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FEDERAL REPUBLIC OF NIGERIA

Tuesday
27th 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**

Tuesday, 27th October, 2009

The Senate met at 10.55 a.m.

PRAYERS

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: Distinguished Senators, we have the Votes and Proceedings of Thursday, 15th October, 2009 before us for approval: Page 231, 232, 233, 234, 235?

Senator Joy Ifeyinwa Emodi (Anambra North): Mr. President, I move that the Votes and Proceedings of Thursday, 15th October, 2009 be approved.

Senator Grace Folashade J. Bent (Adamawa South): Mr. President, I second the Motion that the Votes and Proceedings of Thursday, 15th October, 2009 as ably moved by my Sister, distinguished Senator Joy Ifeyinwa Emodi be approved.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Thursday, 15th October, 2009 be approved.

MESSAGES FROM MR. PRESIDENT

Mr. President,

Distinguished Senator David Mark,

Dear Brother,

**REQUEST FOR CONFIRMATION OF
APPOINTMENT OF THE AUDITOR-GENERAL
FOR THE FEDERATION**

Section 86(1) of the 1999 Constitution of the Federal Republic of Nigeria states that the Auditor-General for the Federation shall be appointed by the President on the recommendation of the Civil Service Commission subject to confirmation by the Senate.

In line with this constitutional requirement, I consulted with the Federal Civil Service Commission which has recommended Mr. S. T. Okura for appointment as the Auditor-General for the Federation.

I have accepted this recommendation and in accordance with the provision of Section 86(1) of the 1999 Constitution, I hereby present the nomination of Mr. Samuel T. Okura for confirmation by the Senate; his CV is herewith attached.

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While hoping that the exercise would receive the usual expeditious consideration and confirmation by the distinguished Senators, please accept, Mr. Senate President, the assurances of my highest regards.

Yours Sincerely,

(Signed)

**Umaru Musa Yar'Adua
President**

Distinguished Senator David Mark,

Dear Sir,

**A BILL FOR AN ACT TO REPEAL THE
NUCLEAR SAFETY AND RADIATION
PROTECTION ACT NO. 19 OF 1995; ENACT THE
NUCLEAR SAFETY, SECURITY AND SAFE-
GUARDS ACT AND RE-ESTABLISH THE
NIGERIA NUCLEAR REGULATORY
AUTHORITY AND FOR MATTERS CONNECTED
THEREWITH**

I forward herewith for kind consideration and passage into law the attached draft Bill for an Act to Repeal the Nuclear Safety and Radiation Protection Act No. 19 of 1995, Enact the Nuclear Safety, Security and Safe-Guards Act and Re-Establish the Nigeria Nuclear Regulatory Authority and for Matters Connected Therewith.

Pursuant to the above therefore, and in line with the powers vested in the National Assembly, I hereby present the said Bill for the kind consideration of the distinguished Senators of the Federal Republic of Nigeria.

It is my hope that the distinguished Senate would consider and pass the Enactment Bill in your usual expeditious manner.

Please, accept, Mr. Senate President, the assurances of my highest consideration.

Yours Sincerely,

(Signed)

**Umaru Musa Yar'Adua
President**

ANNOUNCEMENTS

Senate Committee on Works

The Senate Committee on Works is conducting an oversight visit to the Federal Ministry of Works, Housing and Urban Development Headquarters in Abuja today, Tuesday, 27th October, 2009 by 12.30 p.m.

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Federal Roads Maintenance Agency (FEMA) and Infrastructure Concession Regulatory Commission (ICRC) tomorrow, Wednesday, 28th October, 2009 by 11.30 a.m. All Members should please endeavour to converge at the front entrance of the White House by 12.30 p.m.

Thanks.

(Signed)
Senator Julius A. Ucha
Chairman

October Public Office Mass by Roman Catholics

The October Mass and Meeting of Roman Catholics in Public Office would hold on Wednesday, 28th October, 2009 at the Church of Assumption, Asokoro at 7.00 p.m. Catholic Senators should please attend promptly.

(Signed)
Senator Victor Ndoma-Egba (SAN)
Deputy Senate Leader

Birthday Wishes

May I, on behalf of all of us wish distinguished Senator Julius A. Ucha a happy birthday. His birthday was on Monday, 19th October, 2009. Also distinguished Senator Grace Folashade Bent whose birthday was on Sunday, 25th October, 2009.

There is a difference of five days between Senator Julius Ucha and Senator Grace Folashade Bent. So, if you find out from Senator Julius Ucha then you can calculate after that.

PRESENTATION OF 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 in accordance with Rule 102(d) of the Senate Standing Orders 2007 as amended for the period, June 2008 to June, 2009.

I wish to move that the Senate do receive the Reports of the Committees in accordance with the Standing Orders 102(d). The Committees are Public Accounts, Senate Services, Ethics, Code of Conduct and Public Petitions, Security and Intelligence, Agriculture and Rural Development, Airforce, Appropriations, Banking, Insurance and Financial Institutions, Capital Market, Commerce, Communications, Culture and Tourism, Defence and Army, Downstream Petroleum, Drugs and Narcotics and Financial Crimes.

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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 Committees as listed in today's Order Paper in accordance with Rule 102(d) of the Senate Standing Orders 2007 as amended; for the period June 2008 to June 2009 to be laid on the Table.

Question put and agreed to.

The President: Committee on Public Accounts; Committee on Senate Services; Committee on Ethics, Code of Conduct and Public Petitions; *(No response)*

Can we have the Reports of the Committee on National Securities and Intelligence; Committee on Agriculture and Rural Development? Senator Babalola, is that

Senator Andrew O. Babalola (Oyo North): Mr. President, here is the Report for the Committee on Agriculture and Rural Development. *(Reports laid on the Table)*

The President: Committee on Air Force.

Senator Audu Idris Umar (Gombe Central): Mr. President, the Report for the Committee on Air Force is ready but it will be laid tomorrow. It is with the Secretariat.

The President: No problem I understand you were traumatised by yesterday's flight. Committee on Appropriations; Committee on Banking, Insurance and Financial Institutions; Committee on Capital Market; Committee on Commerce *(No response)*

Committee on Communications; *(Report laid on the Table)*

Committee on Culture and Tourism; *(No response)*.

Committee on Defence and Army.. *(Report laid on the Table)*

Committee on Downstream Petroleum.

Senator Emmanuel Paulker (Bayelsa Central): There are typographical errors in the Report for the Committee on Downstream Petroleum so it would be submitted tomorrow after correction.

The President: Committee on Drugs, Narcotics and Financial Crimes; *(No response)*

Senator Adegbo Erhiawarie Eferakeya (Delta Central): Mr. President, I have just received the Report of the Senate Committee on Ethics, Code of Conduct and

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Public Petitions. I am the Vice Chairman. I just got a note and the Report through the Clerk that the Chairman is indisposed. May I be allowed to lay the Report?

The President: Yes, lay it because I have called you already. (Report laid on the Table)

(The Senate President steps out while the Deputy Senate President steps in)

ORDER OF THE DAY

MOTION

Threat of Drought in Nigeria in 2009 Cropping Season

Senator Teslim Kolawole Folarin: Mr. President, the first Order of the day is a Motion standing in the name of Senator Ahmed Lawan and 64 others on the Threat of Drought in Nigeria in 2009 Cropping Season.

You will recall that on Thursday, 15th October, 2009 the Senate vide Order 42(2) of our Standing Order approved that this Motion be moved to the next legislative day which is today. You may now invite Senator Ahmed Lawan to move his Motion.

Senator Ahmed Lawan (Yobe North): Mr. President, before I move the Motion, let me say that the list of Senators in this Motion is by no means exhaustive. There are so many more Senators who yesterday and this morning spoke to me that their names should be reflected and we will do that in due course. The Motion reads:

The Senate,

Notes that the National Emergency Management Agency (NEMA), the agency responsible for the management of disaster in Nigeria, on Sunday, 11th October, 2009, warned the nation on the imminent threat of drought this cropping season, due to untimely cessation of rainfall in some parts of the country;

Notes, also that regrettably, when NEMA predicted and warned the nation on likely flooding in various parts of the country this year, there was no plan or preparation to mitigate the situation. Consequently, many towns and coastal cities were adversely affected by the flood rendering over 150,000 Nigerians homeless and properties worth hundreds of millions of Naira lost;

Concerned that the responses to the previous drought in the country by government were slow and largely late due to lack of timely preparations, planning and intervention, because of lack of early warning;

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Worried that previous droughts of 1972-1974, 1984-1985 and 1994 disrupted the food supply chain, caused shortages of food, escalated the prices of food stuff, loss of livestock due to shortage of water and pasture, increased conflict over scarce natural resources, exacerbated environmental and biodiversity devastation, accentuated poverty, forced human and animal migration and destroyed human livelihoods;

Accordingly resolves to:

- i. **Urge** the Federal Ministry of Agriculture and Water Resources to take urgent and prompt steps to plan necessary cause of action to mitigate the potential effects of food shortages and concomitant high prices;
- ii. **Urge** the Governments of the affected States to synergize with the Federal Government to ameliorate the potential impacts of the phenomenon;
- iii. **Direct** the relevant Committees of the Senate to meet with NEMA to assess the agency's preparedness to deal with the situation; and
- iv. **Urge** the Federal Government to produce a National Drought Policy based on preparedness (incorporating planning, implementation of plans and proactive mitigation measures, environmental considerations and public education) so as to reduce the need of emergency relief.

I so move.

Senator Babalola Andrew (Oyo North): Point of Order!

The Deputy President: What Point of Order, distinguished Senator Andrew Babalola?

Senator Babalola Andrew: It is Order 53(6) and Order 43.

The Deputy President: You may read.

Senator Babalola Andrew: Order 53(6) reads: It shall be out of order to attempt to reconsider any specific question upon which the Senate has come to a conclusion during the current session except upon a substantive motion for rescission.

PERSONAL EXPLANATION

Order 43 reads: 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

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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 have come under Order 53(6) because sometime in 2007, this Senate set up a Committee on Agriculture to look at the issue of draught in Nigeria and, some of the recommendations here, are part of that Committee's Report which has been submitted to this House some few months back, and I believe that if that Report had been considered there would have been no need for this Motion.

The Deputy President: I have two problems with your Motion. First, you spoke about the 2007 Session and Order 53(6) is talking about the current Session. Secondly, if you look at Order 43 which you also cited, the last paragraph there says: *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 am not aware if you submitted such details, and we are in 2009 Session.

Senator Babalola Andrew: Let me comment on Order 53(6).

The President: Are you withdrawing Order 43?

Senator Babalola Andrew: Yes, Sir. The Report of the Committee on draught was submitted some few weeks back to this Chamber. If that Report has been considered there would be no need for this Motion. This will amount to going back to doing the same thing. We should not go back to the same issue which the Committee had properly addressed in its Report. As a step to solving this issue which has been raised by this Motion, we should ask the Rules and Business Committee to bring up the Report of the Committee on Agriculture on draught so that we can consider it.

The Deputy President: What do you say to this, Senator Ahmed Lawan?

Senator Ahmed Lawan: Mr. President, Order 43 which is on Personal Explanation (*Interruptions*)

The Deputy President: If you want to contribute to what he said, you can respond but not for you to raise a fresh Order.

Senator Ahmed Lawan: Mr. President, draught like flooding, is a natural phenomenon that occurs whether we are prepared as a people or not. When it does happen, what is expected of any administration or leader is to intervene immediately. My friend and Colleague, Senator Gbenga Babalola, is talking about 2007 draught and the

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Report has not been submitted and another draught is coming to Nigeria again. I believe that Committee has not done its job, because it has not done enough to present any Report. (*Interruptions*)

The Deputy President: No! I do not think it is correct to say that they have not done their job. Can you withdraw the statement, please?

Senator Ahmed Ibrahim Lawan: I hereby withdraw my statement.

The Deputy President: Thank you.

Senator Ahmed Ibrahim Lawan: I believe that that Committee should have presented its Report so that Nigerians who suffered from the impact of draught in 2007 would have had their situation remedied. What we are talking about now is draught in 2009. Whatever is in their Report may have little bearing with what is being envisaged in 2009.

The Deputy President: What is before us is the propriety of taking this Motion in view of the pending Report of the Ad-hoc Committee on Agriculture. That is what is before us. So, if you want to contribute, you have to address us on this.

Senator Bukar Abba Ibrahim (Yobe East): Mr. President, even though I have signed this Motion, I am inclined to support what Senator Babalola has talked about for the simple reason that this Motion really is half baked. It has no authentic statistics to enable us take it today. (*Interruptions*)

As soon as NEMA raised the alarm the Metrological Society of Nigeria kicked against it and said that it should not be NEMA that should warn this nation on impending drought because that agency is there only to manage drought if it occurs. That it is the Metrological Society of Nigeria and other Metrological bodies that are supposed to warn us.

I am a farmer, and though the rain started late this year, it is supposed to go beyond the normal period. In Yobe State, for example, at the end of September rains normally cease. (*Interruptions*)

The Deputy President: Are you contributing to the Motion now or what? I want you to respond to the issue raised by Senator Babalola. Can we take the Motion now in view of their pending report? That is the issue before us.

Senator Bukar Abba Ibrahim: Mr. President, I support the idea that we should not take up this Motion today because the other one that Senator Babalola is referring to is more scientific. It is the authentic organisation in Nigeria that should warn the nation about

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any impending drought and not NEMA. NEMA is supposed to only manage the situation if there is any area that is experiencing drought. I have seen the reaction of Metrological Society of Nigeria to what NEMA said. I also have read the editorial in the Leadership Newspaper on this issue that there is no scientific basis for the alarm. Although, that is not to say that this rainy season has no problem at all. I am a farmer, I know but as I have said earlier, the rains came late and also went three weeks beyond the normal time.

Let us have that Report which is more scientific, authentic and professional so that we would do justice to this issue of impending drought in 2009. That is basically my suggestion.

The Deputy President: Senator Babalola, when was the Report received because I am not too sure that we received it?

Senator Andrew A. Babalola: The Report was presented on the Floor of this Senate four weeks ago. The Rules and Business Committee can attest to it.

Senator Maina Ma'aji Lawan (Borno North): Mr. President, I see this Motion as straightforward, therefore, the Point of Order by Senator Babalola is unnecessary because the issues are very clear and distinct. The Motion is talking about warning the nation on the imminent threat of drought in this cropping season. I see no reason we should tie it to previous drought that took place in another cropping season. That is the way we should look at this Motion. It is very important that we take it up.

Apart from this, the Metrological Society of Nigeria referred to by the earlier speaker, had actually warned the nation of late rains much earlier. Actually, the point he is making only strengthens the urgency in not only calling the relevant agencies to take appropriate actions to put the necessary vehicles in place to mitigate the disaster that is waiting to happen. That is really the crux of this matter. So, the operating word is this cropping season.

Senator Uche Chukwumerije (Abia North): Mr. President, before my short contribution, may I call your attention to the very unparliamentary language of one or two speakers. Referring to somebody's submission as half baked, I think that language is very, very unparliamentary and should be withdrawn.

Having said that, I think we should take this Motion today because it is very parallel and distinct from Senator Babalola's Motion. Senator Babalola's Motion is retrospective. It addresses what has passed and we do not have a report on that but this one is predictive, it tells us what would happen if we do not take any action today. We should not allow our hands to be tied to bureaucratic rules in taking pre-emptive measures against impending disaster. History would not forgive us.

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The Deputy President: Please, we should be mindful of the language we use on the Floor of this Senate, especially on matters concerning our Colleagues.

Senator Ibrahim Mohammed Ida (Katsina Central): Mr. President, I am one of those whose name appears here as co-sponsor but I want to observe that really there is a difference between the heading and the content of the Motion. The Motion says: Threat of drought in Nigeria in 2009 cropping season but in the text it talks about flood which is the opposite of drought. Secondly, rather than being predictive as has been Senator it goes on to condemn the system saying that drought is brought about by lack of cooperation, planning, early warning *et cetera*. I think there is a problem here. Are we addressing the issue of drought or condemning the system for acts of God.

In the event, the Point of Order raised by Senator Babalola is quiet cogent. The Report that had been laid before this Senate is going to address the problem of food shortage and what plan there is for food supply, *et cetera*. In the circumstance, I respectfully submit that this Motion be stood down until such time when the Report is submitted. So, you should, please, uphold the Point of Order raised by Senator Babalola.

Senator Jibril Mohammed Aminu (Adamawa Central): Mr. President, with all due respect, we have been here before. This is a Motion formally submitted to Senate on a Matter of Urgent National Importance. The proposal of the Motion must have been discussed with the President of Senate who must have been satisfied according to Order 42(1) that the matter is definite and urgent. Then it was brought to the Senate and the President put the Question, if this matter should be heard and it was passed. As a result, he perfected his Motion and it was put on the Order Paper as the first major business of Senate this morning. With all due respect, I have no intention of directing the Chair on how to do his job, but I have been here before over the issue of the road contract. All these issues should have been raised before this Motion was put on the Order Paper. Since it has been put on the Order Paper, and it is here, we should discuss it.

I want to add that the time we spend on whether or not to hear this Motion is more than the time we would have spent if we had allowed the Motion to be heard. I am not particularly enthusiastic about drought measures because I think the government is doing nothing about it. There was a gentleman called Audu Bako in Kano, may his soul rest in peace, he did not make any noise to solve this problem by damming every little stream that he could get in Kano. He got enough water and the drought of 73 was serious in some States but not in Kano because Audu Bako solved the problem. Some former Governors are here with us, apologies to them, should have done this kind of thing in their States. I do not think it is enough for

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us to be rushing to the Federal Government. In the mean time, this Motion has come here through due process and with all respect; I urge you to kindly allow it to be heard.

The Deputy President: Distinguished Colleagues, I have looked at the Report for the 2007 assignment, which was laid on 23rd June, 2009. Though, the Report dwelt on the issue of drought for 2007, the Order before us is Order 53(6) and my worry here is that it is talking about where we have come to a conclusion in a matter under a current session. This is a matter we looked at in 2007 and the Report is before us but we have not taken it and so my candid view on this matter is that the moment the Motion had been moved, more so, when the matter came under Order 42 and we voted to have this matter in the Order Paper, we take this matter and debate on it. When we go to the Prayers, if you feel strongly against it, you can defeat the Motion. On this note, I rule Senator Babalola out of order. Let us proceed with the debate. If you want to contribute, you can make your contribution now.

Senator Mohammed Mana (Adamawa North): Mr. President, I want to thank you for giving this ruling. This matter is a very important one. I want to use this opportunity to praise NEMA for alerting the nation on the dangers facing this country. We are aware that 90 *per cent* of Nigerians live on agriculture. They live on agriculture for their feeding and the less that is left, they sell to maintain their families. If this drought comes on next year, it is going to be a serious threat. Therefore, it is a clarion call on all the governments; the State Government, the Local Government and the Federal Government to ensure that adequate measures are taken to ensure that Nigerians do not feel the effect of the drought.

What would be the likely effect? The likely effect is that there would be food shortage. Therefore, adequate measures should be made to buy excess grains this year and store them and distribute them when the time comes.

Secondly, the suggestion made by our linkman that the State Governments should start damming all the streams and rivers in all the affected areas such that they would irrigate lands in place of rain-fed agriculture. If these measures are taken, we would be able to sleep because we have over 140 million Nigerians and feeding this large population is a very big problem.

It is time for us to look at desert countries such as Israel and Saudi Arabia which are barren. They have no water yet they feed their population. Why should Nigeria be unable to feed her population because of seasonal drought that lasts one or two years? These countries are living in perpetual drought; they normally have about two or three times rains in a year, yet they are able to irrigate their land and feed their peoples. We should wake up and ensure that we do not just depend on rain-fed agriculture. We must initiate in our ten-year development plan, which

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I believe is also part of the President's programme in the Seven Points Agenda of the Federal Government. We must ensure that we irrigate our lands even if it means taking water from the sea up North. This is possible because it is being done. Libya has done it. They have been able to build a natural canal through their country and through that they are able to feed their population.

I want to use this opportunity to thank Senator Ahmed Lawal who has been very steadfast in attacking drought in this country. This is a very important Motion and I urge all of us to support it.

Senator Eme Ufot Ekaette (Akwa Ibom South): Mr. President, I stand to say that this Motion is very apt and we should discuss it. The issue of climate change is on the table today all over the world; that is what people are discussing. We should be prepared for what is happening around us because if we go into history of what people had done to check drought a few years ago, maybe, 1996, Dubai was a desert and it was so hot when you get there that you would not like to stay but today they took water from the sea and reticulated it around the whole place and all of us go there now for holidays. They have been able to arrest the issue of desert encroachment. Nigeria should not wait until drought gets to every part of the country. We should be alert. Any department of government that is quick enough to identify this issue, we should listen to them because we are talking of a country and not efficiency or inefficiency of government departments. I believe that when we come to the Prayers, I would add something to it. I believe that we would address this issue.

Senator Mohammed Adamu Bello (Kano Central): Mr. President, I support the Motion ably moved by Senator Ahmed Lawal on his conscientiousness and being alert to the situation of the entire citizenry of the country. We all know that the only way we are able to feed ourselves is through agriculture. These things have been happening regularly without measures being taking by us. For instance, we know that efforts have now been made in the Niger Delta because of the amnesty. We now know that we would not be having problems there with the regular income of the country. It is time for us to step up not only to address the issue within the country itself but also to begin to export so that we may be able to make life easier for the entire citizens. We know that the level of poverty is eroding almost every sector of the country. Almost everywhere you move to, everybody looks at you as if you are the only person who is surviving because you are a politician. So, politicians owe a responsibility to the people to make sure that their lives are better by making sure we move this kind of Motions as responsible people who are conscious of these facts and be able to move forward so that we can take care of ourselves. There is no reason for Nigeria to be importing rice from Malaysia when I know that within Kura and Garku in Kano State, we can produce rice.

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For instance, Governor Audu Bako was able to take care of some of these things as has been said by our respected Senator Jibril Aminu. Governor Audu Bako was able to come up with measures which till date are being used in Kano State. All succeeding Governors only had to dust up the Paper and continue with the policies laid down by Governor Audu Bako particularly in agriculture. I suggest that all the Governors and leaders should be responsible enough to be conscious of the fact that people are in a serious dilemma and they should not make the situation worse.

Senator Suleiman Adokwe (Nasarawa South): Mr. President, I rise to support this Motion able moved by my friend. Just on a lighter mood, I am surprised that he raised the Motion, because when we were going round to do the Ad Hoc Committee assignment on Food Crisis, he was a bit reserved about damming a particular place. I believe that the biggest way of solving this problem is through engaging in irrigation farming. We have sufficient body of water in this country to be able to irrigate the rest of the country that is not receiving adequate water yearly. The truth of the matter is that once this country can face the reality that we have a very large expanse of desert land in this country and the only way we can put such land to use is to resort to irrigation farming, then, we would be able to profit from such areas.

If we look at other parts of the world where they do not receive rain fall for upwards of two to three years, but they produce some of the best fruits you can get, especially the Middle East region. We have some measure of rain but year-in year-out we are faced with imminent drought and food scarcity. This ought not to be so.

We went round this country very recently under the Ad-Hoc Committee on Food Crisis, and the body of water that has been collected across this country is amazing. Just to take the further step of irrigating the land, we have not been able to do that. Much of this body of water is lying waste including in my own Constituency in Nasarawa State. There is a body of water that is about 50 million cubic metres that is lying waste. It has a capacity to irrigate more than 5,000 hectares of land but it is not being put to use. The story is the same across the country.

We can solve the food shortage problem in this country by embarking on irrigation. That is the only way out. Some countries like Israel do not see water at all; the little water they have they re-circulate it and only about 10 *per cent* of water is wasted. Even the one they use they re-circulate it back to the soil and today, they export food to other countries. Sometimes, for three years they do not get rain. So, we should not have this kind of problem in Nigeria. We need to recognise that we have perennial problem of drought and that we have sufficient body of water in several parts of the country that can be channeled

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to other areas for proper irrigation farming. That is the only solution. Once we are able to consider this truth that we must embark on irrigation farming then we would be able to solve the problem once and for all. There is nothing we can do about it because it is natural. Drought would continue and it could get worse as we go along. We do not know if it is the desert that is causing the drought or it is lack of rain that is bringing desert encroachment. Whichever, we have to find a way of channeling water to these areas and embark on irrigation farming.

Senator Bala Mohammed (Bauchi South): Mr. President, I rise to support this Motion ably moved by my distinguished Colleague, because in the business of climate and weather early warning is very important. I want to make one clarification about statutory responsibility of early warning.

Nigerian Metrological Agency where I proudly came from has legal and statutory responsibility on weather components on behalf of the Federal Government, early warning, mitigation and what have you. They have concurrent responsibility of interacting or collaborating with agencies like NEMA. To correct previous contributions, the right Agency that has responsibility over mitigation or early warning on weather, and in this case, drought, is the Nigerian Metrological Agency. As explained in the Motion, I would urge that the relevant Committee that would handle this matter should liaise with the Nigerian Metrological Agency not the Nigerian Metrological Society.

I found this Motion very timely because it has touched on issue of very serious national importance; national importance in the sense that we are dealing with food and food security and this hallowed Chamber has discussed extensively on budgeting adequate fund for mitigation, production, and storage of agricultural food and other resources of this country. Just last year if I may recall vividly, we voted about N200 million for agriculture. This shows some seriousness and commitment by the Federal Government to ensure that we produce food. We have even gone ahead to budget about N50 billion for construction of silos in various geo-political zones of the country. What we would need to do is to add impetus to these budgetary allocations to ensure that they are executed so that we can produce and store food as explained by distinguished Senator Suleiman. How far have we gone in establishing silos in this country? We cannot stop drought because it is a natural phenomena. This Motion is asking about our capacity and capability to cushion the negative impact of drought.

The Federal Government has done its part and I would, therefore, urge the Committee on Agriculture to ensure that the money this country has budgeted for agricultural production through mechanization and storage are done in such a manner that when we want to

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export or eat food or mitigate drought, we have the capacity because the nation has already budgeted enough money and we have done quite enough.

Again, we are talking about water resource management. One of our respected distinguished Colleagues, Senator Jibril Aminu has spoken about water resource management that had earlier been done by some State Governors. We must encourage the Federal Government to go into partnership with State Governments. The Senate and the National Assembly must give added impetus so that we can have, not mega dams but dams that can produce. We should encourage our people that are idling away in the North, the East and the West to start agricultural production so that the silos that are being built here and there would not be in vain. I thank distinguished Senator Lawan for his Motion which is timely.

Senator John Nanzip Shagaya (Plateau south): My first comment is to come to terms with the definition of drought and over flooding. There seems to be a contradiction in this Motion as to what the Senate is discussing. Are we really discussing flood or drought because one is the opposite of the other? Over flooding affects production of food production just the same way as the surging of the sea in the south is affecting the production of food stuffs in the Southern part of Nigeria. We need to get the dictionary definition of drought and also the United Nations Organisation/s accepted definition of drought before we can discuss this Motion.

The second point is that there is a claim here that NEMA made some predictions on the 11th of October. For those of us who cared to read newspapers daily, you would have observed that three days after, there was an immediate disclaimer by the Nigerian Meteorological Service to that particular claim by NEMA. The disclaimer pointed out that NEMA, as one of us had already observed, is neither equipped nor does it have in the law creating it the powers to make such claims and proclamations of impending disaster.

NEMA is just an agency of government that reacts when there is a disaster but outside it, there is Meteorological Service and other agencies that have responsibility for such predictions. I believe that even if NEMA through other sources made those claims and having been challenged by Meteorological Service, they would have gone back to clarify their position or to assert their position. As at this time we are discussing this Motion that has not been done.

Let me also quickly cast our minds back to 2007, on the Floor of this Senate about 37 of us moved a Motion on over flooding in some parts of Northern Nigeria of which more than nine States were affected. That could not be regarded as drought.

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Let me also quickly observe that some of us who come from the 19 Northern States know that it has never happened before especially in the last ten years that up to the end of October you still have rainfall. I have difficulties, therefore, to understand where the drought is emanating from and why blame is now being pushed to government for not reacting to a situation that has not existed. These are my points. I urge my Colleagues to discuss this matter passionately, but for God's sake with facts available so that people outside this Chamber would not laugh at us when they read us.

Senator Umaru Dahiru (Sokoto South): Mr. President, I cannot say anything other than to thank the prime mover of this Motion. I believe it is timely. I also believe that the position as mentioned is correct. I am from the extreme North of this country. I visited my Constituency and returned to Abuja just yesterday. There, I came across some farmers with teeming population in their families. One of them told me that he produced about 100 bundles of guinea corn last year but this year he was able to produce only ten bundles.

Equally, I came across another person with the same number of family population who told me that he was able to produce 1000 bundles of guinea corn last year but this year, he was only able to produce 300 bundles. Let me explain further. When I said ten bundles of guinea corn that will be able to weigh about 100kg. I asked them what was the reason for this, they told me that there was drought.

We, in the far North know the consequences and effects of drought. I can vividly recall 1972 and 1974 when drought occurred. We, in the extreme North carried ice blocks on our heads in order to survive because there was scarcity of water. There was climatic change all over the place. It occurs in sequence; 1972/1974, 1984/1985, 1994 and we are now in 2009. It is in sequence and at intervals of ten years. This Government claims to have Seven Point Agenda in which agriculture is one. (*Interruptions*)

The Deputy President: We are not claiming; we definitely have Seven Point Agenda.

Senator Umaru Dahiru: I am sorry, Sir but it is being said everyday that food is one of the Seven Point Agenda but what are we doing about it. We have started feeling the effect of inflation. A sack of 100kg guinea corn now costs ₦7,000 or more which used to cost ₦3,000 or ₦4,000. How can we afford it now? This is so because the food is not there. Unless and until we put up a national policy on drought as mentioned by this Motion things would not change for better. We are not prepared. We are always caught unawares because we are not prepared. We always have a fire brigade approach to situations. So, whether it is NEMA that gives us the

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notice or whoever I believe we should be prepared and forewarned is forearmed. So, I stand to support this Motion and I hope we will sit down and think about it.

Senator Kabiru Gaya (Kano South): Mr. President, I want to commend Senator Ahmed Lawan for being prompt and concerned on the relief that the masses required.

We could have aborted this issue as said by our learned and Senior Colleague, Professor Jibril Aminu that it should be the initiative of those States concerned, to start thinking of preventive situation. We are happy in Kano where the late Audu Bako did well and built us two dams – Chalawa and Tiga Dams which were able to facilitate irrigation programme even up to Yobe State and beyond. Unfortunately, the Federal Government took over the project and created River Basins and handed over all those areas to River Basins to develop and these River Basins have not been funded to actualise the Projects. If you go to Guru and other areas, you will find a lot of water spilling around because the canal for irrigation has not been done in those areas. We should avert the situation because we have seen some desert countries that are really doing irrigation farming and providing food for their people.

This Motion is timely and should be supported. I would add a Prayer when we come to that whereby we urge the government to fund river Basins in order to avert any situation like this. I support this Motion and commend the mover.

Senator Mujitaba Mohammed (Jigawa South West): Mr. President, I express my support to this very important Motion ably moved by most distinguished Senator Ahmed Lawan and other co-sponsors. I have to confess that I have not really seen the background of the Report by NEMA but all the same I am certain that the Sahelian and the Savannah vegetation zones are prone to drought.

Of course, the negative socio-economic impact of drought cannot be easily contained by the government if proper action is not taken in good time. Along this line, I submit that government at all tiers should evolve policies that will mitigate the impact of drought in the country. This we can do through improving our irrigation system, as earlier pointed out by previous speakers, and of course, through the use of hybrid seeds that are drought resistant and also early maturing. So, ways of tackling drought are supposed to be done in such a way that they are of long term effect. This we can do through series of interventions I have just mentioned.

Senator Sahabi Ya'u (Zamfara North): Mr. President, before I congratulate the mover of the Motion, I want to equally thank you for leading us well by quickly differentiating between what happened two years ago and an imminent danger, a warning that we should all looked at.

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Those of us that were privileged to be around during the 1973 drought crisis in this country know what it is to be warned on an imminent drought in some States of the Federation. During that period, it was too sympathetic and we knew what our people went through. So, it is now a good thing that we have an agency that will warn us on what is likely to come and it is never a bad thing for us to discuss what we should do to completely avert or cushion the likely effect of these unforeseen circumstances. One of those things that we need to do is to try as much as possible to make good use of the available water resources we have in this country. Such water resources include the dams that have been built like the one we have in my State, the Bakalori Impresit. When it was operating in full capacity, it was a beehive of activities all year round. Now the sprinkler system has been removed and it needs complete rehabilitation. Therefore, with this warning, the Federal Government should do whatever is possible to rehabilitate the dams so that we will be able to produce enough food for our country.

Finally, I want to thank the mover of this Motion for his foresight. This is something we should welcome in this Chamber because we are for the people; elected by the people and we should be concerned with whatever is likely to affect the people.

Senator Uche Chukwumerije: Mr. President. I had wanted to start by making observation on NEMA but Senator Shagaya had made it very well. At first, I was puzzled about how NEMA, Nigeria's version of a Red Cross, suddenly becomes a metrological agency. But in spite of that little lapse, the validity of the point being made by the Motion still stands; namely, the tragedy of preventable human tragedies in Nigeria. The Motion has basically three variables. On one hand, is prediction and early warning about a disaster; whether in this case of drought or of flood in other circumstances. On the second hand is our indifference to such warnings. The third is the disaster that follows often amounting to millions probably billions of Naira loss.

Now, this happens year-in year-out and what is the response the nation? We either blame God or the Nigerian factor and that is the end of it. A year or two later, we go back to the same situation. I think on the platform of comparable justice, we should ask ourselves one question. Anybody, who through negligence, causes the nation hundreds of millions or billions of naira worth of damage through this type of omission, which could be equated to the crime of stealing from public funds should be made to face the wrath of the law. We shall now start working towards a solution and the solution I am going to propose in addition to the Prayers raised here is first and foremost making it criminal once you are able to establish responsibility for this kind of failure.

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Secondly, inviting the Senate to revisit the issue of Economic Crimes Commission because there are certain things in this country year-in year-out, we come in here, make long grammar, go out to the courts; go this and that way and the case is over. Until we begin to apply a kind of draconian measures, we will find that there will be no solution to the issue of this kind of thing happening every year.

Senator Zainab A. Kure (Niger South): Mr. President, I am one of the co-sponsors of this Motion, likewise I am a member of the Agric Committee. I want to congratulate the prime mover of this Motion in person of Senator Ahmed Lawan and all the co-sponsors.

So much has been said about how se can go about solving some of the problems that drought can cause. I am surprised that most of the co-sponsors of this Motion are coming round to say that this Motion is not timely. I want to say specifically that this Motion is timely. One of the issues I want to bring up has to do with the effect of flooding as it relates to drought.

With due regards to the comment of distinguished Senator Shagaya, flooding does bring about drought and I am talking as an experienced person. In 2007 we brought a Motion here that had to do with flooding that affected most States in the North and my State especially my Senatorial District was mostly affected because most of them are rice farmers. With the flood all the rice fields just washed away. As I am speaking with you right now, most of the farmers are yet to come out of the effect of that flooding.

The issue of drought that most of my Colleagues are saying that NEMA should not have brought up as it were, I would say that whether or not they brought it, drought is imminent in this country and we should deliberate on how to alleviate the problems of those that the drought will affect. If my Colleagues will go through the Prayers once more, I believe they will be able to appreciate why this Motion is coming at this point in time. Not to take too much of your time I would want to categorically support this Motion because emergencies are emergencies. I crave the indulgence of my Colleagues to look inwards as per the issue of imminent drought.

Senator Ya'u has spoken quite well about the effect of drought. I was just discussing with some of my Colleagues that even the rainfall that we are talking about, for those of us that are farmers; to certain crops, the rain is even too much. For example, the guinea corn, the farmers are complaining that the rain is going to affect their harvest.

The Deputy President: I will take Senator Ayogu Eze and Senator Patricia Akwashiki and then we go to the prayers.

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Senator Ayogu Eze (Enugu North): Mr. President, I have listened to my Colleagues and I associate myself with the principles of the Motion and the fact that have been brought out by Senator Uche Chukwumerije. Even if we did not originally have the facts as have been set out, whether it is NIMET, Remote Sensing or NEMA that is responsible for giving us the warning signal, what this Motion seeks to achieve is to anchor in our consciousness, and possibly down-load it to our policy process the need for early warning signal in detecting and arresting disasters that threaten the livelihood of the people we represent, and by extrapolation, our own livelihood also. In that respect, we commend Senator Ahmed Lawan for coming up with the Motion.

However, the points raised by Senator Babalola were quite germane too. Perhaps, if we had looked at his Report we would have been in a better position to have all the facts. But, it does not stop us from taking this Motion which is like a wake up call. Everybody should be sensitised that we are not doing the right things. The questions to ask at this point are; do we have reliable and dependable machines and equipment for early warning signals and how equipped is NEMA, NIMET and the Institute of Remote Sensing? How prepared are they? I believe we are going to use the opportunity of the 2010 Budget to look at the desirability of strengthening these institutions in order to protect our people who constitute the local farmers.

From the contribution of Senator Zaynab Kure you could notice that it is different strokes for different folks. While it is flooding in the Middle-Belt and the Southern parts it is drought in upper North and some parts of the country, and the whole thing points to the fact that our disaster management is a big problem and detection of disaster is also a big problem. As a country, we cannot continue to grow. One of the cardinal objectives of this administration is to provide food on the table of our people, and take our people to the top of the mountain, and we cannot achieve those things if we do not take the necessary steps that are necessary for us to get there.

Therefore, I support this Motion and I urge my Colleagues to take this Motion as a wake up call. If I have to go to the local Nigerian parlance, it is for us to shine our eyes when we prepare the 2010 Budget to capture all of these and ensure that we are prepared.

Senator Patricia Naomi Akwashiki: (Nasarawa North), Mr. President, I am a co-sponsor of this Motion and I agree totally to everything that most speakers have spoken about. The essence of this Motion is to wake up policy makers and people who respond to tragedies in all parts of the world. We have drought that is imminent and we are appealing to State Governors to begin to put things in place that would take care of the disaster when it comes either by storage of grains now to ease the

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suffering of our people then. We do not want them to run helter skelter calling on agencies to take care of the problem when it eventually occurs.

Just as Senator Zaynab Kure mentioned, immediately after flooding comes drought. This is very true. Flooding washes away the entire nutrient of the soil and people are left stranded. In India, there is a community that once they experience flood they are able to direct their Water Resources to collect water because they know that once the water washes away they will experience long stretch of drought. The same thing goes for Ethiopia that usually experience draught. It comes in circles. Once it starts in Africa it will eventually affect the Northern part of Nigeria which is always worst affected by drought.

Therefore, the lesson we are supposed to derive from this Motion is for us to take care of this problem before it comes. If you go to the Plateau, they have lots of water but there is no collection system of the water. It flows, washes down and goes away. There is no collection of water in Nigeria. So, we actually do not utilise all the good things that God has blessed us with. That is exactly what this Motion is trying to bring to us; the protection and collection of the water so that we utilise it when we do not have rainfalls and also our response to tragedies like drought.

The Deputy President: We now go to the Prayers. Prayer (i) says: *Urge the Federal Ministry of Agriculture and Water Resources to take urgent and prompt steps to plan necessary course of action to mitigate the potential effects of food shortages and concomitant high prices;*

Question put and agreed to.

Prayer (ii) says: *Urge the Governments of the affected States to synergize with the Federal Government to ameliorate the potential impact of the phenomenon;*

Question put and agreed to.

Prayer (iii) says: *Direct the relevant Committees of the Senate to meet with NEMA to assess the agency's preparedness to deal with the situation;*

Senator Andrew A. Babalola: Mr. President, as you have noticed, I am also a signatory to this Motion because of the word drought which is the issue. The issue I raised earlier on because I thought this Senate would not be compelled into repeating itself. We already have a Report on ground that addresses this problem. We would have addressed the issue of drought in 2009, because of that I would like to amend Prayer (iii) to read as follows:

That the Senate do now instruct its Committee on Rules and Business to bring forth the pending Senate Committee Report on Draught for discussion

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during the next legislative day with a view to finding permanent solution to the issue of drought in Nigeria.

The Deputy President: We will just advise them to do so. It does not have to form part of our Resolution. The Deputy Chairman of the Committee is here. The Great Leader, I am sure you will ensure we look at that Report as quickly as we can.

Senator Adegbo Eferakeya: Mr. President, I would like Prayer (iii) to read this way: *Direct the relevant Committees of Senate to invite NEMA to brief them on its preparedness.* You cannot assess their preparedness. They can only brief the Committee on their preparedness.

Amendment put and agreed to.

The Deputy President: Prayer (iv) reads: *Urge the Federal Government to produce a National Drought Policy based on preparedness (incorporating planning, implementation of plans and proactive mitigation measures, environmental considerations and public education) so as to reduce the need of emergency relief.*

Question put and agreed to.

The Senate accordingly resolved to:

i. Urge the Federal Ministry of Agriculture and Water Resources to take urgent and prompt steps to plan necessary cause of action to mitigate the potential effects of food shortages and concomitant high prices;

ii. Urge the Governments of the affected states to synergize with the Federal Government to ameliorate the potential impacts of the phenomenon;

iii. Direct the relevant Committees of Senate to invite NEMA to brief them on its preparedness to deal with the situation; and

iv. Urge the Federal Government to produce a National Drought Policy based on preparedness (incorporating planning, implementation and plans and proactive mitigation measures, environmental considerations and public education) so as to reduce the need of emergency relief.

Senator Teslim Kolawole Folarin: Mr. President, I move that we stood down the next item on the Order Paper till another legislative day.

Senator Maina Ma'aji Lawan (Borno North): Mr. President, I second the Motion that the next item on the Order Paper be stood down.

Question put and agreed to.

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Resolved: That the next item on the Order Paper be stood down till another legislative day.

CONSIDERATION OF A BILL

Education Tax Act and Education Tax Fund (Amendment) Act (Repeal) and Tertiary Education Trust (Establishment) Bill, 2009

A Bill for an Act to Repeal the Education Tax Act Cap E4 LFN 2004 and the Education Tax Fund (Amendment) Act 2003 to Provide for the Establishment of the Tertiary Education Trust Fund to Impose, Manage and Disburse Education Tax to Public Tertiary Education Institutions in Nigeria and for Other Related Matters, 2009 (SB. 256)

Order for Second Reading

Senator Teslim Folarin: Mr. President, the third Order of the day is the Second Reading of the Tertiary Education Tax (Establishment) Bill, 2009. This is an Executive Bill, which was read the First Time in this Chamber on Wednesday, 25th March, 2008. With your permission I wish to start the lead debate?

The Deputy President: You can start.

Senator Teslim Folarin: I thank you for the privilege to lead debate on the general principles on a Bill for an Act to Repeal the Education Tax Act Cap E4 LFN 2004 and the Education Tax Fund (Amendment) Act 2003 to Provide for the Establishment of the Tertiary Education Trust Fund to Impose, Manage and Disburse Education Tax to Public Tertiary Education Institutions in Nigeria and for Other Related Matters, 2009. As I earlier said, this is an Executive Bill which was read First Time in this hallowed Chamber on the 25th day of March, 2009.

This Bill seeks to refocus the Education Trust Fund from an omnibus funding agency for all levels of education in Nigeria, that is, primary, secondary and tertiary levels to a funding agency for only public tertiary education. By the Bill, the Education Trust Fund is to become Tertiary Education Trust Fund.

The Education Trust Fund which was established in 1999 under the Education Tax Decree now Act is to administer the two *per cent* tax imposed undeclared profit of companies operating in Nigeria commenced disbursement of funds in 1999.

The Fund was borne out of negotiation between Academics Staff Union of Universities and the Federal Government. It was originally conceived by the funding agency exclusively for the rehabilitation, restoration and consolidation of tertiary education against the background of the myriads of challenges in the tertiary institutions.

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The Education Trust Fund, however, is mandated at present, under the Education Tax Fund Cap E4 LFN 2004 (as amended) to cater for all levels of education in the country from primary to tertiary. This makes the Fund to make only a very insignificant impact. In order to refocus the ETF on tertiary education funding as it was originally conceived, this Bill seeks to:

- (1) Repeal provisions relating to the non-tertiary level of education;
- (2) Include new provisions necessary for the smooth running of funds arising from experience in operating the extant Law ten years since the last amendment, and
- (3) Consolidate the Acts into a single Act instead of several pieces of instruments on the same Law.

As we are all witnesses to the crisis ravaging our tertiary education, there is need for permanent intervention through legislation to which this Bill seeks to achieve. I, therefore, strongly urge this Senate to approve the Second Reading of this Bill and refer it to the appropriate Committee for necessary legislative action.

I thank you for listening.

Senator Joy Ifeyinwa Emodi (Anambra North): Mr. President, let me start by commending the Executive for bringing one serious Bill to these Chamber. This is very important socio-economic Bill. I am aware that this Bill has passed through the Second Reading in the House of Representatives and I am happy that we are taking it up today.

We know that the bane of Nigeria education sector today is that of poor funding which led to the strike by the ASUU that lasted over three months. This happened because they are fighting to see how to re-position the education system that has been in a state of comatose. This is the time for the Red Chamber to contribute their quota by passing this Bill in order to help the funding of our tertiary institutions. This is the time for this Chamber to act.

The ETF, as the Majority Leader said in his lead debate, was set up *ab initio* in response to an agreement signed between the ASUU and the Federal Government in 1992 to take care of the funding of the tertiary institutions. Unfortunately, it was moved away from that assignment and overstretched to start funding all other levels of educational system in the country – primary, secondary and tertiary. This has led to little impact because it is taking care of the 57 Universities, 61 Monotechnics, 60 Polytechnics, 59 Colleges of Education, and all primary and secondary schools in the country thereby making little or no impact.

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The Bill, as being sponsored today, has one focus, that is, to move it away from omnibus funding agency to tertiary institutions such as Universities, Colleges of Education, Monotechnics and Polytechnics. This will go a long way in solving the problem of funding affecting our tertiary institutions.

We know the impact of non funding, no training and re-training of teachers, no audio-visual aids for teaching in the universities. We have to reticule lecturers and graduates and when these teachers who passed through educational departments in our universities and are teaching in special schools have never seen a brail for teaching the blind due to lack of funds to buy the equipment. Some of them have never seen a common test tub. We go out for oversight functions and we see what is happening in our universities. Our present tertiary institutions can only pass as glorified secondary schools.

I support this Bill in its entirety and I urge my Colleagues to support it because the ETF is overstretched to the extent that they do not have the opportunity to monitor the projects all over the country. For instance, in 2008 when they got the highest allocation, each local government got just ₦5 million for so many primary schools in their domain. The Universities got ₦50 million and there was nothing they could achieve with that. There is nothing the schools can achieve with ₦5 million in a local government. So, I believe that limiting the responsibility of Education Trust Fund (ETF) towards funding of our tertiary institutions would be the best for everybody and the system? This is because they will have the opportunity of enjoying high quality trained teachers. If we have enough equipment to bring up our teachers, of course, we will have well rounded students that would be taught by such teachers. Again, the ETF funding will take care of both Federal and State institutions. They will channel the money meant for their universities towards developing their basic and secondary institutions.

So, I urge all of us to support this Bill because it will go a long way in solving the problems of education in Nigeria especially the problem of funding.

Senator Mohammed Kabiru Jibril (Kaduna Central): Mr. President, I rise to support this dynamic Bill. This is a very good Bill that will promote the quality of education in our society. This Bill sent in by the Executive is proactive, progressive, dynamic and visionary in the sense that it has reduced the wastages being encountered in supporting education with so much funds. There is so much duplication when we have Universal Basic Education (UBE) and other funding agencies spending so much money on primary and secondary education, yet the Education Tax Fund also continue to put in so much money on that. The vision in this Bill, therefore, is to reduce the wastage in putting money where a lot of money is already being pumped

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into without seeing the results. They will be targeting towards a section of education sector that really needs funding; that is the tertiary education.

Most of the problems we have with ASUU and other operatives in the universities and other tertiary institutions will probably disappear because now there would be adequate funds to take care of their needs in all ramifications; including research and other social services that education sector is expected to offer the society. This also is going to give us a lot of advantages.

One, very recently I learnt that our Chairman, Senate Committee on Education introduced student scholarship. This is going to go a long way in securing some little funding to assist indigent students who may not be able to sponsor themselves through tertiary education.

I also remembered that I had introduced before this Chamber the Bill on Students Loan. I will be happy if part of this fund will also be geared towards encouraging students either through scholarship or soft loan scheme that will enable them obtain the necessary education that the nation requires of them to push this country forward. Right now, we have a large number of our children unable to attend tertiary institution simply because their parents cannot afford it and government has not made it possible for them to secure scholarship or loan that will enable them get the required necessary technical and scientific education that every part of the world is pushing its children to do so that they could move forward.

Our agricultural, technical and scientific activities in the country will get a big boost if the tertiary education is improved through funding like this. I hope that government will in this line examine the use of funds carefully so that it goes directly to the areas of real need instead of leaving it for bureaucratic wastages along the line.

I do sincerely support this Bill and I call on each and every one of my Colleagues to please support the Bill and get it passed as quickly as possible so that our universities can begin to enjoy quality education in good time.

Senator Nimi Barigha-Amange (Bayelsa East): Mr. President, I am not against proper funding of education at tertiary level. But my fear is that we have to count one before we go to two. If we abandon primary and post-primary education and concentrate on tertiary education, what do we think we want to achieve, because it is only when you groom people at the primary level properly that they can pass entrance (*Interruptions*)

The Deputy President: Are you aware of UBE and MDGs?

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Senator Nimi Barigha-Amange: I am aware of that but this fund you are collecting is from the whole Federation. It is not fund from the Federal Government alone. This particular fund is from the Local Governments, the State Governments and the Federal Government. So, you cannot collect the money and then concentrate on Federal Government Universities alone. That is what I am trying to get at. Section 18 of our Constitution says and if I am permitted I will read.

The Deputy President: Yes, go ahead.

Senator Nimi Barigha-Amange: (1) *Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels.*

(2) *Government shall promote science and technology.*

(3) *Government shall strive to eradicate illiteracy and to this end, government shall as and when applicable provide;*

(a) *Free, compulsory and universal primary education;*

(b) *Free secondary education;*

(c) *Free university education, and*

(d) *Free adult literacy programme.*

If I can direct our attention to the Second Schedule, Part 2, Clause 27 which says: *The National Assembly shall have power to make Laws for the federation or any part thereof with respect to university education, technological education or such professional education as may from time to time be designated by the National Assembly.*

(28) *The power conferred on the National Assembly under paragraph 27 of this item shall include power to establish an institution for the purposes of university, post primary, technological and other professional education.*

I do not think that the idea of getting a fund isolated to the university alone is proper.

Secondly, you remember that the Federal Government has just signed an agreement with ASUU and one of the Clauses there is on *university autonomy*. If the universities will have autonomy, why must Federal Government dedicate an account to fund the universities? I still believe that it is proper for this fund to go round all educational institutions.

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Senator Sola Akinyede (Ekiti South): Mr. President, I support this Bill, but I do not believe that we should shut the door totally against all non-tertiary institutions. The Federal Government has about 109 Federal Government Colleges and about 24 Universities. I am aware that there has been some infrastructural collapse in many of these Federal Government Colleges. For instance, the Kings College, Lagos, which I attended some 40 years ago, has collapsed totally. There was a time Students had to stand to eat their food in the dining room in Kings College. I believe that if Federal Government owns some secondary schools, it should be responsible for the funding of these schools. I do not think it is fair for the Federal Government to own these schools and then say that funds would not be made available to the schools.

There was a time the Federal Government wanted to privatise Federal Government Colleges but I believe that policy has been revised. If the Federal Government has revised the policy that it does not want to privatise the Federal Government Colleges, some of these funds should be made available to the Federal Government Colleges. I, therefore, will like to support this Bill but with a proviso that we should not close the door against Federal Government Colleges, and that there should be a certain provision that some of these funds could, subject to the discretion of the Minister or some other bodies, be given to Federal Colleges. That is my intervention.

Senator Ahmed Mohammed Makarfi (Kaduna North): Mr. President, it is dangerous to make a Law that is restrictive. The objective that the Bill wishes to achieve can be achieved through administrative and policy directives. This is because there is nothing in the Act that says the fund must go to primary schools at a particular point in time.

We may have financing gap in any of the levels of education at any point in time. So, there should be element of flexibility for Government to say that due to problem in certain sector, it is going to pay more attention in funding that particular sector. If you make it so restrictive, then you walk yourself into problem. If by tomorrow the focus changes what do you do? You come back to amend the Law. If anything needs to be done, if there are provisions in the Act which show that funds at any time must touch every level of education, that is what we need to amend, but to exclude right at this stage is really dangerous. It is bad to make highly restrictive Law which may achieve short-term objectives but in the long run you would discover that it is not a convenient thing to do.

Senator Ibrahim Mohammed Ida (Katsina Central): Mr. President an opportunity has afforded itself to me and I want to utilise it to first of all thank the Government and ASUU for allowing reason to prevail

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and for the long strike to be called off. I want to thank all those who were instrumental to such an action and in particular, the Governor of Edo State, Comrade Adams Oshionmole who showed that he is really a Comrade.

Some of those who spoke before starting from distinguished Senator Barigha-Amange to really take a close look at the Bill. The Interpretation Clause of the Bill covers their reservations. It clearly states that tertiary education means (a), (b) and (c) inclusive of all those institutions they have in mind. So, I believe that that has been taken care of.

In respect of the statement made by Senator Makarfi, there is also a particular provision that affords the Board the discretion of extending the funds to all areas and not restricting it to what has been written.

The problem that we have with the quality of our tertiary education is that of insufficiency of funding among many other things and this is one issue that ASUU has been reinstating all over. Since the defunct of the PTF, this Education Trust Fund has shown itself to be active. Hardly do you go anywhere without seeing a sign of one project or the other funded from this Fund.

There is already on ground the Universal Basic Education (UBE) funding scheme that is directed exclusively to primary and secondary education. To extend the Education Tax Fund to also cover the same environment would be double coverage of the field and depriving the tertiary institutions of the much needed ingredient that is needed to advance it.

So, we should support this Bill very strongly and pass it expeditiously. We should ensure that it covers all tertiary education whether run by the states or even private where need be. I am very particular about where need be because there may be certain specialised fields. Let us not forget that those students are Nigerians. So, where the need arises it should cover it.

This is a well timed Bill. I commend the sponsor for binging it at this time, and I hope that the Senate will spend no time in passing it expeditiously.

Senator Ahmed Ibrahim Lawan: Mr. President, today in the world, countries that are developing rapidly are not countries that produce oil or mineral resources. They are mostly countries that have developed their human capital. I believe that education is the way out for Nigeria to attain the Vision 20:2020 or indeed, a higher goal. This is a timely Bill. I believe that in the past starting from 1999 when disbursement from ETF started till date, not much has been achieved for so many reasons. The first is the insufficiency of the fund when ETF had to cover everything in the education sector, primary, secondary and tertiary institutions.

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Secondly, there was lack of accountability in most of the institutions. This is because it is not always money. If you go to our universities and institutions of higher learning, you will find that the institutions have not been able from 2005 to 2006 to come back to ETF to access their funds. This is happening because they are not able to account for what they had received in the past. So it is also a question of management of funds. I believe that with the present Bill by the time it becomes an Act the amount of funds to the new organisation would be more.

I also want to say that the companies in Nigeria that pay two *per cent* of their profits which constitute the pool of money that ETF disburses suffer from lack of competent and skilled personnel because our higher institutions are in trouble. Therefore, I am of the opinion that the two *per cent*, though it is going to be a little bit better, is certainly not enough to address the issues of our tertiary institutions on capital development. I propose that we make it 2.5 *per cent*.

The other angle of it which Senator Barigha-Amange raised is the issue of other institutions, the primary and secondary levels. The Universal Basic Education Commission Act of 2004 provides two *per cent* of the Consolidated Revenue Fund for Basic Education and that includes all our primary and junior secondary schools (JSS). Of course, this is done together with the States. I believe that by the time this Bill becomes an Act there would be a minus of funds from the Basic Education side which now would not be funded by ETF.

In that respect, because education is very important for our development we should plough in funds to cover the hole that would be created by the pulling out of resources. That is to say that the two *per cent* that comes from the Consolidated Revenue Fund should be improved. This is because education after all, is a system. If we develop the tertiary institution and then we do not have qualified people to move from the Basic Education to the Tertiary Institutions we would have being doing some kind of de-service to the system itself. So it has to be considered in such a holistic manner that whatever comes from the basic system is going to be qualified people that are actually wanted in the tertiary level. So, I believe that very soon in conjunction with Committee on Education, we will come out with an amendment for the two *per cent* UBEC fund from the Consolidated Revenue and make it 2.5 *per cent*.

Finally, I want to emphasise that the ETF Management, by the time it is transformed through this Act, has to come up with a better way of managing the funds. Today, ETF may have more than ₦50 billion in its coffers. This is supposed to be an intervention funds which should have been utilised five years back but because the institutions were not able to really work properly and account for the funds they have collected they could not come back to ETF to request for money and the money is wasting.

0279

I believe that ETF have excellent and competent management having worked with some of them in the past. Therefore, there is need for us to insist either as a Senate or Committee that the Management has to do something to ensure that every institution that collects fund account for it in a short time so that it can access the next.

The Deputy President: We will take Senators Talba, Ayogu Eze and Eferakeya and then I will put the Question.

Senator Simon Ayogu Eze (Enugu North): Mr. President, before I state my views I wish to enjoin my Colleagues to support the speedy passage of this Amendment Bill because anything we can do to strengthen our educational institutions is a step in the right direction. A lot of arguments have been made in a wrong direction in the sense that we have lost sight of the guidance that was given to us by the President of the Senate to the effect that the basic levels of education are also benefiting from a plethora of other funds – the UBE, the MDG and Petroleum Equalization Fund also extends some form of funding to them. So what is really germane is the point brought out by Senator Lawan that we should see if that two *per cent* charge on the Consolidated Revenue Fund is not enough, maybe, we can improve it up to 2.5 *per cent*. Besides that we should focus this ETF essentially on tertiary institutions because if you look at the position of our educational system today, the sick baby of the educational sector is the tertiary institutions. If you speak with our today's graduates you will cover your face in shame because of their level of knowledge. This is something that should concern all of us. Therefore, whatever effort that is made to guide and correct this development is a step in the right direction.

There was a point Senator Ahmed also took out of my thought which is the issue of the administration of the Fund itself. He was a bit too lenient because we know what goes on with such large junk of funds when they are in the hands of these administrators. They put them in the banks and while everybody is running around trying to access the funds they are waiting for three a period to lapse so that they can cream off their interest whereas the need for which the money is made is suffering.

For this reason, we must improve the administrative infrastructure that delivers this money, maybe, by improvement of their computerization process so that administrators would not sit on peoples' money and pretend and this has become almost like a national past time. Every time an organ has money to disburse he finds a way to filibuster every attempt to access that money until three or five months have lapsed so that some fat cats can cream off the interest on such funds. We must address that point and if we need to build it into this Law, then create a time frame within which disbursement must get from point A to point B it would be a step in the right direction. Therefore, I urge that we must do this.

0280

Senator Adamu Garba Talba (Yobe South): Mr. President, in fact, I would like to start by congratulating my Leader for sponsoring this Bill but I have some observations.

I, being a typical villager, have really experienced the goodies of ETF because in my own village, it has made a great impact by constructing primary schools and even subsidising instructional materials and books for our children down the ladder. So, if this time around I say I would not support and assist them, it will be a de-service to our people at the grassroots, that is, the primary and the secondary schools. However, I am not against the issue at all but let us dole out, at least, 80 or 70 *per cent* of this fund to tertiary institutions while 30 *per cent* can be utilised for primary and secondary schools. This is my argument. While I am in support of this Bill, I hope such observation would be observed, too.

The Deputy President: Senator Eferakeya you will speak for yourself and for Senator Ekaette.

Senator Adegbo Eferakeya: Mr. President, first of all I want us to take note that the products of different levels of education in this country are deficient; whether primary or secondary schools, universities or polytechnics. We cannot lose sight of that.

I also want to say that those who have quoted the Constitution, the Federal Government has taken so much responsibility. We have three tiers of government. Why would the Local Governments not take care of primary schools, the States Governments take care of the secondary schools and the universities taken care of by the Federal Government?

If our Constitution had taken care of this, we will not be talking of who should fund this or that. So, we may have to look at the constitutional aspect and define it. However, you cannot just define that without looking at how money is being shared. Federal Government takes a big chunk of the resources of this country. So, there are a lot to think about when you talk of education.

That being said, we are not provided with the statistics of how much of this Fund goes to primary schools; secondary schools and universities. If we have such statistics and I want to believe that the Executive that proposed this Amendment Bill would have looked at that so that when you withdraw the primary and the secondary schools will not be affected.

I also want to support this Bill. When it is passed into law we must be careful about the effective date because while withdrawing this fund from the primary schools, if there is no adequate provision as some Senators have already said in terms of increasing from two to 2.5 *per cent* then the primary schools may collapse.

0281

As I said earlier, those of us who have taught in the universities, the products coming from the secondary schools are very poor. I did not study English in the university, today we are even studying English in the university yet they are not good because of the foundation. Secondary school as far as I am concerned is the foundation of education. If you miss it you missed it and no matter what you try to build on top it would not work. It is like the foundation of a house; if it is weak then the house is likely to collapse. So, I want to say that the effective date of implementing this Amendment must look into how much ETF was funding the primary schools, how much of the money goes to secondary schools and this must be taken care of.

I agree to this Bill which is timely and very apt because we know the problems of the tertiary institutions. We have just managed to get over one problem that took three months. If you look at ASUU over the years what have they been talking about? It is not necessarily salaries. I do know that when my faculty started at the University of Benin, the provision in the laboratory was made for 40 students, but today, we have over 200 students hence they cannot all come in. So, lack of infrastructure in the universities contributes immensely to the deficiency of our products.

I want to say I support this Bill but we should take note of other areas so that we build a house on a good foundation.

The Deputy President: Thank you distinguished Colleagues, because of the importance of education in our national life, we have given this Bill the attention it deserves and I want to congratulate the Senate Leader for bringing up this Bill and the Committee on Education for the very strong support. Just as has been said the ETF funding is an intervention fund to help build high-level manpower for not just companies that will contribute these funds but also to the governments in Nigeria at different levels.

While we are thinking about these interventions we must also be looking at the long run where in the words of our economic operators, to think about deregulation, making sure that we pay appropriate fees for the education we receive. I worry sometimes why when we leave this country we are prepared to pay schools fees for our children at the universities at different places at the appropriate pricing but in Nigeria nobody wants to pay.

0282

The same thing with light and water; we are prepared to pay for electricity and water when we leave this country but when we come to Nigeria nobody wants to pay and there is no way we can get quality water, electricity or education we deserve until we are prepared to pay for it. So, on the long run we must be thinking of the appropriate funding of education in such a manner as to allow universities to charge appropriate fees and give appropriate education and governments can subsidise, provide scholarships and grants to schools so that our schools will survive.

The way we are doing the intervention, to me, is haphazard and it may not augur well on the long run because in a very few countries of the world, the government caters for higher institutions. In most countries of the world the universities are independent of government and that is why they are surviving.

While we are looking at short-term measures of intervention, we must be looking at the long term possibilities of survival by allowing the schools to charge appropriate fees and give appropriate education and government can now subsidise and provide other source of funding for those who will not be able to pay. Having said this, distinguished Colleagues I will now put the Question on the Second Reading of this Bill.

Question put and agreed to.

Bill read a Second Time and referred to the Committee on Education to report back to the Senate within three weeks.

ADJOURNMENT

Senator Teslim Kolawole Folarin: Mr. President, having exhausted all the items on the Order Paper I move that this Senate do now adjourn till tomorrow, Wednesday, 28th October, 2009 at 10.00 a.m.

Senator Sahabi Ya'u: Mr. President, I rise to second the Motion ably moved by the Senate Leader that the Senate do adjourn till tomorrow, 28th October, 2009 at 10.00 a.m. prompt.

Question put and agreed to.

Resolved: That the Senate do adjourn till Wednesday, 28th October, 2009 at 10.00 a.m.

The Senate adjourned accordingly at 1.20 p.m.