

**VOL. 2
No. 8**



**Wednesday
28th January, 2009**

FEDERAL REPUBLIC OF NIGERIA

NATIONAL ASSEMBLY DEBATES

FOURTH REPUBLIC

THIRD ASSEMBLY (SIXTH SENATE)

SECOND SESSION

THE SENATE OFFICIAL REPORT

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**SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA**

Wednesday, 28th January, 2009

The Senate met at 10.25 a.m.

PRAYERS

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: Distinguished Senators, the Votes and Proceedings of Tuesday, 27th January, 2009 is with us for approval. Pages: 427, 428 and 429?

Senator Joy Ifeyinwa Emodi (Anambra North): Mr. President, I move that the Votes and Proceedings of 27th January, 2009, be approved.

Senator Zaynab A. Kure (Niger South): Mr. President, I rise to second the Motion moved by distinguished Senator Joy Emodi that the Votes and Proceedings of Tuesday, 27th January, 2009 be approved.

Question put and agreed to.

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

ANNOUNCEMENT

Birthday Wishes

The President: On behalf of all of us, I wish distinguished Senator Magnus Odion Ugbesia a happy birthday. He was born on 28th of January. Do not bother about the year because he is old enough to be a Senator of the Federal Republic of Nigeria. That is the important thing.

MATTER OF URGENT PUBLIC IMPORTANCE

**Death of the Executive Governor of Yobe State,
Senator Mamman Bello Ali**

Senator Maina Ma'aji Lawan (Borno North): Point of Order!

The President: What is your Order?

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Senator Maina Ma'aji Lawan: Mr. President, I am coming under Order 42 to be taken together with Order 52, and with your permission, I read.

Order 42 is on Matter of Urgent Public Importance.

The matter for discussion shall, if possible, be referred to the President of the Senate before commencement of the day's sitting and the President of the Senate shall refuse to allow the claim unless he is satisfied that the matter is definite and urgent.

If the claim is allowed by the President of the Senate and the leave of the Senate is given, by at least one-fifth of all the Senators, the matter shall stand over till the next legislative day.

Not more than one such Motion may be made at the same sitting.

Order 52 reads:

Notice shall not be dispensed in the case of a Motion or in respect of any other proceedings for which notice is required except with the consent of the President of the Senate and the general assent of the Senators present.

The subject I intend to introduce is in respect of the passing away of our dear Colleague, Brother and Friend, the late Governor of Yobe State, Senator Mamman Bello Ali. I have discussed with you and I await your further directive.

The President: Distinguished Senator Maina Ma'aji Lawan discussed with me and I have no objection to the Motion but as it is required by our Standing Rules, I need the consent of one-fifth of all the Senators present.

Distinguished Colleagues, this is in respect of our late Colleague, His Excellency, the Governor of Yobe State, distinguished Senator Mamman Bello Ali.

Question put and agreed to.

Several distinguished Senators: But to be taken after the Oaths.

The President: But I asked whether there was going to be Oath taking and the Clerk was not really ready. I think we have to come by another Order to re-arrange our order of business before we can take the

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Oath. That is the correct thing because we cannot just stop this one now and take the Oath. When we have finished with this somebody has to come by a Point of Order for us to re-arrange our order of business for the day.

Senator Maina Ma'aji Lawan: Mr. President, as I said by way of an introduction, my Motion is in respect of the demise of our distinguished Colleague and Friend, Senator Mamman Bello Ali. I wish to move that the Senate:

Notes with grieve the demise of Senator Mamman Ali, the Executive Governor of Yobe State, yesterday, Tuesday, 27th January, 2009 in Florida Hospital in the United States of America.

Notes that the late Mamman Ali was born in Jimeta in 1958. He had his primary and secondary education in Jimeta and Numan Crafts School and later attended the Kaduna Polytechnic where he acquired a Higher Diploma and later bagged two degrees in construction and extension from Tuskegee University, Alabama, United States of America.

Notes that late Senator Mamman Bello Ali worked as Senior Engineer with the then Borno State Ministry of Works and retired voluntarily in 1990 and ventured into private business as Executive Director SDC Joint Venture, and Managing Director MAL Limited before he was elected as Senator in 1999.

Observes that late Senator Mamman Bello Ali is a Member of All Nigerian People's Party and was at various times in the Senate, the Chairman of FCT Committee and the Public Accounts Committee between 1999 and 2007. He demonstrated intelligence, hard work and commitment in the advancement of our legislative process.

Accordingly, the Senate resolves:

- 1. To observe one minute silence in honour of our departed Colleague.*
- 2. Sends a high powered Senate delegation to attend the burial and commiserate with the family, people and Government of Yobe State.*

I so move.

Senator Nuhu Aliyu (Niger North): Mr. President, I have the honour and privilege to second the Motion moved by the Minority Leader in respect of the demise of our late Friend and Colleague, Governor Mamman

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Ali, who died yesterday in the United States of America and that the Senate do observe one minute silence and at the same time send a powerful delegation to Yobe State to express our condolences to the people and Government of Yobe State.

Senator Adeleke Olorunnimbe Mamora (Lagos East): Mr. President, let me start my contribution on a note of condolence to the Government and people of Yobe State and, of course, express condolence to this Senate particularly those of our Colleagues with whom we shared this Chamber together in the last Senate.

Death remains a misery to all of us and probably the greatest misery. It is one thing that is sure to come but we do not know how, when and where. The Bible reminds us that it is appointed unto man to die ones and Shakespeare, in his book, *Macbeth* did say that; *there is nothing serious in mortality*. It goes further to say that *all is but toils, renowned and grace is dead*.

Today, we mourn our Friend and Colleague. Some of us on this side shared certain things with him in this last Senate as Senators of the minority parties and I remember him as Chairman of the Public Accounts Committee of the Senate in the last Senate. He was very diligent, proactive and brilliant, particularly in his submissions. I remember that we also worked together in the ECOWAS Parliament where he was the Chairman, ECOWAS Parliament Committee on Budget. I was a member of that Committee up to the point in time. It is a pity that we have lost him. He is no more but I believe that God loves him more. That is why he has called him onto himself.

My prayer is that the good Lord will grant the people of Yobe State where he was the Governor until his demise and his family in particular the fortitude to bear the loss.

Senator Patrick E. Osakwe (Delta North): Mr. President, the death of Senator Mamman Ali came to me as a big shock. He has been a friend since 1999 and he has been a very diligent and hardworking Senator especially when he was Chairman of the Public Accounts Committee where I served with him. He showed and exhibited dexterity in the management of that Committee.

This is a big loss not only to the people of Yobe State but a very big and irreparable loss to Nigeria as a nation. It is not easy to train a Senator. He served this country for eight years and picked up another public service as Governor of a State; now he is no more. No matter how his place is filled that vacuum can never be

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filled because we will never have another Senator Mamman Ali.

We know the end of every man is death but his own death came with such shock that one can say that nobody prepared for it. I agree that everybody prepares for death because it can come at any time but having worked with him it behoves on us as a Senate and as a nation to mourn him and send condolences to the good people of Yobe State, to give them the fortitude to bear this irreparable loss.

Senator Abubakar D. Sodangi (Nasarawa West): Mr. President, I rise to humbly comment and register my profound and sincere condolence to the family of late Mamman Bello Ali and, indeed, the people of Yobe State and this very particular Chamber. We served this distinguished Senate together from 1999 to 2007. As my Colleagues said, Mamman Ali demonstrated in this very Chamber, a very committed and erudite Senator; and a very responsible one for that matter. Death has now taken him away not only from the family but also from us. We shall mourn him for a very long time to come.

Life, it is said, is always transient. Nobody in the last one week or two had ever imagined that Senator Mamman Ali would leave us but death comes when it will whether you are young or old. Whatever position you are holding, once your time comes, you must go.

This is a kind of lesson that is always happening to us everyday in our lives. What is the lesson? The lesson is that whatever position we are holding, one day we would leave that position and give up life. So, why do we have to struggle for material things as a do or die affair? Why do we have to create enmity amongst ourselves? Whatever we are doing, we will go back to our creator, the Almighty God. So, I urge all of us to take this great loss as a lesson to all of us. We will continue to pray for him and the family.

One good thing for which we will always remember Mamman Ali for is that he served his people with all his might. He was a politician; he has taken the Governorship; he has done his best for the people of Yobe State and I believe the legacies are there.

One other thing that he has left behind are his children, whom we should all try to see how much we can help to grow and be people of substance. May his soul rest in perfect peace. Amen.

He has been a very good and bosom friend of mine. I know how much I related with him when he was alive but today Mamman Bello Ali is no more. There is an

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Islamic saying that: *kul-mumini dalikatilmautu*, meaning that every life must taste death whether you are big or small; you must taste death. Here we are; today we are gone. We pray that *aljanna Fridaus* will be his lasting place with all of us when our own time comes.

May his soul rest in perfect peace? *Asalam Ailekum.*

Senator Gbemisola Saraki (Kwara Central): Mr. President, I rise to support the Motion moved on the sudden death of our former Colleague, His Excellency, Senator Mamman Bello Ali. I would just like to pass one or two sentences on him. Today, we cannot discuss all his virtues because as it has already been mentioned, they are too numerous for us to be able to do any justice to him on that for only today. His death is a reminder of how fragile life in itself is, at the end of the day; we can only to do our best.

I was fortunate and privileged to be a Member of the Committee that he chaired; that was the Public Accounts Committee in the last Senate. Prior to that, we were both in the same political party in 1999. He has always been somebody who was diplomatic and democratic in his conduct of Committee Affairs and in the way he conducted himself creditably. He was somebody that I personally learnt a lot from especially in his unassuming characteristics in dealing with fellow human beings and very difficult situations.

I wish the good people of Yobe State, the Federal Government, the Senate and his family and, indeed, Nigerians, of course, will have the fortitude to bear this loss. We should always remember that at the end of the day, as had already been said by so many people, it is not necessarily what we built, but the legacies in the relationships we built with people that matter.

May his soul rest in perfect peace; Amen.

Senator Nicholas Yahaya Ugbane (Kogi East): It is with heavy heart that I rise to support this Motion and to express my heartfelt condolence and that of my family and the people of Kogi East to the people of Yobe State; the entire Senate and those who were friends of late Senator Mamman Ali, the Executive Governor of Yobe State.

When I came to the Senate in 2003 on the ticket of ANPP, it was Senator Mamman Ali that taught me, put me through and gave me the orientation of the Chamber politics for which I thank him for. Late Senator Mamman Ali was a personal friend. He had always invited me to his house to eat on Salah day even if all

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the people he has invited are present, unless I come they would not start to eat the food. One day, he requested that we would eat in my house. We went to my house and ate the traditional Igala food. He tasted the hospitality of Kogi East people and he was very happy.

When he became the Governor, I sent all the pleasantries, complimentary cards and so on, but I never visited Yobe State. He later told me that other Senators have been visiting him in Yobe and that I must come. We then agreed that this year's Easter period my family and I will be with him in Yobe State. Now, he is no more. That shows the unpredictability of life. That is how life is and we should all be afraid of the Almighty God.

Yesterday, I was not composed and I could not bear this loss but what do I have to say? During the last Salah that took place two months ago, I phoned him to tell him *Barka de Salah* and he said many of your Colleagues are with me; would you like to greet them? There were ten Senators with him. Some Senators who became Governors become inaccessible and they forget their Colleagues but Senator Mamman Ali was not one of such Senators. I pray that God Almighty would grant his soul repose. Amen.

Senator Joy Emordi (Anambra North): Mr. President, I stand to sympathise with the family of late Senator Mamman Ali and the people of Yobe State.

I joined the Senate after two years because of long legal tussle to regain my mandate. When I came, Senator Mamman Ali was one of the few Senators that helped to put me through the procedures of the Senate and since then we remained friends. As my Colleague said, he had been extending invitations to me to visit him in Yobe State and I promised him that I will do that this year, unfortunately, look at what has happened. It is just like a dream that Mamman Ali is no more.

All the same, it is very painful but it is a great lesson to all of us especially those of us in position of power. This is a time for reflection; a time for us to bring ourselves nearer to God; a time for us to be more patriotic; a time for us to be selfless and a time for us to be less greedy to see that this world is nothing. This is a time for us to commit ourselves to our people; to be selfless and serve our people like Mamman Ali did. He was a selfless person; a committed Nigerian and a detribalized Nigerian. One good thing going for him is that we all have a lot of good things to say about late Senator Mamman Ali.

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May God grant his family the fortitude to bear this irreparable loss and may his soul rest in perfect peace; Amen.

Senator Mohammed Mana (Adamawa North): Mr. President, I rise to console you, Mr. President and the people of Yobe State on the death of our beloved former Colleague, Senator Mamman Ali. As you have heard, Senator Mamman Ali was born, raised and schooled in Adamawa State. As I talk to you now, his aged mother and father; brothers and sisters live in Jimeta, Yola.

The death of Senator Mamman Ali is a loss not only to the people of Yobe State but also to the people of Adamawa State. Mamman Ali schooled in Adamawa State but he was able to keep in touch with his root in Yobe State. When the time came for him to go and contest for the Senatorial Seat in Yobe State, he was able to contest and win the Gubernatorial Election in Yobe in 2007.

Mamman Ali, even though was a Governor before his death, he has always been with the Senate. I remember two weeks ago, I was with him at the airport and I was discussing with him that, perhaps, anytime the North East Zone is able to host any Senate function, we would move that function to Damaturu and as a former Colleague, he really showed zeal and interest to ensure that the next retreat that will be hosted in the North Eastern State would be taken to Damaturu and that he would make all necessary arrangements for the facilities to be provided so that he would be able to host his Colleagues.

I would want to add that Mamman Ali has left a very big hole in our hearts and also in Yobe State. It is now left for those that he has left behind to pray for his soul to rest in peace and also to pray for his young children and family.

May his soul rest in perfect peace; Amen.

Senator Adamu Garba Talba (Yobe South): Mr. President, I rise to support the Motion as moved by my Minority Leader in respect of my late Governor of Yobe State Senator Mamman Ali.

What people do not know is that I am occupying former late Ali's seat. He was in this Senate for eight years as a Senator of the Federal Republic of Nigeria and from the Opposition Party, ANPP but after his

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election I am now occupying his seat. Therefore, nobody is closer to late Senator Mamman Ali than me. It is really unfortunate he has passed on in times like this.

I knew late Senator Mamman Ali since 1992 when Yobe State was created. He was brought over from Borno State by a former Governor here, Alhaji Bukar Abba Ibrahim to support and help in the development of the young state.

Late Mamman Ali was a dedicated person, agile and committed to all courses of development not only on his personal issues but for his State and for the nation. He was really committed to his people. There is no doubt that Yobe State has lost an icon in its entire ramification. But we are all aware that in God's case, there is no appeal.

I, therefore, appeal to our people in Yobe State and beyond to take heart in what has happened to us. It is my humble prayer that God, in his infinite mercy, will give his family and all Yobe people as well as his well wishers, the fortitude to bear the loss. May his soul rest in perfect peace; Amen.

Senator Mahmud Kanti Bello (Katsina North): Mr. President, I rise to condole and remember a brother, a friend a fellow legislator and a fellow professional. I can remember the respect that Mamman Ali used to give me. He never called me by my name. He always referred to me as my dear fellow and what that means is that he regarded me as a senior Colleague in the Nigerian Society of Engineers.

Mamman Ali was a dedicated, efficient and hard working Senator; a legislator to the core. I can remember him as the Chairman of Committee on Public Accounts when he investigated FCDA and the comments by the then Minister of Federal Capital Territory. When he could not answer the charges against him, he turned round and said that silence is the best answer to a fool but at the end of the day, he became the fool by refusing to give the answer because Mamman Ali came up with facts and figures to the extent that the former President of this country took side with us and virtually apologised on behalf of the said Minister before the Minister himself came into this Chamber and apologised. Such is the type of legislative work that is expected of a true legislator.

Senator Mamman Ali made his marks as a legislator; as a Governor and as a professional colleague in engineering. The only thing I can say is that, may his soul rest in perfect peace. May Allah in his infinite

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mercy give his family and the people of Yobe State the fortitude to bear the irreparable loss? Amen.

Senator Umaru Dahiru (Sokoto South): Mr. President, I would like to join my Colleagues in mourning the death of Senator (Governor) Mamman Ali.

Let me tell those that do not know him that when we were on the other side of the divide, he was a key supporter, party loyalist, dedicated and committed member of ANPP. In fact, when the issue of the infamous Third Term came up he displayed his best attitude. He opened his doors to us. He supported all the meetings that were held with his resources. He pledged that whatever it would take to bury the issue of Third Term he would be responsible to foot the Bill. He did just that to sure that the issue of Third Term was buried forever. That was Mamman Ali. And that goes forth to show that he was a dedicated democrat and a true loyalist. To those that know him, he was a supporting ally; he was always there to give his support, be it financial or otherwise and we certainly would miss him.

I have nothing more to say other than to pray to Almighty God that the family should be able to bear the death of Senator Mamman Ali. May his soul rest in perfect peace.

Senator Victor Ndoma-Egba (Cross River Central): Mr. President, for me, it is a matter of personal thing that today we talk about Senator Mamman Ali in past tense. We will never again refer to him in present tense. He is gone and gone the way every mortal certainly will.

Death is one appointment that must be kept on the day it is destined to be. There is no adjournment. When your day comes, you must keep it. But for a man like Senator Mamman Ali, we must reflect about life and its meaning.

What is life especially when you have been given the privilege of public service? What must you do with that opportunity? At the end of the day, life is all vanity and what survives us is what we are able to do for those who survive us. I want to believe that Mamman Ali in his own way, has done what he needed to do to those who survived him.

Even though Mamman Ali and I were friends for a very long time, I did not get to know him personally until I came to this Senate in 2003. Immediately our chemistries matched and we became not only friends but brothers. I discovered that Mamman Ali was a very

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unique Nigerian; he had friends across tribal and religious divides. Friendship to him was a very sacred thing.

He was honest in his duties, forthright and committed. Senator Mamman Ali always left you very clear on where he stood on every issue. I joined those who have spoken before me in commiserating with his family, the people of Yobe and, indeed, this Senate and the entire country on the passing away of this great man.

Before I take my seat, I must ask that question that we must ask in times like this. When is the best time for a man to die? My answer is that, the best time for a man to die is when he actually dies.

The President: We should now go to the Prayers of the Motion because we have discussed the Motion enough. Prayer (1) says: *Accordingly resolves to observe a minute silence in honour of our deceased Colleague, distinguished Senator Mamman Ali.*

Question put and agreed to.

Prayer (2) says: *Send a high-powered delegation to represent the Senate at the burial, condole and commiserate with his family, people and Government of Yobe State.*

Question put and agreed to.

Resolved: That Senate:

1. *Observe a minute silence in honour of our deceased Colleague, distinguished Senator Mamman Ali.*
2. *Send a high-powered delegation to represent the Senate at the burial, condole and commiserate with his family, people and Government of Yobe State.*

We do not have details of the burial yet but we expect that Senator Maina Ma'aji Lawan, the ANPP Leader, will coordinate it. Those of us who would like to go should, please, put down their names so that we could arrange for an aircraft to take Senators down and also bring them back once we get the details of the movement.

Shall we now observe Prayer (1).

(One minute silence in honour of late Senator Mamman Ali, accordingly observed)

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May the gentle soul of our departed Colleague rest in perfect peace; Amen.

Senator Teslim Kolawole Folarin: Mr President, to allow the Oath taking of Senator Ikechukwu Obiorah, I move that we suspend Order 39 of our Standing Orders.

I so move.

Senator Maina M. Lawan: Mr. President, I do second that we suspend Order 39 of our Standing Orders to enable the Senate swear in our distinguished Colleague, Senator Ikechukwu Obiorah.

The President: Do we suspend it or re-arrange the business? What the rule says is that unless the Senate otherwise directs, the business of each Sitting day shall be transacted in the prescribed Order. Is it the wish of the Senate that we direct otherwise?

Several distinguished Senators: Yes.

OATHS

OATH OF ALLEGIANCE

AND

OATH OF MEMBERSHIP

The President: I will now call on Senator Ikechukwu John Obiorah to take the Oaths.

Thereupon, the following Member took and subscribed the Oaths as required by law:

Senator Ikechukwu John Obiorah - (Anambra South Senatorial District)

PRESENTATION OF REPORTS

Report of the Committee on National Security and Intelligence On the Private Detectives and Investigators Bill, 2009

Senator Teslim K. Folarin: Mr. President, the first business of the day is the presentation of the Report of the Committee on National Security and Intelligence on the Private Detectives and Investigators Bill, 2009. You may wish to invite Senator Nuhu Aliyu to move the Motion for the Senate to receive the Report.

Senator Nuhu Aliyu (Niger North): Mr. President, I seek the indulgence of the Senate to lay the Report of

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my Committee, the National Security and Intelligence Report on the Private Detectives and Investigators Bill, 2009.

Senator James Ebiowou Manager (Delta South): Mr. President, I rise to second the Motion ably moved by Senator Nuhu Aliyu that he be allowed to lay his Report on the Table.

Question put and agreed to.

(Report accordingly laid)

Report of the Committee on Gas on the Investigation into the Escravos Gas-To-Liquid (EGTL) Project

Senator Teslim K. Folarin: Mr. President, the second business of the day is also the presentation of another report on the Committee on Gas on the Investigation into the Escravos Gas-To-Liquid Project. You may wish to invite Senator Osita Izunaso to move the Motion for the Senate to receive the Report.

Senator Osita B. Izunaso (Imo West): Mr. President, I wish to move that the Senate do receive the Report of the Committee on Gas on the Public Inquiry and the Investigation in respect of the Motion on Escravos Gas-To-Liquid Project.

Senator Lee Ledogo Maeba (Rivers South-East): Mr. President, I rise to second the Motion that the Senate do receive the Report on the Escravos Gas-To-Liquid (EGTL) Project from the Chairman of the Senate Committee on Gas.

Question put and agreed to.

(Report accordingly laid)

ORDERS OF THE DAY

MOTIONS

Auto Crash of Officials and Footballers of the Jimeta United Football Club, Adamawa State

Senator Teslim K. Folarin: Mr. President, the first Order of the day is a Motion standing in the name of Senator Grace Folashade Bent and six others on an auto crash involving some officials and members of the Jimeta United Football Club, Adamawa State.

You may recall that yesterday Tuesday, 27th January, 2009 the Senate via Order 42 of our Standing Order approved that this Motion be moved to the next

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legislative day, which is today. You may now wish to invite Senator Grace Folashade Bent to move her Motion.

Senator Grace Folashade Bent (Adamawa South): Mr. President, I wish to move this Motion on an auto crash involving some officials and footballers of the Jimeta United Football Club of Adamawa State. The Motion is jointly sponsored by six other Colleagues of mine including distinguished Senator Gyang Dalyop Dantong whose name was omitted either by omission or commission. The Motion reads:

The Senate:

Notes with serious concern the tragic death of 14 players and officials of Jimeta United Football Club, of Adamawa State in a ghastly motor accident at Riyom, Plateau State on Sunday, January 25th, 2009;

Notes also that the footballers and officials were on their way to Abuja to play a match against the Voice of Nigeria Football Club;

Further notes that they were rushing desperately so as not to miss the match in Abuja having passed the night in Jos as a result of the curfew imposed in the City since last November bloody sectarian clash;

Alarmed that the automobile accident involving football clubs is ripping the country off talented sports men and women, as only recently nine female footballers from Jos North LGA were burnt beyond recognition along Pankshin – Mangu road in Plateau State while four Kaduna Queens Club also perished along the same Jos Road;

Worried that lack of management, proper funding and welfare of our local league and the poor state of Nigerian roads have made the roads become death traps to motorists;

Worried also that club owners take the issue of welfare for granted at the expense of the life of the footballers as they seem to be more concerned with the money the matches will generate into their pockets.

Accordingly resolves to:

- (i) *Express its grief over the incident and send a letter of condolence to the Government and people of Adamawa State;*

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(ii) **Observe** a minute silence in honour of the departed 14 footballers and officials of the Jimeta United Football Club;

(iii) **Urge** the Minister of Sports and Nigerian Football Federation (NFF) to establish a regulatory, monitoring and enforcement body that will regulate the activities of all Football Clubs across the country.

The President: We will just get one person to second the Motion and then we go to the Prayers.

Senator Mohammed Mana (Adamawa North): Mr. President, I rise to second the Motion ably moved by my Colleague, distinguished Senator Grace Folashade Bent on the sudden death of about 16 footballers and officials when they were travelling from Yola to come and play a football match here in Abuja.

Mr. President, we have heard several Motions on the Floor of this Senate on loss of lives that take place in Nigeria as a result of auto accidents and we have made far reaching recommendations on these issues. Unfortunately, up till now, nothing concrete has been done to deal with the spate of unnecessary loss of lives on our roads.

There are several reasons that are responsible for these accidents. One of them is the condition of the vehicles plying our roads. Ninety *per cent* of the vehicles plying our roads is second hand vehicles that have been used for 30 to 35 years in other countries before they are brought here. The report we have about this accident in question is that there was a brake failure as a result of which the vehicle somersaulted and killed these young men.

The other thing is the condition of our roads. There are many dangerous hills on that road between Jos and Kibo. When I was in school we travelled along that road all the way from Adamawa to Abuja. The road has been bad for a very long time and nothing is being done to resurface it. Nothing has been done to correct all the curves on that road.

I wholly support this Motion. We should send letter of condolence to the Government and people of Adamawa State. I also wish to say that the Road Safety Corps should be funded so that they would be able to maintain traffic regulations along our roads. The prescribed speed limit on our roads should be maintained. I see no reason why a vehicle should be speeding at 100 kilometres per hour when it is descending a hill. If the Road Safety Corps are up and

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doing, they would control the speed limit of drivers on the roads.

The President: We should go to the Prayers and if anybody wants to make a comment, he or she can do so as we take the Prayers.

The first Prayer says: *Express its grief over the incident and send a letter of condolence to the Government and people of Adamawa State.*

Senator Heineken Lokpobiri (Bayelsa West): Mr. President, I want to propose an amendment and the Amendment is that we should have just one Prayer, that is, to say: *The Senate do send a letter of condolence to the Government and people of Adamawa State and the football club.* That is my Amendment.

The President: That is for Prayer 1.

A distinguished Senator: What of observing a minute silence?

The President: Traditionally, once you accept a Motion like this, observing a minute silence becomes automatic. In fact, that should have been the first Prayer. Senator Grace Folashade Bent, the order in which you arrange the Prayers is not proper. The first Prayer naturally should have been to observe a minute silence.

Senator Folashade Bent: Let be as the Senate decides.

The President: That is all right. Prayer 1 will now read that we send a letter of condolence to the Government and people of Adamawa State and observe a minute silence.

Distinguished Senators, can we re-arrange the order of the Prayers?

Several distinguished Senators: Yes, please.

The President: All right, let us take Prayer 2 first, which says: *Observe a minute silence in honour of the departed 14 footballers and officials of the Jimeta United Football Club.* This is now our Prayer 1.

Question put and agreed to.

(One minute silence in honour of the departed 14 footballers and officials of Jimeta United Football Club, accordingly observed.)

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Prayer 2 says: *Send a letter of condolence to the Government and people of Adamawa State and the Football Club.*

Let us delete the words: *and the Football Club* because the State Government can communicate our condolence to the Football Club.

Amendment put and agreed to.

Question on Prayer 2 as amended, put and agreed to.

Resolved: That the Senate:

(1) *Observe a minute silence in honour of the departed 14 footballers and officials of the Jimeta United Football Club;*

(2) *Send a letter of condolence to the Government and people of Adamawa State.*

Confirmation of Nomination

Senator Teslim Folarin: Mr. President, the second Order of the day is a Motion requesting the Senate to approve the nomination of Mr. Humphrey Enemakwu Abah, Kogi State, as Minister of the Government of the Federal Republic of Nigeria, in accordance with Section 147(2) of the 1999 Constitution of the Federal Republic of Nigeria.

You may recall that the Nominee was earlier screened in the Committee of the Whole and presented to the Senate for confirmation. However, the confirmation was deferred to enable the Senators from Kogi State reconcile their differences, and I believe that this has now been done.

I now move that this Senate do resolve into Committee of the Whole to approve this nomination.

Senator Maina Ma'aji Lawan: Mr. President, I second the Motion moved by the Senate Leader that the Senate resolves into Committee of the Whole to approve this nomination.

Question put and agreed to.

The Chairman: Distinguished Colleagues, you will recall that we did the screening here and when we resolved into the Committee of the Whole for the approval we found that there was a need for us to defer it to enable Senators from Kogi State resolve some

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minor issues. That has now been done. I will take comments, if any, before I go ahead to put the Question.

Senator Smart Adeyemi (Kogi West): Mr. President, let me first and foremost commend the Senate for your endurance over the problems emanating from the screening of the nominee from Kogi West Senatorial District.

I stand here to say on behalf of my people that, perhaps, those who drafted the 1999 Constitution had the views and opinions of one of the world's renowned crusader for equality and human rights, Martin Luther King in mind when he said: *Morals cannot be legislated; behaviour of man can be regulated. The law cannot make an employer to employ me but the law can make him not to reject me on the basis of my colour or because of my colour.*

We opposed the nomination on the basis of the provisions of Section 14 of the Constitution of the Federal Republic of Nigeria that we have not been fairly treated in my Senatorial District.

I, therefore, stand again, according to Martin Luther King to say that conscience at times makes us to take positions that are neither safe nor popular for politics but because the decision is the right thing to do. That is where I find myself today.

I stand here to speak on the basis of my conscience and the opinions of those who have elected me that our opposition against Barrister Humphrey E. Abah was not on a personal note or out of malice or what my Friends and Colleagues would call *inuburuku*. It is based on the fact that it negates the provisions of our Constitution. It is a known fact to all of us that, two of my Colleagues appear to have taken a position on this matter. As I was discussing with the Senior Advocate of Nigeria who is here, I asked him whether Convention of the Senate is superior to the Constitution of the Federal Republic of Nigeria. Will the decision of two Senators to pitch their camp on an issue negates the fact before the Senate?

As lawyers always say; a court is not just a court of law; it is also a court of justice. We have not been fairly treated and I stand here to repeat that the opinion of those who have elected me is that we are vehemently opposed to the nomination of Mr. Humphrey Abah.

It might interest the Senate to know that Mr. Humphrey Abah comes from Kogi East Senatorial District and about five different appointments to that Senatorial District have passed through this Senate and we feel much cheated. Maybe, I should enlighten some

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of our Colleagues that we even have some things in common with the majority of those from Kogi East Senatorial District by way of culture and linguistic but if a plot of land belongs to a family, everybody must have his portion.

We are not saying that Mr. Abah's appointment must come to our Senatorial District. It is a fact that in the last dispensation Kogi West had the opportunity of occupying the Ministerial slot throughout the tenure of that administration but Kogi Central never did. It is not out of place. We are ready to concede to Kogi Central; it is not out of hatred. We are not annoyed on this matter.

On 10th December, 1985 a Military Governor of Niger State said and I quote: *Justice must be seen to be carried to the letter.* The Military Governor continued: *There is no big way between success and failure as you either fail or succeed.*

Today, that same Military Administrator is your distinguished self and I put it to you, Mr. Senate President, that there is no big way between justice and not carrying out justice as you said on the 3rd of December 1985. I was a young reporter then.

My position is very clear on this matter; that we have not been fairly treated is not in doubt. The fact that two Senators took a position; are we saying that their position is superior to the Constitution of the Federal Republic of Nigeria? I am saying that even if the position is not zoned to Kogi West Senatorial District, let it go to Kogi Central Senatorial District; that we are conceding. We are not saying that that position must be zoned to us; we are only saying that let there be fairness, justice and equity in our system.

The future of our nation is very bright; the future of Nigeria lies in the fact that we must rise to defend the right of every one of us. In any nation where injustice is perpetrated, the future is very bleak.

Before I take my seat, I understand that the position I am taking is the position of those who have elected me and I have no regret and I doubt if I would ever have cause to say I regret taking this position.

Five Federal appointments that passed through this Senate went to Kogi East Senatorial District. A Military Administrator told me that justice must be seen to be done to the letter and it is your very distinguished self, Mr. President. I believe that this Senate represent the heart and the conscience of our nation. Whatever the position we take here, I have no choice but to abide by it. Each time I come into the Chamber, I feel happy that

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I am privileged to be here because I have seen men and women of great substance.

I will round up by saying in the words of George Washington: *Associate yourself with men of good quality if you esteem your reputation for it is better to be alone than to be in bad company.* I am happy today that I am in the midst of men and women of high integrity.

The Chairman: We should not spend any extra time on this. Suffice it to say that, first of all, we must be consistent in whatever we do. The reason why we deferred this was because two Senators were on one side. If when we deferred it, we had said the two Senators who were on one side meant that we should defer it and not take a decision immediately and you were one of the Senators on that side. Today, two Senators are on the same side and you do not find that convenient anymore. I think you must learn to accept it when it favours you and also accept it when it does not.

Therefore, the issue of two Senators being on one side simply does not come into the equation. In your own words, you said your own Senatorial District produced Minister for eight years consistently and the other two Senatorial Districts did not die.

We have taken all these into consideration and we are conscious of Section 14 of the Constitution and in spite of that we still gave you people enough time to reconcile. My advice is that Senators must learn to work together as a team because at the end of the day, your Constituencies are here in the National Assembly.

Unless any Senator has any additional information to give, I will put the Question. May I put the question now, please?

Several distinguished Senators: Yes.

The Chairman: Will the Senate approve the confirmation of the nomination of Mr. Humphrey Enemakwu Abah, Kogi State, as Minister of the Government of the Federal Republic of Nigeria?

Question put and agreed to.

Senator Teslim Folarin: Mr. Chairman, you may now report progress.

Senator Olorunnimbe Mamora: I rise to second the Motion as moved by the Leader that the Chairman do report progress.

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Question put and agreed to

(The President resumed the Chair)

The President: The Senate in the Committee of the Whole considered the nomination of Mr. Humphrey Enemakwu Abah by Mr. President, Commander-in-Chief, for appointment as a Minister of the Government of the Federal Republic of Nigeria and approved the nomination.

Is this a true reflection of what transpired in the Committee of the Whole?

Several distinguished Senators: Yes.

Confirmation of Nominee

The President: Will the Senate confirm the nomination of Mr. Humphrey Enemakwu Abah, Kogi State, as Minister of the Government of the Federal Republic of Nigeria?

Question put and agreed to.

Resolved: That Mr. Humphrey Enemakwu Abah, Kogi State, be confirmed as Minister of the Government of the Federal Republic of Nigeria.

CONSIDERATION OF REPORTS

Report of the Committee on Environment and Ecology on National Climate Change Bill, 2009

Senator Teslim K. Folarin: Mr. President, the third Order of the day is the consideration of the Report of the Committee on Environment and Ecology on the National Climate Change Bill, 2009.

You will recall that this Report was laid on Tuesday, 20th January, 2009. You may wish to invite Senator Grace Folashade Bent, the Chairman of this very important Committee, to move the Motion for the presentation and consideration of the Report.

Senator Grace Folashade Bent: Mr. President, I rise again as the Chairman, Senate Committee on Environment and Ecology, to give the Report of the Committee on the National Climate Change Bill, 2009 (SB 24).

We are all aware of the wind that is moving across the world and its affects on the environment. The world environment is in peril and Nigeria's environment cannot be different. Before I start on my Report; it is

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imperative that I inform this hallowed Chamber of the recent development in the United State of America. The newly elected President of America, President Barack Obama has announced a new policy on climate change.

President Obama has taken it upon himself as one of his priority areas the issue of American environment. For point of emphasis, he has reversed the policy on climate change. This is instructive to us in Nigeria. It is important to us to know that for America to have taken that stand on the issue of climate change, then there is more to it than meets the eye. Nigeria cannot stand aloof and just watch. On that I want to start with introduction of climate change.

Climate change represents a clear and present danger to several of Nigeria's national interests and sectors including national security; the Energy Sector, Foreign Direct Unit, Food Security, Information and Obligation. Climate change is a global phenomenon and multi-sectorial. It transcends metrology and environment. It is a top issue on the agenda of the Group of Eight (G8), the World Economic Forum and the United Nations Special Climate Change Summit.

The Climate Change Commission Bill which is the first of its kind in Africa is set to address all the issues connected with climate change at the Global Warming. Point of emphasis the first if its kind in Africa. As a matter of fact, the Nigerian Senate has been applauded by a lot of African countries. We have had letters of commendation from them congratulating us for taking the bull by the horn, to be the first Senate in Africa that will enact a Bill for the establishment of a Climate Change Commission. I must congratulate this hallowed Chamber for having supported us this far.

The First Reading of the Bill had been taken. It also passed through the Second Reading and was committed to the Senate Committee on Environment and Ecology for further legislative action vide Senate directives at its Sitting on Thursday, 31st January, 2008

In order to elicit public input the Bill was subjected to stakeholders' scrutiny, by way of Public Hearing which was organised by the Committee. This was done to determine the desirability, structure and funding of the Commission.

A well attended Public Hearing held on May 15th, 2008 in Senate Hearing Room 1, National Assembly Complex considered the desirability for the enactment of a National Climate Change Commission. The Public Hearing was declared open by the President of the

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Senate who was ably represented by the Deputy Senate President.

The Federal Ministry of Environment, other frontline Federal Ministries, 13 States which encompassed various ecological zones and the six geopolitical zones, experts and non-governmental organisations on environment, private sector institutions, agencies of Federal Government whose jurisdiction relates to environment, and the academia were actively represented at the Public Hearing.

The Public Hearing was an opportunity for concerned stakeholders to determine on the basis of a draft Bill, the desirability of a National Climate Change Commission. The outcome of the Public Hearing informed the final draft of the Bill.

During the Public Hearing some pertinent questions were posed before the Committee and some of such questions are:

- (1) Is Nigeria desirous of a Commission on Climate Change?
- (2) Should Nigeria be dragged into the international politics that has beclouded the gravity of these devastating effects on every aspect of our existence?
- (3) Why do we need to act now?
- (4) Can Nigeria take the risk of standing aloof while other nations are preparing and repositioning themselves?

These were the fundamental questions that guided our Public Hearing.

The Public Hearing concluded that there is a necessity for this Commission. Its necessity is further strengthened by the fact that the Bill seeks to establish a National Climate Change Commission which will undertake the implementation and operation of the rules; institutions and procedures governing the national and international climate change regime as outlined in the United Nations' Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol and the Marrakech Accords all of which Nigeria is a signatory and has ratified.

At the Public Hearing, the Bill received critical input from various stakeholders who made several positions and presentations as they undertook section-by-section consideration of the provisions of the Bill.

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Recommendations from the Public Hearing

The recommendations from the Public Hearing are as follows: Apart from the input made on particular sections of the Bill, the following major decisions were reached which are expected to have significant impact on the Bill as recommended below:

- (1) The draft Bill is the strong legal deed that Nigeria needs in order to assure commitment to international ratifications on climate change and so it is important that the Bill is passed;
- (2) The Commission should be depoliticised, professionalised and adequately funded from various sources including budgetary allocation.
- (3) To this end, a steering Committee made up of all relevant stakeholders in the spirit of partnership, should be set up to review this Draft Bill to eliminate conflicts in its structure and function with existing parastatals. Such inclusion would remove resentments over non-inclusion in the process, fear of redundancy of portfolios as well as political bias;
- (4) This Committee should have support from consortium of research and scientific communities which shall guide it, not only on applying international best practices but also adapting same to Nigeria.
- (5) Funding of the Commission should, in no way, overburden (through indirect taxes and levies) the livelihood of the poor who are in the majority, and whose cooperation and support is necessary to really address climate change issues in Nigeria.
- (6) This draft Bill should be passed in the shortest possible time to enable Nigeria begin to benefit from immense carbon credits and donor funds available to Non-Annex I countries or developing countries Party.

The consensus from the Public Hearing was that the Bill is desirable and over-due but the structural and functional aspects should be removed and fine tuned to remove bureaucracy, duplication of role and conflicts. The Commission should have coordinating, promotional and advisory roles, but not to implement Climate Change actions. Emphasis should be placed on functionally and professionally strong Commission with broad-based funding to steer national effort on Climate Change.

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It is expected that the Commission shall provide the enabling environment for in-depth research into various aspects of climate change with a multi-disciplinary approach to generate reliable and empirical data which would further guide Nigeria's response to international conventions and treaties. Nigeria needs a data bank that is on-line in accordance with Articles 5 and 6 of the Kyoto Protocol, which specifies that every country should have reliable data analysis and systematic observations.

At this juncture, it is salient to note that some 190 countries have agreed to clinch a new or amended pact on emissions reduction by November 2009, that is, in barely 18 months. This pact is needed to replace or extend the Kyoto Protocol on tackling global warming, whose first round ends 2012. November 2009 was selected, mindful that it would take, at least, two years for so many national governments and parliaments to ratify the pact. One of such pacts is what President Obama took a couple of days ago.

I am glad to say that the various inputs gathered from this Public Hearing were critiqued and used to produce a working document that is devoid of conflicts in all ramifications, and would encourage investors and funding agencies to partner with Nigeria in developing and implementing Climate Change actions.

In doing this, the knowledge and resources of the key stakeholders as presented and reflected in the draft Bill through an intensive, inclusive and transparent process using a tri-sector partnership approach to achieve the best outcome.

Implementation of the Decisions Arising From the Public Hearing:

An in-house Steering Committee of selected environmental Consultants, Academics, Industries, Federal and State Ministry officials together with the Chairman and Vice Chairman and two other Committee Members, met at NICON Luxury Hotel on Monday, 14th July, 2008 to reduce all views and opinions relevant to the Committee's assignment into a realistic position paper for presentation to the Senate. The Bill was fine-tuned along the lines of inputs of stakeholders by convened team of experts who came out with the followings decisions:

- (1) Need for a National Institute as the Commission;
- (2) The structure of the Commission; and

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- (3) It's funding.

This forms the core of this presentation.

In my Report, I have highlighted some of the major Amendments in the Bill. You can read all that so that I do not bore you with my presentation.

Over-view of the Main Issues of the Bill and Committee's Findings:

There is an undeniable need for prompt government action on climate change in Nigeria and the sub-region. Plans for the establishment of the National Climate Change Commission (NCCC) could not have come at a better time than now.

The recent findings of the Inter-Governmental Panel on Climate Change (IPCC) Fourth Assessment Report showing that the warming of the world's climate system is unequivocal and accelerating confirm the seriousness of climate change for the Nigerian economy, environment and people.

- (1) The Report confirms that the impacts of climate change are very likely human induced.
- (2) The current drought and increasing pressure on Nigeria's water resources serve to underline that ours is a continent which is highly vulnerable to the impacts of climate change. The IPCC underlines the risk for Nigeria in terms of a hotter, more drought prone future, with more extreme weather events.
- (3) Nigeria's business community is also increasingly calling for policy certainty and an emissions trading scheme to help manage the transition of our economy to a low carbon future. Clearly, it is the responsibility of the government to invest in the prosperity of current and future generations of Nigerians, address the risks of climate change by significantly reducing our greenhouse gas emission and transiting our economy through a period of adjustment. This, in a nutshell, is the rationale for the establishment of the National Climate Change Commission (NCCC).

Our recommendations and prayers are:

- (1) A National Climate Change Commission is justifiable and imperative as this Act seeks to establish it as a statutory body and vest it with the responsibility to set up and manage a National Carbon Market Scheme and to regulate and coordinate policies and actions in climate change in the Federal Republic of Nigeria;

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- (2) Distinguished Senators, with the amendments highlighted earlier, the original Bill was improved upon having been carefully reviewed to incorporate the recommendations of stakeholders and experts which are in tandem with contemporary realities. I dare say that the Bill as produced by Nigeria is as much improved document compared to any structure already existing elsewhere in the world because it is designed to harness the participation of the guaranteeing private sector and civil society. It thereby ensures robust participation, effectiveness and accountability.
- (3) Therefore, this Committee strongly recommends the National Climate Change Commission Bill for Third Reading and passage accordingly.

From the work done by my Committee and the synthesized input before it, it is clear that an organised systematic approach at the national level is needed to address the climate change problem. Over and above this, the core challenges for Nigeria are to develop a framework and capacity at the local level to access and respond to vulnerability of sectors in the light of predicted climate change impact. This involves the development, assessment and implementation of adaptation options. The Bill presented here today presents solution to these challenges at both national and local levels as are being predicated in set.

My concluding remarks are as follows;

1. The Committee wishes to place the following before the Senate the enviable spirit of cooperation and the laudable amity and synergy between the Committee and its Ministry and all relevant agencies.
2. The remarkable responsiveness of the general public, the discerning public and experts and NGOs on the environment, the organise private sector especially the oil industry, States and Federal agencies, especially the Nuclear Energy Commission which responded to the Committee's invitation to Public Hearing and made input into the Committee's assignment.

Finally, on behalf of the entire Committee, I wish to express sincere appreciation for the confidence reposed in us. If this Report meets with the expectation of Senate, it shall have been a worthwhile exercise for which we shall deem ourselves fulfilled. We, therefore, pledge our unalloyed loyalty to the Leadership of the Senate and wish the Senate well.

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Senator Annie Okonkwo (Anambra Central): Mr. President, the issues in National Climate Change Commission are overwhelming in favour of establishing it by the Federal Republic of Nigeria. There is no point emphasising the fact that climate change has become a topical issue all over the world today whether it is in the United States of America, Japan, Germany, India, China or South Africa. The issues always occupy the centre stage.

The Committee on Environment and Ecology has gone through the collation of information, data and best practices around the world sustainable and economic advantages. The need to protect our today and, indeed, future generation is an enviable conclusion that Nigeria needs to establish the Climate Change Commission. I am particularly excited by the abundant opportunities which the Commission, if established, will bring to our country.

We are all living witnesses to the dwindling fortunes from oil which is the major mainstay of our natural economy in the international market. From close to US\$150 per barrel a few months ago to about US\$45 barrel per day with major buyers of oil from Nigeria especially United States of America under the leadership of Barack Obama frantically searching for alternative energy, our economy is clearly in jeopardy. There is need to diversify our economy and tap into any opportunity that will bring alternative source of income to our dear country.

It was estimated that trade in carbon credit regime arising from green gas emission and other international approved practices and convention exceeds more than US\$65 billion annually. Nigeria needs just to partake in carbon credit to be a major player.

Without labouring to go into numerous advantages which the establishment of National Climate Change Commission will bring to our dear country, I wholeheartedly second the passage of this Bill by this distinguished Chamber.

Senator Abubakar Danso Sodangi: Mr. President, I rise to support this very Motion ably brought by distinguished Senator Grace Folashade Bent. I want to start by commending her for a job well done.

Last week, one of our Colleagues, Senator Ahmed Makarfi, Chairman, Senate Committee on Finance registered a caveat that there is fear in the proliferation of Commissions with the attendant cost implications

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and that we should handle this matter with caution, bearing in mind the financial crisis we are all witnessing in the economic horizon in this country and all over the world.

I must say that this is one of the exceptions. We must give a second thought and consideration to this issue, in that climate change as is being proposed, is a matter of concern to all of us. We always say that we have to give dividend of democracy to our Constituents. There is no dividend of democracy when the environment presents a serious health hazard to the people. The rising water in the sea is frightening and may end up giving us endless trouble if we do not checkmate it. The only way we should do this, is to have a Commission like this that will tackle such problems. Even though it is very capital intensive we must try to do it. This is something we should try to look at.

Let us take it, that in your Constituency, you have a river which all of a sudden overflows its banks and consumes all the villagers; we do not pray that it happens. What dividend of democracy would you have given them? The road will be submerged, farmland will be submerged and electricity supply will be disrupted.

We must as a matter of necessity look into this issue. This problem is not restricted to Nigeria and Africa alone; it is a problem confronting the world. Therefore, we cannot be an exception; it is very serious.

I have always listened to international news. In the recent BBC Hausa Service and English versions; they talked about climatic problems. It is international warning to world communities that in the next five to ten years, many villages and cities will be submerged and the temperature will rise. Therefore, we should not engage in what the Hausa man will refer to as *dogo turenchi*. Let us consider and approve this Bill. At the end of the day, justice will be seen to have been done.

Much as it is capital intensive, all hands must be on deck. Our multinational companies, stakeholders; everybody must contribute in ensuring that this Commission takes off.

I thank Senator John Shagaya, the presenter of the Bill. Happily, justice has been done to it by distinguished Senator Grace Bent who employed a digital kind of approach to this problem by distributing so many pamphlets for us to digest. I commend her and we should all support this Bill.

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I thank Mr. President for giving me the opportunity to comment.

Senator Isiaka Adetunji Adeleke (Osun West): Mr. President, while supporting the Bill and commending the mover; I want to propose a slight amendment to the nomenclature. I want to propose that the name of the Commission be changed to something like; *National Environmental Management Commission* because the climatic change is just one aspect of so many environmental issues which we have. So, if we change to that name, it would encompass all other climatic problems we might envisage just like it was done in the United States of America in 1969. Two Bills such as this were thrown out and they had only one which is the National Environmental Commission.

The President: You will have opportunity to suggest the amendment when we go to the long title of the Bill.

Senator Eme Ufot Ekaette (Akwa-Ibom South): Mr. President, I rise to support the passage of this Bill. In fact, there is only one topic in the world today and that is climate change. We should join others in addressing issues like this because if you limit it only to environment there are other issues that affect climate more than just the environment. It is very complex and a very expensive exercise but we need clean and acceptable environment for us to survive. If you listen to news on CNN, everyday they talk about eco-system which is part of this Bill and this is what is being addressed everywhere and Nigeria should not be left out.

I want to congratulate my Sister because she is very passionate about this Bill and pushing it through. It is the credit that will go to the Nigerian Senate for being proactive and looking at issues as and at when due.

So, I support the passage of this Bill and I congratulate all of us.

The President: Distinguished Senator Sodangi do you have your constitution with you? I want you to read Section 55 of the Constitution

Senator Sodangi: Mr. Senate President, do you mean Section 65 or 55?

The President: I mean Section 55. The adequate arrangement there could be one of interpretation; to get an Interpreter to be able to interpret because I noticed that so many proverbs are now being said in all sorts of local dialects

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Senator Sodangi: I am not sure if I have said one today.

The President: You did and Senator Smart who was sitting next to you said several and that was why I wanted you to read it before he left your seat.

Senator Felix Kolawole Bajomo (Ogun West): Mr. President, I rise to support this Report of the Committee on the National Climate Change Commission and other connected purposes. I would like to first of all extend my gratitude to the initiation brought about by Senator Shagaya to bring this Bill for enactment. *(Interruptions)*

Senator Mamora: Mr. President, I have a Point of Order.

The President: Point of order, Senator Mamora

Senator Mamora: Mr. President, I am just seeking your clarification. It seems to me that we are having a repeat of the Second Reading of this Bill. I think that after the Committee has worked on the Bill, will have Report Stage and the Chairman having presented the Report of the Committee, the next thing for us would be to go to the clause-by-clause consideration. That is the Convention and that would be in tandem with Sections 82 and 83 of our Standing Rules.

The President: Your Point of Order is sustained. That was why I said somebody was just going to second that Motion but there were so many hands up and then I got carried away. Your point of order is sustained.

Senator Bajomo was already on his feet, could you round up, please?

Senator Bajomo: I would be very brief based on that intervention by my Colleague and Brother, Senator Mamora.

Suffice it to say that the initiative about this Bill is proper one. It should be taken by Nigeria particularly within the confines of the continent. This is because when we talk of environmental hazards that are induced by climate change, Nigerians generally are usually very helpless.

It is not a climate change issue alone that brings about the hazards within our country, there are many other hazards that put our people into a state of helplessness. When these things happen Nigerian governments are not always able to come to the rescue of their citizens. So, a Commission like this would

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handle the situation. When environmental hazards occur not only do they affect the health of the people; they also affect our economy. For instance, when you talk in terms of desert encroachment or costal erosion; you can see the untold hardship they bring to our people. This is a Bill that we must pass as quickly as possible.

Senator Folarin: Mr. President, I move that this Senate do resolve into Committee of the Whole to consider the Report.

Senator Mamora: Mr. President, I rise to second the Motion as moved by the Leader.

Question put and agreed to.

Report of the Committee on Environment and Ecology on the National Climate Change Bill, 2009 –
CONSIDERED IN THE COMMITTEE OF THE WHOLE

Senator Victor Ndoma-Egba: Mr. Chairman, I just want to make an observation. The trend all over the world is for government to reduce; we are beginning to have smaller government because inefficiency and corruption are associated with the size of government. But day in day out, we pass Bills that have the implication of expanding government against the trend world wide. So, I was wondering if we could not achieve what this Bill sets out to achieve without necessarily expanding government.

The Chairman: This issue was raised by Senator Makarfi. I do not know whether it is with this particular Bill or in other Bills. You are correct but the stage where we are now, can we go back on this?

Senator Ike Ekweremadu: In response to what you said, it would be difficult for us to go back at this stage. We have to move on with the Clause-by-Clause consideration and if that is the wish of the Senate, I would want to make contribution in respect of Clause 1.

The Chairman: Senator Ndoma-Egba, your observation is noted. Senator Ekweremadu, you may now proceed with your contribution on Clause 1.

Senator Ike Ekweremadu: The comment on Clause 1(2) says: *The Head Office of the Commission shall be in Abuja with Centre of Excellence in Research Institutions and Universities at different locations of the geo-political zones as determined by the Governing Board of the Commission.*

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It appears to me that the comment on the left hand side, which is the one on the Bill, is clearer than what the Committee seems to suggest to us here which says: *The Head Office of the Commission shall be in Abuja with a zonal office located in each of the six geo-political zones.* This is because when you are talking about research centres and you put (universities) in bracket, I do not know whether you are saying that universities are the only research institutions. You are also adding at different locations the geo-political zones. It looks ambiguous to me.

Further down on the organs of the Commission, you said: *The Technical Advisory Committee shall act as Centre of Excellence.* Even if we are going to leave it the way it is, there is supposed to be a word between the one in bracket and shall to read thus: *There shall be a Technical Advisory Committee, which shall act as Centre of Excellence.*

Finally, Clause 1(4) says: *In line with the principle of federalism this Act calls for the creation of equivalent Commission at each State of the Federation.* I do not think we can make that kind of law.

The Chairman: This negates the whole business of a small body that we are advocating for. If you see the original Bill, it recommended just six head offices, but you have included all the universities. In this country, we have over 100 universities. That is the first problem. We are even talking of reducing the size of government. Or do we actually cancel this Commission and get something which is smaller? The amendment you are proposing, apart from the practical difficulties inherent in them, negates the issue that is topical at the moment, which is making government smaller.

The other point which he raised is the issue of Technical Advisory Committee, which you said; *shall act as the Centre of Excellence.* I also do not follow that myself. Then the fourth one which says: *In line with the principle of federalism, this Act calls for the creation of equivalent Commission at each State of the Federation.* That type of sentence cannot be in an Act.

Senator Iyiola Omisore (Osun East): Inasmuch as I agree with the proponents of the first Amendment and in line with the thinking that government should try to be more functional and, indeed, not to expand the expenditure of government in view of the present day act of governance that move towards cost cutting, the provision of the original Bill talks about having the head office in Abuja that is good enough. That goes further to take out the issue of zonal offices because if the Commission starts operations, if it deems it fit to have

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zonal offices, it would be better. If this Bill passes through it becomes the law of the land and it becomes compulsory that there is going to be zonal offices. But if it is just a head office in Abuja, that makes it simple. In the course of the operations of the Commission, if they feel that there is need for zonal offices that would be done within their management.

Secondly, I support the idea of the Amendment by the Deputy Senate President and the Senate President on Clause 4. We do not have the right to force them to create Commissions in the States.

Senator Ibrahim Ida (Katsina Central): On the same Clause 4, the National Assembly should not be seen to be adopting expressions that have no constitutional or legal definition.

We have said it before and I would like to say it again that, the term geo-political zone has no legal or constitutional definition. This is a fact. It is all right to make reference to it in the course of a speech but where we are talking of a legislation, every expression or word we put in there should be able to be constitutionally defined.

If we are talking of six geo-political zones, what are they? We may have them in our minds, but if we check our Constitution it recognises the Federation, the States and the Local Governments. Until we really amend our Constitution, and in this respect, I am trying to sponsor a Motion towards that; we should not put geo-political zones in any legislation that we are enacting.

The Chairman: But we have actually passed so many Acts with geo-political zones in them.

Senator Abubakar Danso Sodangi: I rise to support the observation made by distinguished Senator Ekweremadu to the extent that we should delete item 4 under Clause 3. This is because like you and others have observed it does not flow. However, I subscribe that we should accept what is contained in the original Bill, which is that there shall be a head office and zonal offices. Even though it has now been punctured by distinguished Senator Ida, with greatest respect to your view, the issue of geo-political zone has come to stay in Nigeria. We have to adopt it conventionally by all intents and purposes because in the administration of Nigeria, we politicians, have been getting slots based on geo-political zones and we have not been complaining. Anybody that has something to do with zones, if something is sent to your zone you welcome it and receive it but when it comes to lawmaking we want to be legalistic. It is also good that we are amending the

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Constitution. So, if there is anything at all that we have to do, it is to accept this geo-political zone arrangement apart from those people who are looking for state creation. It is a reality and we have to accept it.

So, in order not to over-flog this issue, I urge the presenter of the Bill and all of us to agree with the zones and leave that Technical Advisory Committee and also delete Clause 3 (4) entirely.

Senator Mahmud Kanti Bello: Mr. Chairman, we should retain what is originally in the Bill, that is: *The Head Office of the Commission shall be in Abuja with a zonal office located in each of the six geo-political zones.*

All these things about centres of excellence and research centres should be deleted so that the Bill is left as it is.

Senator Grace Folashade J. Bent: Mr. Chairman, we set up a Technical Committee that gave us this input and I think they were looking at it from the point of view of research because this Commission is a highly technical commission; the issue of climate change is highly technical. So, they felt it was very important to have some centres of excellence in universities wherever they have zonal office.

The way it is in the amendment Bill may sound a bit cumbersome but it is not as cumbersome as it sounds here. The whole essence is for the Commission to have the opportunity to go into research work from time to time. That is what I can say about that because it was a Technical Committee that actually did this job. It was not just the Committee's recommendation. It boils down to the issue of research because if this Commission has to be established in view of developments across the world, the involvement of universities, from time to time, is very crucial. If the Senate feels it does not need to include that aspect, the Commission whenever it is established, can do that at its own convenience.

The Chairman: Senator Bent, you said that a technical person was engaged to look at this Bill for you. I believe that the technical person you got worked on it as if the whole thing is a prose rather than a Bill. If you go through the Bill all the proposed Amendments were written in prose. You know the process of writing a Bill is an entirely different thing. I do not know whether you got a legal expert to look at it which you should have done.

I will give you a typical example of the Amendments you have made. If you go to page 2, it

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states as follows: *Eight other members shall include two public sectors, three public sectors and three from NGO.* If you go further down, it states: *The President shall propose.* Those are not legal languages at all and you have that all over the Bill. Another example is where you have: *He or she resigns his office by a letter addressed to the Board.* If you go to page 3, it provides thus: *The Executive Secretary (CEO) will call the meetings of the Board based as scheduled made by the Board or upon a written request.* This is not the language used in drafting of Bills.

Senator Tawar U. Wada: That was exactly the point I was trying to make. In addition, if you look at the format, we do not know where amendments have been made. Normally, if an amendment is proposed it is either put in italics so that it will distinguish it from the original text. The third column only says; *amended.* We do not know what the amendment is and what the original text is. It is not well designed.

Secondly, you do not need to state in a Bill that a place should be centres of excellence. A centre of excellence is acquired through conduct not through the naming of the place as such. It is the conduct of the place that makes the place a centre of excellence. You cannot, in a Bill, say that I am creating this place as a centre of excellence.

There is need to do more work on this Bill. In the circumstance, I move that the Bill be sent back to the Committee for further legislative action.

Senator James E. Manager (Delta South): Mr. Chairman, I humbly second the Motion moved by my learned Senior, Senator T. U. Wada that this Bill be sent back to the Committee for a legal touch. The Bill should be written in proper legal language.

Senator Bode Olajumoke (Ondo North): Mr. President, honestly I read the sentiments of my Colleagues, but I just want to caution and advice that the substance of this Bill should not be thrown overboard. We have climatic and environmental problems in this country. I heard a Senior Advocate of Nigeria talking about the need to compact the system. Senator Grace Bent argued on the need to have this technical Committee.

There are three major climatic problems in Nigeria one of which is the problem of capacity. We lack capacity in terms of management and institutions. I thought I read about that in this proposed Bill. The language mighty is faulty and that can be looked into but the import of the Bill is very crucial.

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There is also the problem of advocacy, which I believe will be addressed by the Commission when it establishes offices in the six geo-political zones of the Federation. Most of the problems of our environment and climate are due to ignorance on the part of Nigerians and unless we properly educate our people on what to do and not to cut trees indiscriminately, we will continue to have the problems. We should not rush this Bill. Perhaps, the Committee can still go back and refine the language but the import should not be killed.

The Chairman: Senator Bode, in fact, that was precisely the point that has been made. Nobody is throwing it away. I am sure you know how this Bill struggled to get here. During the Second Reading it almost got guillotined, but it was rescued. We have come this far; we are not throwing it away but we are talking of the language of the draft.

Senator Nanzip John Shagaya (Plateau South): Mr. President, I want to make two quick points. The first is on the legal implication of the six geo-political zones. An argument has come before the Senate that there is nothing like six geo-political zones which is true. I do believe that in any enactment, if we refer to the fact that there shall be six zonal offices even though it means saying the same thing; we have legally accommodated what may seem to be abnormal in a Bill.

The second point is that if this draft Bill is to go back to the Committee, the Committee would still need to be guided and so the Senate has to resolve here, that is, if no further discussion is gone into, individual Senators should be kind enough to go through this document and provide amendments as they may deem fit. This is because it is the same thing that we will go back with and, perhaps, come back with it to the Floor of the Senate. Short of that, we give the Committee the benefit of doubt having done so much good job; a lot of homework had been put into this draft Bill to enable it go through. The Committee is taking note of all the observations and points that will help when this document gets back to them.

The Chairman: Before I put the Question, what is asked is for the Committee to be guided properly. I think that is the point he is making.

Senator Ayogu Eze (Enugu North) Mr. Chairman, further to the contribution of Senator John Shagaya, we are very privileged to have very senior and experienced lawyers in this Chamber. Rather than leaving it to every Senator to go to his office to redraft, which we may not have the time for, we can get a few lawyers from among us to join the Committee. We have Senior Advocates of

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Nigeria here and other lawyers; they could help the Committee and guide them to come up with something that will be acceptable to us. That way it will be faster.

The Chairman: Is it a remedy to the problem because what they are saying now is that if it goes back to the Committee they may not have the capacity to do the amendments we are talking about.

Senator Nicholas Ugbane: Mr Chairman, if this Bill is returned to the Committee it will be left to the Committee to tap talents from wherever it wants; it could be from the Senate.

Senator Ike Ekweremadu: In line with what Senator Ugbane has said, they have several options; first they can work with the Committee on Judiciary; second, they can send it to the Legal Department of either the National Assembly or PARP. These Legal Departments are there because of us. Any of those three bodies can assist them. They can even approach individual Senators to assist them.

The Chairman: You have got all the avenues that you need. Is there any other thing because I will put the Question now?

Senator Grace Bent: The Senate has said it all. We will go back to the Committee level and recast the Amendments because the issue is the language and some are really rather cumbersome. So, we will go back and review these Amendments and come back with more consolidated Bill that will be acceptable to the Senate. We will take care of all the contributions that everybody has made and we assure you that we will bring it back to the Senate more solid.

The Chairman: The other advice I will give to the Committee is that, it should be as reduced as possible. Once we set up this Commission, the Commission can expand later on through amendments. If it becomes too cumbersome, then it will create a problem that is the point we have all noted. If you make the Commission smaller in size it will be better for us in view of what is said about expanding or reducing Government.

I should now put the Question that the draft Bill be recommended to the Committee for more legislative action.

Question put and agreed to.

(Draft Bill by leave of Senate, recommitted to the Committee on Environment and Ecology for further legislative action)

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Senator Teslim K. Folarin: I move that Mr. Chairman now report progress.

Senator Adeleke O. Mamora: I rise to second the Motion moved that Mr. Chairman do now report progress.

Question put and agreed to.

(The President resumed the Chair)

The President: The Senate in the Committee of the Whole considered the Report of the Senate Committee on Environment and Ecology, on the National Climate Change Commission (NCCC) Bill, 2009 and directed that the Bill be recommitted to the Committee for further legislative action.

Is this a true reflection of what transpired in the Committee of the Whole?

Several distinguished Senators: Yes.

Report of the Committee on Aviation on the Investigative Hearing into the Disbursement and Utilisation of the N19.5 billion Intervention Fund

Senator Teslim K. Folarin: Mr. President, I move that the last item on the Order Paper be stood down till another legislative date.

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Senator Adeleke O. Mamora: I rise to second the Motion as moved by the Senator Leader that the last item on the Order Paper be stood down to another legislative date.

Question put and agreed to.

(By the Leave of Senate, the Report of the Committee on Aviation, on the Investigative Hearing into the Disbursement and Utilisation of the N19.5 billion Intervention Fund, stood down till another legislative day)

ADJOURNMENT

Senator Teslim K. Folarin: Mr. President, I now move that this Senate do adjourn till tomorrow, Thursday, 29th January, 2009 at 10.00 a.m. prompt.

Senator Adeleke O. Mamora: I rise to second the Motion as moved that this Senate do adjourn till tomorrow, 29th January, 2009 at 10.00 a.m.

Question put and agreed to.

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

The Senate accordingly adjourned at 1.20 p.m.