As part of our food programme in this country, is to encourage farmers to produce but because there is no storage facilities, such grains and foodstuffs are allowed to waste, thereby discouraging the peasant farmers to produce more, and so it becomes very important that this outfit is set up.

My only question is, this Agency that we so desire in this country under what outfit would it be? Is going to be under the Ministry or the Presidency? From experience we have observed that anything under the Ministry will usually not yield much result. That is

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unfortunate but the Bill has to address the issue of where this Agency is to be resident for proper functioning and satisfaction of the reasons for which the Bill is being intended.

Senator Dahiru A. Kuta (Niger East): Mr. President, my protest is that a Bill of this nature that is meant to improve the quality of the lives of our people, the contributions should have come from some of us earlier than now. I want the Senate President to know that because of lack of food people are already eating from the dust bin. If people are eating from the dust bins, many of us here particularly those who have decided to stay in hotels, do not know exactly what is happening. But I know that people are eating from the dust bins.

Secondly, declaration of human right preaches that the right to be free from hunger must be adhered to. You are aware that annually Nigeria imports well over \$3 billion worth of food into this country because after producing we are not able to preserve and reserve our foodstuffs. With this Bill, which I support complete, I feel that we must do everything possible to give support to this Agency.

You are also aware that Nigeria and specifically, Niger State, is the greatest producer of yam in Africa. The problem we have is that of preservation and reservation. So, I support this Bill 100 *per cent*. We must do everything possible to ensure that we maintain this Agency so that farmers would be encouraged to produce all the year round. Right now we have seasonal scarcity of food because the farmers produce only what they can consume. This is because they do not have facilities for storage and preservation. I want us to ensure that by December, 2009 we would have enough power to be used in preserving food stuffs. At the moment we have only 234,000,000 metric tons of gas that we can use to power our generators. We require more than 600,000,000 cubic standard feet of gas. Unless we have enough power to be able to preserve food we cannot get exactly what we are looking for from this Bill.

Meanwhile, I support this Bill but we must remember that we are producing enough but we do not have the facilities to preserve and reserve the foods. I hope we will continue to give support to this Bill. There is no need for us to continue with further contributions but to get the Bill to the next stage.

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The President: Comrade, you have to be very careful with statistics because I do not think that people from Ekiti, Ebonyi, Benue and part of Taraba States will agree that Niger State is the largest producer of yam in Africa. Senators Akinyede and Akaagerger were shaking their heads and I saw Senator Anyim Ude also shaking his head. So, that was a very controversial statistic.

Senator Nicholas Yahaya Ugbane (Kogi East): Mr. President, we do not just support Bills; we support Bill because of the intendment of such a Bill, and this Bill has to do with the masses of this country, those that are hungry.

Before we talk of preservation and so on, there must be production otherwise; what are we preserving? Right now, many people are very hungry in this country. I will give a short example. I went to eat in a restaurant in one of the States, I would not mention the State for reasons of sensitivity and others. I started with a fork and knife and after some two minutes I discovered that I was not enjoying the meal so I said I would wash my hands so that I could use my God given hands to eat the food. While I was by the tap washing my hands some people came and removed the food. This underscores the level of poverty and hunger in this country. I had to buy another food.

Any country that wants to industrialise, that wants to insulate itself against any form of vulnerability, must be able to feed its citizens, that is why this Bill receives my 100 *per cent* support. But, I would like to suggest two or three things as follows:

- (1) The establishment of this Food Reserve Agency must go hand-in-hand with boosting production as a matter of immediate policy. We should take steps to boost the production of crops that have very short gestation period such as rice, maize and cassava. While that is going on, we would be able to establish preservation facilities for the food. Right now, we do not have enough food. This is the reality. I challenge anybody to tell me where we have enough food so that I can go and buy for my constituents. We do not have enough food now. We must stimulate production of food. People are complaining about the high price of garri. That is good for the farmers. We need to do this.

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- (2) There must be a deliberate policy to establish agro-allied industries in all the Local Government Areas of this country. Unless we do that, all these things may not produce results as we desire as quickly as possible.
- (3) Many of our Youth Corpsers are under-utilised. They use some of them to be sweeping Motor Parks with brooms. We have town cleaners that clean the roads and the rest of them. We should establish farms for NYSC. Some states have already done this and we have to do that also so that Corpsers that have not been properly utilised can work on these farms and boost food production in all the states of this country including the FCT.

One other thing which is coming in the offing and which is a step in the right direction is the abrogation of the Land Use Decree of 1978. This will remove the problem of land segmentation which does not help mechanisation of agriculture and thereby increase food production.

In conclusion, the implementation of this Agency is very important. I want to comment on Note (5) whereby they said: *Implementation Projects should be in States and FCT*. I would want to suggest to the Committee when it finally goes there that it should be in Local Government Areas. That is where people produce food. In State Capitals we only have commercial or theoretical farmers. The real farmers are in the Local Government Areas and this should be taken into account.

Senator Stephen Sola Akinyede (Ekiti South): Mr. President, my intervention is going to be very short. I do not think anybody is against the creation of the National Food Reserve Agency. To me, the issue is how to ensure that such a body does not become another big behemoth with Civil Servants and Public Servants travelling for conferences and spending money on foreign exchange. That is what we should consider.

We have all over the country silos that are not working. It is Nigerians that are running these silos and they are residents in some Ministries in Nigeria. The question is; what is the problem? We cannot have silos powered by generators when diesel is going for ₦100 per litre. Therefore, we should be thinking of solar or wind energy.

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Finally, Government cannot manage silos. We should begin to think of having private sector participation to encourage people. For instances, why can we not put zero *per cent* duty on materials for silos. Those are the things we should be concentrating on. I do not think we should create an Agency that should manage silos. If we proceed in this line, we are going to have a situation in which we would have another Agency that is full of bureaucracy. We should think of private sector participation, encouraging Nigerians to set up silos but Government should regulate their prices and encourage them to store things so that they can store on behalf of Nigerians. That is my intervention, Sir. Let us not have too many bureaucracies.

The President: Is there anybody who wants to say something that has really not been said? All right, distinguished Senator Nimi Barigha-Amange?

Senator Nimi Barigha-Amange (Bayelsa East): Mr. President, what we are debating is National Food Reserve Agency. The main word here is food. What is actually food? Food, from what I know, is any substance that is eaten, drunk or otherwise taking into the body to sustain life, to provide energy and to promote growth in some cases because for the old ones it will not be promoting growth.

Food itself could be sub-divided into carbohydrate, protein and vitamin. I have looked at the lead debate and I found that everything about this debate is on carbohydrate and in some cases vitamins, what of the proteins. If you go through this paper you will agree with me that it is not the Food Agency, it should be called Grain Agency because that is what it conveys. But if you say food then it means it must have to provide cold rooms for fish.

I want you to note this and I want the Committee that will handle this Bill to ensure that we provide cold rooms in all the coastal states because my people are harvesting fish everyday but they do not have storage facilities to store them in order to export to the Northern State like Niger. I want this to be taken care of and if it is taken care of I will give my total support.

When you talk of grains as some of my Colleagues said, we talk of silos and silos everywhere but none existing. You talk of silos in Maiduguri, what you hear is that tornado has swept the silos away. The Contractor collected money but no silo. It is not enough to talk

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about silos and grains, let us talk about cold rooms in the coastal states and if that is done I will give my 100 *per cent* support to this Bill.

Senator Adego Eferakeya (Delta Central): Mr. President, I support this Bill with few remarks. First of all the caption of this Bill is National Food Reserve Agency. It says that this Agency is going to be saddled with so much function that it will look like Ministry of Agriculture. When this Bill is committed to the appropriate Committee they will have to look at this. We want an Agency that will be effective in dealing with preservation of foods. Preservation of foods will entail preserving what will be planted and what is produced. For instance, during the season of mango you find that a lot of mangoes is wasted because there is no preservation. In developed countries you find mangoes all the year round it is not that they plant mangoes all year round but because they are being preserved.

Our farmers lose a lot of money. They are discouraged when they see what they produced wasting away helplessly. I do not want to pre-empt the Ad-Hoc Committee of this Senate which was meant to address food crisis in this country. I happened to be a member of that Committee and the Chairman is here. When the Report is brought to Senate you will see how much waste is done. The silos and other agricultural facilities are handled by the River Basin Authorities. What are the River Basin Authorities being doing?

I want to say one thing which I have always said, *conculus non facit monaco* meaning that a cow does not make a mock. We can make the laws and play our part but what is really important is the execution of these laws. We can have a Food Preservation Agency, it is the same people who were running the River Basin Authorities, who were supposed to build and take care of those silos and they were not built, which means that we are going to come to the same conclusion. We pray that, that will not happen with this Agency.

Senator George Anthony Manzo (Taraba North): Mr. President I also support this Bill but I want to draw attention to the fact that agriculture itself is on the Concurrent List and when we submit this Bill to the Committee it is very important that States and Local Governments are carried along. If you look at the Second Schedule of our Constitution, Section 2 states specifically that the National Assembly can make these laws but the States are also empowered to make laws

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like this. I do not want a situation where when this Agency is set up it becomes a very big Abuja affairs that would have disconnect with the States and the Local Governments which is where this business of farming is particularly in my State Taraba which is truly the food basket of Nigeria. We are already doing a lot. We have to factor in the States and the Local Governments in the composition of this Agency. There is no good making the Agency in Abuja with the big people here and then have a fundamental disconnect with the States where the farming takes place.

On this note, I truly and sincerely support this Bill and also call on my Colleagues to allow it to pass through.

Senator Omar A. Hambagda (Borno South): Mr. President, let me start by supporting the Bill and then make a few observations. First, the functions allocated to this agency are so broad as if it is the Ministry of Agriculture itself. It should be effective if it would have focus. The objectives of the National Food Reserve Agencies in most countries are two; namely: to provide a buffer of food that will back up in terms of crisis whether it is going to war or drought. The country should always have food reserve that it can let out in order to help the people have access to food that would otherwise not be there. It is also to regulate prices of foodstuffs.

The biggest problem with agriculture in Nigeria over the years has really not been production. From the 1960s the focus has been on production. But whenever there is large production of foods, prices crash and there is no moderation. The following year, people will relax, especially some specific kinds of products. The National Foods Reserve is supposed to come in when prices are falling and they buy off so that prices can rise and stabilise. When prices are shooting up, they inject food into the market so that prices are regulated. In the United States, they even throw some grains into the sea in order to maintain price level and the level of production. So, there will be a need to really re-focus the functions of this Agency.

Again, we talk about preservation of food. Yes, the ones that they buy and resell amounts to preservation, too. But the Agency cannot be a preserver of food. Every farmer should be taught how to preserve his food. Every private sector should be taught how to preserve its food. So, the function of this agency in

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connection with preservation should be promotion of the various methods of preserving food and making available, perhaps, small-scale silos and other forms of preserving foods. The method of preserving yam is different from the method of preserving grains, meat or fish.

My suggestion is that when it gets to the main Committee, there is a need for re-focusing on the specifics in which this agency will play its role. Talking about issues like promoting education of farmers. I do not think that the Ministry of Agriculture will have any job if this Agency is to do all that have been enumerated. Agriculture both at the State and Local Government levels are all encompassed in this one. Therefore, there is really need for re-focusing.

The President: Obviously, from the comments that this has generated, it is a worthy Bill. Senator Akaagerger, is there any thing that you still have to add?

Senator Joseph Iorshagheer Akaagerger (Benue North-East): Mr. President, I just wanted to draw attention to two issues or, perhaps, encapsulate them into one. The issue of the proper people who are working in this industry or sector, the farmers associations, I looked at the composition of their membership it does not seem to be in anyway involved at all. I am saying this because we are concerned as farmers because I am not only an Adviser on Agriculture in food security in Egypt. I am also an active farmer in Benue and Federal Capital Territory

The President: It is a topical issue, there is no doubt about that. Just for general information, in the last IPU in Geneva, food security was a topic that was brought in by the African countries who are members of IPU as an emergency topic and it was accepted by the IPU. We must ensure that this is translated into some real practical results because in theory, there are silos all over the country but in practice there is nothing in those silos; that is if they exist at all. It is not just the law now, but the ability to make sure that the law is implemented. Our oversight functions, if this goes through, must be critical in establishing it and making sure that the silos also contain food stuffs. With this I think I should now put the Question on the Second Reading of this Bill.

Question put and agreed to.

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(Bill read a Second Time and referred to the Committee on Agriculture to report back to the Senate within four weeks).

Senator Teslim Kolawole Folarin: I hereby move that we step down the last item on the Order Paper till another legislative day.

Senator Ahmad Rufa'i Sani (Zamfara West): Mr. President, I rise to second my Leader's Motion that we step down the last item till another legislative day.

Question put and agreed to.

(By leave of the Senate, the last item on the Order Paper stood down till another legislative day)

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ADJOURNMENT

Senator Teslim Kolawole Folarin: Mr. President, I do move that this Senate do now adjourn till tomorrow, Thursday, 29th October, 2009 at 10:00a.m.

Senator Ahmad Rufa'i Sani: Mr. President, I rise to second the Motion that the Senate do adjourn till Thursday, 29th October, 2009 at 10:00 a.m.

Question put and agreed to.

Resolved: That the Senate do stand adjourned till Thursday, 29th October, 2009 at 10.00 a.m.

The Senate adjourned accordingly at 1.35 p.m.