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**Wednesday
22nd April, 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, 22nd April, 2009

The Senate met at 10.30 a.m.

PRAYERS

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: The Senate is called to order. Distinguished Senators, the Votes and Proceedings of Tuesday, 21st April, 2009 is before us for approval. We have pages 653, 654, 655, 656, 657.

Senator Iyabo Olusola Obasanjo-Bello (Ogun Central): Mr. President, I rise to move that the Votes and Proceedings of Tuesday, 21st April, 2009 be approved.

Senator Patricia Naomi Akwashiki (Nasarawa North): Mr. President, I rise to second the Motion that the Votes and Proceedings of Tuesday, 21st April, 2009 be approved.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Tuesday, 21st April, 2009 be approved.

ANNOUNCEMENTS

**Visit of Members of Liberation Chambers,
Faculty of Law, Obafemi Awolowo University,
Ile-Ife, Osun State**

The President: I wish to acknowledge the presence of Members of Liberation Chambers, Faculty of Law, Obafemi Awolowo University, Ile-Ife, Osun State, who are in the Gallery to observe Senate proceedings. *(The Visitors stood for recognition)*

We wish them fruitful observation of our proceedings.

Senator Umar Tafida Abubakar Argungu (Kebbi North): Point of order!

The President: Point of Order, distinguished Senator Tafida Abubakar Argungu,

Senator Umar Argungu: Mr. President, it is Order 42 and with your permission I will read it.

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The President: Read it, please.

**MATTER OF URGENT PUBLIC
IMPORTANCE**

**Invasion of a Nigerian Village by some
Villages in the Neighbouring Benin Republic**

Senator Umar Argungu: Order 42 reads:

(1) 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.

(2) 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.

(3) Not more than one such motion may be made at the same sitting.

There was an incident that happened in a place called Tungar Kungi, in Bagudo Local Government Area of my Senatorial District in Kebbi State. There was a border dispute between a village in Nigeria and some villages in the neighbouring Benin Republic. On that fateful day during our recess, the villages from Benin Republic attacked the Nigerian village and overpowered our people and succeeded in looting their properties and eventually burnt down the village completely.

The people of Tungar Kungi were moved to a primary school in Lolo, a neighbouring Village, in Nigeria. Over 1,500 people are occupying three classrooms, two of which are uncompleted.

With your permission and the leave of the Senate, I will like to move a Motion in this respect.

The President: Distinguished Senator Tafilda Argungu brought this to my notice yesterday that some Beninoise assisted by Gendarmes from the Republic of Benin invaded a village in Nigeria and that he would like to bring it as a Matter of Urgent Public Importance. I have no objection to it but as you can understand from our Rules, I have to get the permission of one-fifth of all the Senators. So, I will put the

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Question you be allowed to bring the Motion tomorrow.

Question put and agreed to.

The President: The Motion stands over till the next legislative date, which should be tomorrow, but please distribute your Motion early enough. It is important that the Senators read it rather than you alone reading it and make their comments. It is serious enough issue. We cannot have people from other country invading Nigeria at their whims and caprices.

PRESENTATION OF A BILL

National Automotive Design and Development Council Act (Amendment) Bill, 2009

Senator Teslim Kolawole Folarin (Oyo Central): Mr. President, the first business of the day is the presentation of an Executive Bill standing in my name, on the National Automotive Design and Development Council Act (Amendment) Bill, 2009.

You may invite the Clerk of the Senate to read the Short Title of the Bill.

National Automotive Design and Development Council Act (Amendment) Bill, 2009 (Executive) - *read the First Time.*

ORDERS OF THE DAY

MOTION

National Assembly Delegation to Liberia

Senator Teslim Folorin: Mr. President, the first Order of the Day is a Motion standing in the name of Senator Ibrahim Ida and 10 others, on the National Assembly Delegation to Liberia.

You may wish to invite Senator Ibrahim Ida to move his Motion.

Senator Ibrahim Mohammed Ida (Katsina Central): Mr. President, I rise to move the Motion standing in my name and co-sponsored by all the Members of Defence and Army Committee of the Senate.

The Motion arose from a visit to Liberia by a National Assembly Delegation led by you, Mr. President of the Senate. The Motion reads:

The Senate:

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Notes the trip by delegation of the National Assembly of Nigeria to visit the Nigerian Troops on Peace Support Operations in Liberia;

Notes that the delegation was under the Leadership of the Senate President and was made up of three Senators; Chairman and Vice Chairman of Defence and Army Committee, and the Deputy Chief Whip of the Senate who is also a Member of the Committee as well as two Members of the House of Representatives (Chairman and Deputy Chairman of the Defence Committee of the House of Representatives).

Further notes that on the first day of the visit was devoted to courtesy calls on the Leadership of Liberia (the Acting President and the Speaker of the House of Representatives of the country), the President was on leave at the time. The Nigerian Ambassador to Liberia; the Senior Political and Military Representatives of the United Nations Secretary-General in Liberia, and the High Command of our Troops in Liberia.

Impressed that in appreciation of the sacrifices Nigeria is making to support peace in Liberia, in particular, and the sub-region in general, the Liberian Legislature has pledged to pass a resolution in support of Nigeria's bid for a permanent seat in the United Nations Security Council.

Observes that the second day was devoted to visiting the Nigerian troops in their respective areas of operations in Liberia and the inspection of their equipment.

Encouraged that during the visit, the Senate President observed the good work the troops are doing in Liberia and he commended them appropriately.

Happy that the morale of the troops was highly boosted by the visit

Further impressed that the delegation also interacted with Nigerians living in Liberia during which useful exchanges were made and the idea of Nigerian investors going to Liberia was stressed. The delegation returned to Nigeria in the early hours of 8th April, 2009 having left here on the 6th of April 2009.

The Senate is now accordingly invited to resolve:

- i. To commend the Nigerian troops on Peace Support Operations under United Nations

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Military Operations in Liberia (UNMIL) for the good work they are doing in that country.

We want to stress this very well because they are responsible for keeping peace in Liberia. In fact, every vital installation in Liberia is manned by Nigerians.

- ii. Call on the Federal Government to continue with and even improve upon the logistic and welfare support it is giving our troops on peace support operations all over the world.

We want to stress that we are the fourth largest contributor.

- iii. Call upon the Federal Government of Nigeria to take steps to prevail upon and encourage Nigerian entrepreneurs to exploit the goodwill established by Nigerians and avail themselves of the enormous investment opportunities existing in Liberia.

I so move.

Senator George Anthony Manzo (Taraba North): Mr. President, I rise to second a Motion moved by Senator Ibrahim Ida from Katsina Central calling on us to support our troops in Liberia.

One of the things that had defined our country is the eminent role that our officers and men have played in peacekeeping operations across the length and breadth of this country starting from the first operations in the Congo to several other operations in different parts of the world including Beirut. In all these situations our officers and men have excelled in doing a good job. It is, therefore, necessary for us to engage in exercises like this. Visits to our troops when they are in places of conflict are very effective morale booster.

Many of our citizens have paid the supreme sacrifice in these jobs they have done. In my opinion, the policies we have carried out in the past ten years in taking our men to danger areas had not been well thought out because today the United States is in Iraq and other parts of the world. We have not been able to match up the necessary advantage that our troop's presence would necessarily bring.

What I am saying is that we have been in Liberia effectively running that country in terms of ensuring that it has secured peace, but what we ought to have done would have been to engage

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not in something for nothing foreign policy but in exchange of our troops serving in these countries with our businesses which should have followed. Perhaps, the Government has not taken advantage of creating the opportunity in Liberia, Sierra Leone and several other places to see that our entrepreneurs follow and take over the businesses in these countries for the benefit of our people. This, in my opinion, is one dividend of peacekeeping role we have not exploited fully.

Finally, if at the end of the day we get the seat in the Security Council one of the criteria that would have been used would have been our immense contributions to the United Nations peacekeeping efforts in various parts of the world.

I fully support this Motion so ably moved by Senator Ibrahim Mohammed Ida from Katsina State.

Senator Abubakar Danso Sodangi (Nasarawa West): Mr. President, I rise to support this very important Motion brought by Senator Ibrahim Ida.

I join my Colleague, the seconder of this Motion in commending you, Mr. President, for taking the bull by the horns and of being very courageous, maybe, as an ex-Military General and as a true democrat presiding over this hallowed Chamber to have visited Liberia.

In fact, when I saw you people there I asked Senator Ida why he did not advise the Senate President to wear the khaki, at least, to look like a true ex-General. He said, no; you are now a true Nigerian democrat and that you have gone there in that capacity. On a very serious note, it was a very good you have done.

Whenever we post our military personnel outside we should not just dump them there, we must visit the *locus in quo* to see things ourselves and that is precisely what you have done. We commend you and I believe every reasonable Nigerian will commend the high spirit you demonstrated in going to see what our military are doing outside this country. After all, we helped in a tremendous way in bringing democratic dividends in Liberia. If our military personnel are asked to go and maintain peace and tranquillity there highly placed Nigerians such as you must go there to see what they are doing.

That is what is happening in other developed democracies like America. They have people in

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Iraq. Their President and other highly placed government officials do go there once in a while to see their troops. That is what you have done. They even visit Afghanistan where there is war not to mention Liberia where there is peace and tranquillity. There are investment opportunities as Senator Ibrahim Ida has said which we have not taken advantage of. I do not know whether or not the Deputy Senate President has told our Igbo brothers who have always displayed good entrepreneurial skills wherever they are to go to Liberia and take that advantage. Please, let them open up that advantage for us so that Nigerians will tap from our investment in those countries.

I want to register with all humility and respect our caveat. I am a member of the Senate Committee on Foreign Affairs. When such journey is going to be embarked upon by you, under normal circumstances Foreign Affairs Committee should not be left out. Even in America, the Chairman of Foreign Affairs Committee is always part of such delegation. Our Chairman ought to have been with you there and make an input. He could have useful discussions with our Ambassador there and come back to talk with the Ministry of External Affairs to see that they assist.

Sir, I am appealing to you and any other Committee that is taking you out to let the Foreign Affairs Committee be part of the delegation so that we can help you to observe whether or not the money we are sending there is being utilised.

Once again, I commend you and to implore you to continue to demonstrate your military zeal. I plead that we should always be carried along.

Senator James Ebiowou Manager (Delta South): Mr. President, I rise to support this very informative Motion and I commend the efforts of the Chairman and Vice Chairman of the Senate Committee on Defence for coming up with this well thought out Motion. I am commending their effort because this was an official trip. At the end of every official trip outside this country, it is important for Senate to be told about what happened during the visit and through the Senate the entire Nigerians would know what happened when they visited Liberia. That is exactly what has been captured here. Therefore, I want to thank you for this very informative Motion.

Secondly, I also watched this visit on the NTA network news and I was very excited when I saw the Senate President as the leader of

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delegation. In the protocol list of this country from numbers 1 to 7 the only person with a very solid military background is the Senate President and that is exactly what he demonstrated as a democrat today.

This is one visit I considered to be very important to this country. As has been pointed out by those who had the opportunity to speak before me, we need to visit our boys and girls who are serving this country in that capacity outside this country. This visit was a very strong morale booster to those who are serving this country without their families. These are young men and women who have dedicated the part of their lives to the service of this country abroad. I would suggest that visits of this nature must be encouraged. As has been said by the previous speakers this country has served very well at that level beginning with the peacekeeping operations in the Congo.

In the early 1960s before our Independence, Nigerians served meritoriously in peacekeeping operations. They excelled and were not expelled. At the end of the day, we need to encourage our people who are serving Nigeria outside this country. Of course, as was observed by Senator Abubakar Danso Sodangi, in case of next time, the Foreign Affairs Committee should be a part of such visit. I am not a Member of that Committee but I am speaking on their behalf. Let the Foreign Affairs Committee of this great Senate be part of such visits.

I, therefore, support this Motion and urge my Colleagues to also support it.

Senator Patrick E. Osakwe (Delta North): Mr. President, I will begin by congratulating the Committee for a job well done, especially where they were able to convince the President of the Senate to lead this delegation. I know the Senate President is in all the Committees but to lead a delegation of one Committee is epoch making and should be praised. As I congratulate the Committee, I also thank the Senate President for making out time out of his crowded programmes to lead this delegation.

As it has been said, Nigeria has never been found wanting in peacekeeping operations. I know the price we paid in Liberia and in Dafur during the heat of the moment. They were every where at very heavy cost. The only way to show our people that we sent outside this country is by paying them occasional visits. At least, seeing the President of the Senate leading a delegation, and

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who is a former military officer will really encourage them to put more efforts. The visit was timely and should be encouraged.

I want to add that in future, the Committee on Navy and Air Force should be co-opted into such visit if they were not there. The list stated of three Senators without mentioning their names. They did not even mention the name of the Senate President in the Report. Since this is a document that may go outside this country, it would be important, after mentioning the President of the Senate, we can add, His Excellency, Senator David Mark so that somebody reading it outside Nigeria will know who is leading our Senate and not just a Senate President.

I would also add that the visit is in compliance with the regional role we are playing as Nigeria. You can neither be a world leader nor an African leader if you are not a sub-regional leader. The concentric circle approach in foreign policy is to be first and foremost a leader in your sub-region and you cannot lead by sitting back at your house. You can only lead by moving forward. If you are going anywhere and looking for a leader, the person in front of you that says follow me, is already a leader.

So, I believe that this move will show that Nigeria is leading in this West African sub-region called ECOWAS. It will also go a long way in telling other countries that when Nigeria moves, the rest will follow. Nigeria has led in so many areas in ECOWAS as a most populous nation in the sub-region and by implication, carrying the sub-region along. So, this visit is very important, not only to this Senate but also to this nation where our number three citizen personally took the lead. When I saw it on the television, I felt very proud, not only being a Senator of the Federal Republic of Nigeria but also as a Nigerian. When I saw it on the television, I was waving at the Senate President but he did not see my hand and so could not wave back. I really felt satisfied by the visit.

I support this Motion in its entirety and I implore my Colleagues to support it.

Senator Uche Chukwumerije (Abia North): Mr. President, may I join others in commending the initiative of the Defence Committee simply because this is one of the few occasions in which we have the Legislative arm moving out to boost the impact of our foreign policy. I believe that your presence as the leader of the delegation in

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Liberia will not only increase the morale of the troops but will also enrich the texture and thrust of our foreign policy, not only in Africa but beyond.

I am not sure about those congratulating the Senate President for going to Liberia. In fact, his going there was like a fish going into the water because a General visiting his troops; there is nothing to praise him for. That does not come in.

I have three points to make. In the last sentence they mentioned about encouraging Nigerians to invest in Liberia. I hope Mr. President and leader of delegation, that in the course of encouraging Nigerians and drawing their attention to investment opportunities, you would also draw their attention to the fact that the sharp practices of Nigerian businessmen outside Nigeria constitute the main cuts of negative image coming to this country. Therefore, whenever we go out on this kind of mission, we must, if we are talking to a business community that is made up of Nigerians, to emphasise this point.

The issue of this kind of a thing is that no matter how small the irregularities are, as they say in African proverb, when *one finger is soiled with oil, it affects the other fingers*. So, the image is exaggerated. Therefore, any encouragement to our people about investment opportunities must also go with a strong caution about being careful to maintain the highest level of business ethics.

The second thing I want to draw attention to is a resolution which the mover of the Motion mentioned in which the Liberian House Speaker promised to move a Motion in his Assembly in support of Nigeria's bid for permanent seat in the United Nations. I am very happy to read this because lack of reciprocity in favours that Nigeria does to other countries has been a very major weakness in our foreign policy since 1960. I am happy that the present Foreign Ministry under the Leadership of Chief Ojo Madueke is doing something to redeem this weakness. The pattern since 1960 till a few years ago has been Nigeria spending so much including human sacrifices to help a sister African State in difficulties and when they come out of that difficulties; what we get in return would be a lot of ingratitude. I am hoping and praying that this gesture taken by Liberia would develop into a permanent friendly and mutually rewarding relationship.

The third and last point I want to make is the inspection of their equipment. You said earlier

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that they have five persons there. Out of the five persons, there was only one military man which is the Senate President.

The President: I was a former military man. Just like you, a former comrade.

Senator Uche Chukwuerije: The point I want to make is this, you are the only former, in terms of outside flesh but in spirit you were still the only military man there. These other four people who joined you in the inspection of the equipment; what do they know about military equipment? Do they know the difference between double barrel and single barrel?

Senator Ahmad Ibrahim Lawan (Yobe North): Mr. President, peacekeeping operations are normally total package. The military angle which is the main focus leads the pack. But there is an additional, very important and, indeed, very beneficial angle and that is the socio-economic and political angles. Your visit was a morale booster to our troops in Liberia but it also boosted our standing in the international community.

As a Legislature, these kind of visits are very important to us because it gives us the opportunity to assess the situation in which our troops operate. It then gives us the opportunity to look at their requirements in terms of the military infrastructure they need to keep the peace. Therefore, what happened should be replicated from time to time in other countries where Nigerian troops are participating in peacekeeping.

The Nigerian military troops are not there only to keep the peace; but they are also there to provide training and re-training of the Liberia troops. This is another function that gives Nigeria the opportunity to showcase what it can do to provide support to her neighbours and especially, to emphasise our dominance in the West African Sub-region.

When huge sums of money and resources are spent in other countries for keeping peace, Nigeria cannot afford to simply go in there, keep the peace, make the peace and come out without creating a mutually benefiting climate for both the businessmen in this part of the world, that is, Nigeria and Liberia itself. But we cannot force our businessmen and entrepreneurs to invest in Liberia. We have to create the right climate for our businessmen and women to go in and partner with Liberian businessmen and women.

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We have seen this kind of situation in different parts of the world. Today in Iraq, the Americans, as soon as the *mission was accomplished*, the American businessmen and women moved in. In fact, there was a serious fight between the Americans and the Europeans who refused to participate by not contributing troops in Iraq. The Americans felt that everything was going to be available to them only because they invested so much in keeping the peace. We cannot do the same but we need to create the enabling environment where our businessmen and women would partner; I emphasise the word partner with Liberian businessmen and women because what happened to Nigerian businessmen recently in Ghana and Equatorial Guinea should be instructive. So, while we may want to move in there to take the opportunities available; we have to be very careful and cautious of the fact that unless the citizens of Liberia see us as partners; as businessmen and women who are there to create very mutually benefiting conditions; we are likely to run the risk of being flushed out at a stage.

I support this Motion completely and add that from time to time, our Committees that have oversight functions on the military and the Foreign Affairs should be able to pay such visits and that will help us assess the requirements of our troops wherever they may be for peacekeeping operations so that we can appropriate where necessary, from position of information and knowledge.

The President: There are so many names here of people who want to speak, therefore, I appeal that you keep your comment brief, direct and precise.

We should not draw an analogy between American involvements in Iraq to our own involvement here because they are entirely two different situations. Therefore, we must be careful. I appreciate the fact that Americans wanted to do so many things in Iraq but the circumstances and conditions are very different. We were invited into Liberia by the United Nations to keep peace.

Senator Ayogu Eze (Enugu North): Mr. President, I want to join my Colleagues, who have spoken before me in commending my friend and neighbour, Senator Ibrahim Ida; and of course, the entire delegation that embarked on that trip.

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The point that was raised by Comrade Chukwumerije is very instructive and that is the point I want to dwell upon. For the very first time, we are beginning to see the fruits of our African diplomacy being appreciated by the beneficiaries of such effort.

I was once on a programme in Germany; and I met people from Zimbabwe, Namibia and South African and I know the efforts in terms of man power, money and human resources, that Nigeria spent in fighting for the freedom of these areas that I mentioned, including all the overseas diplomacy yet, when they saw us as Nigerians they were full of disdain for us and even for the efforts that we made in getting them independence.

We have to commend our President. It is true that we make allusions to his military background, but he must be the leadership that that training had given him that was able to bring out this type of acknowledgement that truly, Nigeria has done something for Liberia that needs to be reciprocated. Even if they do not go beyond the statements they have made, it has gone out to the international community. I know that one of the strongest points Nigeria has, as Senator Anthony Manzo has said, is her support for the United Nations peacekeeping operations worldwide.

Nigeria has been noted as a good citizen of the international community in readily supplying men and materials when peacekeeping operations are involved. I believe that this type of visit should be better coordinated. It is possible that the other countries that have not reciprocated or have shown disdain, it is possible that because we have not made overtures to them, we have not even tried to show our presence. It is said in the past that Nigeria was like a virtuous lady exploited by any passer-by yet was never paid any tribute.

Therefore we should thank the Senate President for once breaking the jinx. This is one of the fruits of the purposeful leadership that you have provided here. When a good leader comes all the good things would come out. It is possible, indeed, that if the visit was undertaken by another person the result would have been different. The Senate should commend itself for having a leadership that is able to extract this type of respect and acknowledgement.

I thank Senator Ida and his team and the Senate President for leading the delegation. I

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thank you most especially for drawing the attention of all Nigerians, because we are live on television and this would encourage us to do more. We need to do more for Africa, but we need to be sure that when we do so we would not become the subject of ridicule as has been the case in the past.

With these few remarks, I very strongly supporting this Motion and I urge that we undertake this type of enterprise more often in the future.

Senator Bode Olajumoke (Ondo North):
Mr. President, I want to start by acknowledging the great initiative of the Chairman of Committee on Defence and Army of which I am a member and I am a co-sponsor of this Motion.

I congratulate the Committee and the entire Senate for scoring another first in the annals of this Legislature. This is the first time, I am reliably informed that we would have a Senate delegation visiting our troops outside this country. It conforms and follows in the pattern of civilised and patriotic norms all over the world.

You would note that the advanced nations of the world regard it as a patriotic duty to visit their troops wherever they are serving. These are individuals who are making great sacrifices for the nation. As most of my Colleagues said, it is a morale booster for them to be so acknowledged.

I also want to commend the comments of my Colleague Senator Manzo, we both served on the Senate Committee on Foreign Affairs. The point he raised which also was supported by Senator Chukwumerije, we are working assiduously on this at the Foreign Affairs Committee level, that is, to ensure that we employ the principle of reciprocity in our diplomatic relationship with people all over the world especially, those people we are assisting. It is a challenge to the members of the Foreign Affairs Committee to look critically into these observations that were made as to the need for us to exploit the principles of reciprocity that is a cardinal principle in diplomacy.

If we support developing countries in this sub-region we should be able to get something back from them. There is no reason why in Liberia, we should not have schools established by Nigerians, institutions and economic organisations run by Nigerians in these places.

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I recall that a little over a year ago, the Senate leadership took the decision that we should visit our brothers and sisters in the Niger Delta, at a very critical point in the history of that region. I recall that when we debated it here, there were divided opinion as to the security implication of our going, but that was the first time in the annals of Legislature in Nigeria that such a visit would be made. To have it repeated and going to Liberia to visit our troops, being the first time ever a Nigerian Legislature would do that, is a laudable thing.

I congratulate you, Mr. President, the Chairman and the entire members of that Committee for their great initiative. The other Committees that are relevant in terms of following up, for example, the Foreign Affairs Committee, as I said we have discussed it at the Committee level on the need to follow up and ensure that we get the dividends of our investment in these countries that we are supporting.

I urge my other Colleagues to give support to this Motion and ensure that other Committees follow up as part of our oversight functions.

The President: Please, I will urge all comrades to listen to what the former ECOMOG Commander has to say.

Senator John Nanzip Shagaya (Plateau South): Mr. President, I rise to join my Colleagues in commending the sponsors of this Motion and, of course, to support it and also encourage my Colleagues to support the Motion.

Before making any comment, it is good for us to know that from the Executive, the former President; Olusegun Okikiola Matthew Obasanjo was in Liberia twice in 1999. First, to visit the troops and second to be part of the heads of authorities of governments of West Africa to supervise the burning of weapons that were surrendered at the end of that crisis.

We must also note that history cannot be erased. This visit, I believe, will be the second because the late President, Nnamdi Azikiwe in 1964 paid a visit to our troops in Tanzania former Tangakayika. However, if we are looking at anything after the civil war then this is the first by the Sixth Senate, which I commend.

It is said from all the comments that have been made that the troops in Liberia and, indeed, Nigerians who are resident there were very happy

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at the visit. It has also been suggested that the visit should be encouraged by Senate Committees. I will also add that future and present Ministers of Defence as they are appointed should try and pay visit to every part of the world that our troops are deployed.

We have discussed the welfare of the troops and I will make two points on that. On the welfare of the troops, they may not have the opportunity to tell you in terms of enhanced salaries and allowances. If that can be looked at because sometimes it is delayed and it is when they return from such mission areas that you will begin to hear ugly stories of non-receipt of allowances. Somehow, they are always kept with hopes that they will get it. The Committee on Defence takes that up with the Ministry and Minister of Defence.

The next point have to do with welfare that I am sure the troops and officers on ground may not have been able to tell the Senate President and his entourage will be the way their late colleagues are honoured here back home if they become casualties. If we take example from the civilised world, anyone representing his country outside their shores, boundaries or borders and they lose their lives, they are so highly honoured and that will encourage other people to believe that if they become victims of intervention in other countries by promoting the names of their countries they are honoured back home.

I must make a quick point that contribution to peacekeeping by any nation of the world especially those bidding for a seat at the Security Council is only but one item out of so many conditions that nations must meet. The political leadership, our political stability, our economy and the conduct of ourselves round the world are also contributory. I do know that if Nigeria was to be voted for ten or fifteen years ago, we would have no rivalry. But today, we have rivals because of the instability within our country. Almost all our States are visited with internal rife and crises and the body polity of Nigeria itself needs to be looked into because it is a contributory factor.

The other point that I want to raise which I believe the Committee on Defence will look at is the need to pursue our claims from the United Nations. When countries of the world get involved in peacekeeping missions, so much money is poured in. Also, the United Nations works out claims as presented by those nations and pay back. We are known to have been

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reluctant in pursuing our claims from the United Nations and such monies are very important because they are used to plough back either in replacement or repairs of military equipment and hard wares.

I commend this Motion. I congratulate the Senate President and our Colleagues for taken the initiative to visit Liberia. I support the Motion and I commend same for support by all my Colleagues.

Senator Anyim Ude (Ebonyi South): Mr. President, I am a co-sponsor of this Motion. In my part of the country, there is a saying that when they are launching and raising funds for a project, the millions and thousands start coming and somebody rises and says I donate my moral support. The question is how much is that moral support?

Nigeria has spent so many billions and many of her young men and women have lost their lives. In resuscitating Liberia, how much has Nigeria really gained? In the era when the articulate and amiable Senator Ike Nwachukwu was Nigeria's Foreign Minister, there was what was called Economic Diplomacy. After a while, it was jettisoned because of our usual policy inconsistencies. If we had followed that Nigeria would have benefited more than whatever it is benefiting now in Liberia.

On that note, I would like to comment on what my Colleague, distinguished Senator from Nasarawa State who talked about how Igbos should go there. It is not just Igbos that should go there, all Nigerians should go there and invest. In fact, the fat yams from Nasarawa should also be available there for those who care.

I commend this Motion and we should urge the Federal Government to, indeed, resuscitate the economic diplomacy for the benefit of Nigeria and Nigerians.

The President: Shall we have some pastoral angle, please.

Senator Julius A. Ucha (Ebonyi Central): Thank you, your Excellency for this wonderful accolade. Indeed, I least deserve it but I think it is spiritual having come from our most distinguished Leader, the President of the Senate of the Federal Republic of Nigeria. While people are struggling for Comrades, the Senate President on his own has spiritually confirmed that I

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deserve to be called a man of God. They have always alluded to this.

I sincerely wish to commend the President of the Senate for this wonderful effort to showcase our democracy to the outside world. I also commend Senator Ibrahim Ida and the entire Members of the delegation to Liberia. It is fine to mention that the visit to Liberia by the Senate of the Federal Republic of Nigeria is a divine arrangement to strengthen and showcase our democracy to the outside world.

It is not just going there to see our soldiers on peacekeeping operation, we are in a continent where our Executives and democracies are in most cases treated with suspicion and disdain by the outside world because nobody knows which, where or what time the democracy would last. This is because the Legislature is the only entity in the process of democratisation that gives hope that democracy is stable. Ours that used to be epileptic because of military intervention is today being consolidated through that process and we thank God for His mercy.

It is my candid submission that a visit of this nature has to be continued not only to where we have our soldiers on peacekeeping operation. I say this because the most cherished temple of democracy is the Legislature and when the Legislature in a suspected democracy is seeing to be working hard to consolidate democracy as we are doing today in Nigeria, our democracy will be seen to have stabilised.

It is true that our country, Nigeria, has variously supported peacekeeping operations, be it in South Africa, in Liberia and in Chad in an effort to be in solidarity with our African countries whose democracy appears even to be more stable. It is my candid submission that this effort be sustained by the Senate of the Federal Republic of Nigeria to make more visitations not only to African countries but to other countries so as to showcase our democracy.

Senator Nimi Barigha-Amange (Bayelsa East): Mr. President, the Senate is being segmented into Comrades, Pastors, Elders and former Governors.

I must commend the mover of the Motion but the area I want to mention is the welfare of the families of deceased soldiers. You can recall that in 1992 or thereabout we lost some gallant Military Officers near Lagos in a plane crash and

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it took the Federal Government about ten years to build three bedroom bungalows for the families.

Whether we agree or not, it is a fact that we lose on daily basis one or two of these people on peacekeeping mission. How are we taking care of the families of these deceased soldiers? That is very important.

I also remember that troops were coming from Yobe or thereabout to Abuja, in 2007 and they all perished on the way. They came from peacekeeping mission and instead of transporting them properly to Abuja, they were cramped into a rickety vehicle and they perished. How are we taking care of these people? If you go into proper investigation, you will find out that the families of those soldiers that lost their lives in that auto crash have not been adequately catered for.

I pray that we should promptly look into issues of this nature. It is not to say that the troops are happy in Liberia. How happy are they? What of their claims? Are they being paid as and at when due? Those things are very important.

Somebody mentioned that they might not tell you all and I agree with him. As you visit they may not tell you all but if you call one or two to the Committee level and discuss, the Committee will hear more. Our troops, are they being catered for properly?

I thank you for given me this opportunity, and I thank my distinguished Colleagues for listening.

The President: Before we go to the Prayers, I will take from another retired Military Officer and then the Whip in the Minority and the authentic comrade.

Senator Bukar Abba Ibrahim, were you in the Army, too? (*Laughter*)

Senator Bukar Abba Ibrahim (Yobe East): My President, I was a Leader in the Boys Scout. You can extend your margin to accommodate me.

The President: All right, let me hear from the authentic comrade Senator Omar Hambagda and please, make it brief so that we can round this up.

Senator Omar Hambagda (Borno South): Mr. President, I will be very brief. I just want to look at the investment angle.

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Nigeria has invested so much, not just in Military operations and I think this is an eye-opener. We invested so much to dismantle Apartheid Regime in South Africa and Zimbabwe. We have also invested in many none African countries. Today, Nigeria is operating a Technical Aid Corps in several countries including Latin American countries. The unfortunate thing is that Nigeria's investments suffer degradation in some of these countries because Nigeria does not have any framework for benefiting from many of her investments. When America started Technical Aid Corps operations, they had well defined purpose. They had investment and political information so that they can reap from there. They plan programmes for positive opinion of their country.

In Nigeria, we send people out without any planned programme. But I do know that there is no Samaritan in the world of life. If you invest, you are either hoping to get a reward from God in the hereafter or even here but Nigeria has no plan.

The contribution I am making here is that Nigeria needs to go beyond what we are getting from military operations. All other investments that Nigeria make, we must have a deliberate plan on how we can reap the benefits of the investment. In that context, therefore, any further visit should include Members of the Senate Committee on Commerce and Industry as well as Foreign Affairs Committee.

This is my brief contribution to the debate.

Senator Ahmad Rufa'i Sani (Zamfara North): Mr. President, I rise to support the Motion and to join my Colleagues in commending the Committee on Defence and Army for organising this historic visit.

The only angle I want to touch on is the Nigeria Media. I want to use this opportunity to commend the Nigeria Media, especially, the Nigerian Television Authority for their effective and efficient coverage of the visit. I watched the visit and I saw Mr. President and the Committee Members holding meetings and consultations. The visit to the military formations was properly covered and Nigerians were made proud. If it were not for the coverage, I do not think this discussion alone would be sufficient to inform Nigerians on what the Committee did.

So, I support the Motion and I urge my Colleagues to also support it. Let us commend the

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Nigerian Media and ask them to keep up with this good work they have done.

The President: Distinguished Senator Bukar Abba Ibrahim, you said you were a Leader in the Boys Scout?

Senator Bukar Abba Ibrahim (Yobe East): Mr. President, I am still a Scout. Once a scout always a scout.

I rise to also to commend the Senate Committee on Defence for the trip. That, that trip took place at all, deserves commendation. That there is peace in Liberia today, is not news. If you take a look at the document, it is talking about Nigeria Peace Support not Operations. Today, what is happening in Liberia is Peace Support Operations and not peacekeeping operations *per se*.

That our President and other Leaders have paid visits to Liberia since the end of hostilities is also no news. That our Leaders still need to continue to visit our troops in Liberia to boost their morale is also no news.

My slight reservation about the whole thing is that the Committee ought to have taken note of all the peacekeeping operations in the world where Nigeria is involved and package this visit to the relevant areas. For all I know, what our President has done is good. There is fundamentally nothing wrong with it, but the wife of the Senate President with female Senators or wives of other distinguished Senators could have done this same visit and their morale would have been boosted. I would expect the Committee would think in terms of the Senate President with other Senators, paying a visit to our troops in Darfur, to boost the morale of the people who are right now fighting and losing their lives on daily basis. Nigerian military officer, General Martins Agwai is the Commander of this operation in Darfur. I would have thought the Committee would have recommended a visit to Darfur, and probably Congo where I understand our First Lady is trying to organise something for women and children.

In fact, Liberia's situation is already settled. We do not really need our Senate President to pay a visit to Liberia as the priority peace operation countries to be visited. If I were the Chairman of the Defence Committee, I would have thought about the Senate President with some Senators to go to Darfur. Probably, female Senators and wives of Senators led by the wife of the Senate

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President to visit Congo, having in mind the programme the First Lady is doing today.

Finally, this same women delegation could visit Liberia only for peace operations support, not for peace operations in the real sense of the word. That is my slight reservation, Mr. President.

The President: Let me take the last comment from the Deputy Whip.

Senator Mohammed Mana (Adamawa North): Mr. President, first and foremost, I want to disagree with the last Speaker. The last visit undertaken by the Senate President is a welcome development. It is a welcome development in the sense that Nigeria is serving as part of the United Nations Force in Liberia. Right now in Liberia; the nation has not gotten its own standing army. Peace is being maintained by Nigerian Forces along with other United Nations Forces from Pakistan, Ghana and Bangladesh. As at now, a Nigeria General is heading the Liberian Army. Liberia as I know it today does not have a standing army. It is the Nigerian General that is training soldiers to maintain law and order in Liberia.

In addition, where Nigerian troops have maintained the necessary security, we also have Policemen, policing the various towns and cities in Liberia. Nigeria is well acclaimed. Those force that are there and the United Nations itself that is there, and all other people that are there, have recognised Nigeria as a leading force in Liberia. So much so that Nigerian troops are placed and based in very sensitive areas around Monrovia. This is because the Liberia people have established very good rapport with the Nigerian troops. They are the ones maintaining peace in the Presidential Villa, in their Legislature, and everywhere in Monrovia.

When we went to pay visit to the Liberian Legislature, the Vice President himself said to us, you are welcome to your country, because Liberia is just like Nigeria. So, this visit is an important one and led by high ranking Nigerian Official in the person of the Senate President.

The other point I want to make is that we have to thank the United Nations. This is because the United Nations is the organisation that gathered these forces together and they are doing a lot to support us such that we have had to ask them to extend their stay; because they are thinking of withdrawing from Liberia, and if the

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United Nations leaves Liberia, it is going to be very problematic not only for Liberia but for the nation Nigeria.

Nigeria has been in Liberia since 1990. We started going there first. Nigeria has been there for almost two decades. Peace has been restored in the country. If you go to Liberia you can see the heavy traffic in the streets of Monrovia. If you also go to the suburbs, you will see Nigerian troops everywhere.

The third point I want to make is the issue of the return of refugees. All the refugees that fled Liberia had gone back to the country. Gradually peace has been restored.

The other issue is that Nigeria is further involving itself in Liberia. Apart from the deployment of Nigerian troops and officers and men of the Nigeria Police Force, Nigeria sends teachers and doctors to Liberia under the Technical Aid Corps. The Nigerian Government has just signed an agreement with Liberia to further send teachers and doctors so that normalcy can return in Liberia.

The President: We have exhausted these issues really and should round it up. Before we go to the Prayers I want to make some quick comments. The first is that we have the largest number of troops in the United Nations Mission there which the UN has acknowledged.

The second point is the funding of our Embassies is very important. It is better for us as a big nation not to have an Embassy anywhere if we cannot fund it and the Ministry of Foreign Affairs in conjunction with the Senate Committee on Foreign Affairs must look at that.

You cannot be a superpower in your own sub-region and then you cannot fund your Embassies properly. Anything worth doing is worth doing well and we should learn to fund our Embassies properly.

The original plan really was to go to Darfur. That was what was scheduled but at the last minute the United Nations say that they cannot provide security for me and in spite of that I was still prepared to go with the team but they eventually insisted that we should not come and I did not want to go on against their own desire.

The Liberian Legislators were very emotional about supporting us for a United Nations Permanent Seat in the United Nations

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and I think they were very sincere in what they were saying.

One interesting thing is that Nigerians who are in Liberia appear to be totally ignorant because when we met with them I asked one of them who complained bitterly about the name of his Senator and he simply had no clue. Apparently, he is from Taraba State and Senator Manzo is his Senator and when I mentioned Senator Manzo he had never had the name before. I asked him who was his Member representing his constituency in the House of Representatives; he also did not know not to mention his State Assembly. I think there is a bit of ignorance there but we agreed with the Ambassador that they should provide some leaflets and meet a little more often so that they can educate them.

The businessmen who are there are doing reasonably well. They are conscious of the fact that they also have to be careful about our image and so far they have done extremely well. I feel very proud about the Nigerians who are in Liberia. I think that the visit also afforded the Committee a lot of opportunities to know what is happening there.

Most importantly, the morale of the troops was very high and they are doing extremely well there. They are receiving a lot of accolades from the United Nations Force Commander and that made us very proud.

With these few remarks we can go to the Prayers now and take them very quickly: The Prayer (i) reads:

Accordingly therefore resolves to:

- i. *Commend the Nigerian troops on Peace Support Operations under UNMIL in Liberia for the good work they are doing in that country.*

Question put and agreed to.

Prayer (ii) reads:

- ii. *Call on the Federal Government of Nigeria to continue with and even improve upon the logistics and welfare support it is giving our troops on Peace Support Operations all over the world. (Interruptions)*

Senator Nimi Barigha-Amange: I have an Amendment to Prayer (ii), Mr. President.

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The President: What is the Amendment, Senator Barigha-Amange?

Senator Nimi Barigha-Amange: In Prayer (ii) I would like us to include the words: *welfare of the troops and prompt settlement of claims by families of deceased soldiers.*

The President: Senator Barigha-Amange that is part of the welfare. The word; welfare covers that. Otherwise, we are going to specify such things as taking them to hospitals, this or that. So, all that are encompassed in the word *welfare*. I will put the Question again.

Question put and agreed to.

Senator Andrew Babalola: Mr. President, I have an Amendment to Prayer (iii).

The President: Let me read it our first: *Call upon the Federal Government of Nigeria to take steps to prevail upon and encourage Nigerian entrepreneurs to exploit the goodwill established by Nigeria and avail themselves of the enormous investment opportunities existing in Liberia.*

Senator Andrew Babalola: Mr. President, we should remove the words; prevail upon and leave it as follows: *Call upon the Federal Government of Nigeria to take steps to encourage Nigerian entrepreneurs to exploit the goodwill established by Nigeria and avail themselves of the enormous investment opportunities existing in Liberia.*

The President: I think that is all right. I will put the Question in favour of Prayer (iii) as amended.

Question put and agreed to.

The Senate accordingly resolved to:

- I. *Commend the Nigerian troops on Peace Support Operations under UNMIL in Liberia for the good work they are doing in that country.*
- II. *Call on the Federal Government of Nigeria to continue with and even improve upon the logistics and welfare support it is giving our troops on Peace Support Operations all over the world.*
- III. *Call upon the Federal Government of Nigeria to take steps to encourage Nigerian entrepreneurs to exploit the goodwill*

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established by Nigeria and avail themselves of the enormous investment opportunities existing in Liberia.

CONSIDERATION OF BILL

Mental Health Bill, 2009

A Bill for an Act to repeal the Lunacy Act, 1958, The Lunatics (Power to Apoint Committee) Act and Section 22, 26, 43 of the Criminal Code and to Replace it with a Mental Health Act for Nigria, 2003 and for Related Matters, 2009 (SB. 183)

Senator George Anthony Manzo: Mr. President, I have a point of Order, it is Order 89 which says: *The Senator in charge of a Bill may make a motion without notice for its withdrawal either before the commencement of public business or on the order of the day or at any stage of the Bill being read.*

The Motion I want to move is to humbly withdraw this Bill that I am supposed to present and re-work it.

The President: All right. It is your wish but why are you withdrawing it?

Senator George Manzo: The words of our elders are words of wisdom. I have consulted extensively with the leadership of this Senate and they have drawn my attention to the specific technical errors. I stand corrected after all, I am not a ranking Senator. For this reason, I wish to withdraw the Bill.

The president: All right. I am glad you are the one saying that. If Senator Joel Danlami has said it I would have eaten him raw. *(Laughter)* Your point of Order is sustained. The Bill is hereby withdrawn as you requested.

Bill by Leave of the Senate withdrawn

Privileges of the Floor

Senator Teslim Kolawole Folarin: Mr. President, before going on to the last item on the Order Paper, it has just been brought to my attention that a serving Member of the House of Representatives is in the public Gallery. You may wish to ask him if he may wish to join us so that we can invoke our Order 17.

The President: I do not have to ask him, if you invoke Order 17(1)(e) and we admit him and

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he wants to come in, then he can come. The provision is that under Order 17(1)(e) he can be admitted.

Senator Teslim Kolawole Folarin: Relying on Order 17(1)(e) of our Standing Order, I move that this hon. Member be allowed to be admitted into the Senate Chamber.

Senator Maina Ma'aji Lawan (Borno North): Mr. President, rise to second the Motion moved by the Senate Leader that in accordance with our Rule 17(1)(e) this Senate do invoke its Order to admit the hon. Member into the Senate Chamber.

Question put and agreed to.

Honourable Patrick Obaghiagbo of the House of Representatives admitted into the Senate Chamber

**The Nigeria Mining Cadastre Office
(Establishment) Bill, 2009**

A Bill for an Act to Provide for the Establishment and Administration of the Nigeria Mining Cadastre Office and for Matters Connected Therewith, 2009 (SB.207).

Senator Teslim Kolawole Folarin: The last item on the Order Paper is the Second Reading of the Nigeria Mining Cadastre Office (Establishment) Bill, 2009

You would recall that this very important Bill was read the first time in this hallowed Chamber on Thursday, 23rd October, 2008. You may wish to I invite the sponsor of the Bill, Senator George Sekibo to move the Motion for the Bill to be read the Second Time?

Senator George Thompson Sekibo (Rivers East): Mr. President, I will abridge the reading of the document that has been circulated to all of us because I want to bring a shorter version of it and give a synopsis in two sentences before I will start with the reading.

In a good mining cadastre regime for any country, the mining system stands on a tripod, the first one is a very strong legal framework which the National Assembly has already passed and assented into law in 2007. The second one is a strong Geological Survey Agency which also, this National Assembly, has passed into law in 2004.

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The third one on which a very strong regime stands is the Mining Cadastre Office which has its own administration of administering titles, issuing or assess or revoking grants. If that is not in place, then the mining system is not really complete and that is why we are trying to bring this Bill to the Committee on Solid Minerals, having oversight with the system, the Ministry and the entire systems, we have seen these lapses and we have seen where it is taking us to and that is why we brought it. I will do as much as possible to flip over some pages.

On behalf of the Senate of the Committee on Solid Minerals, I am greatly honoured in commencing the debate on the general principles of this Bill which seeks to establish the Nigerian Mining Cadastre Office and system to increase and improve efficiency in the processes of granting mineral titles or rights and improving accuracy and accessibility to information and data relating to the prospecting and mining of our vast mineral resources.

You may recall that the First Reading of this Bill was taken on October, 23rd 2008 and it has also shown on the Order Paper more than 20 times without getting to this stage.

This Bill seeks to establish the Mining Cadastre Office in accordance with the injunction of the Nigerian Minerals and Mining Act 2007. The 2007 Minerals and Mining Act made it mandatory for the establishment of the Mining Cadastre Office as a body corporate within six months of its promulgation to fully discharge the responsibility of mining title administration.

However, the provisions in the 2007 Act did not sufficiently capture the basic requirements for the establishment of an Agency of this status. This has created some bureaucratic bottlenecks that have generated sharp disagreements between the Attorney General's Office, the Ministry of Mines and Steel Development and the Senate Committee on Solid Minerals.

You will recall that the Act was assented into Law on March 29th, 2007 but 20 months after its promulgation; this very important Agency for the administration of the Mining Titles in the country could not be established due to the defects in the Mining Act. The non-existence of the Mining Cadastre Office which is the second point of call after the Nigerian Geological Survey Agency in a smooth mining regime negates international best practices among mining nations.

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However, as this trend continues to discourage prospective multinational investors coupled with the fact that the Executive is not immediately disposed towards setting up the Mining Cadastre Office due to certain lapses inherent in the Mining Act, the Senate Committee on Solid Minerals took the initiative to present this enabling Bill to key-start the operations of the most important body that will promote the necessary linkages for smooth and uninterrupted development of our mineral resources. This Bill has made all other necessary provisions that were hitherto not included in the 2007 Minerals and Mining Act.

One would ask a very fundamental question, why do we not amend the 2007 Act? Our country has gone through a very unstable mining regime for over four decades until the enactment of the 2007 Minerals and Mining Act. This has given a lot of hope and instils confidence in prospective investors. Any attempt in the immediate amendment of the Act would send wrong signals and cause discouragement to prospective investors and those already operating in the field based on the existing Act.

At this stage of the debate, I wish to provide some insight into the features of the Mining Cadastre system in order to elicit better understanding and appreciation of its importance to the efficient management of our mineral resources.

The Mining Cadastre Office is an agency of the Ministry of Mines and Steel Development designed to operate independently with the sole responsibility for the administration of the Nation's Minerals Titles. It should be responsible for the mineral title management and administration and is considered to be the cornerstone of a secured mineral rights regime. A strong, reliable and modern Mining Cadastre System is seen as key priority and a pre-requisite for a private investment-driven mining sector.

The Agency should among other functions grant and revoke mineral titles and maintain the official register and other records of all the rights granted. When established, it shall provide the database that will give details of mining licenses and their status, locations, fees and other relevant information linked to topographical or geographical plan that will show the location and extent of any concession.

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It defines the distinct role of government as regulator or administrator from that of the private sector as operator and manager of mining operations. It brings transparency, objectivity and non-discretionary access to mineral rights and flexibility and mobility of mineral rights without much of government interference.

In essence, Mining Cadastre Systems are regarded as the nucleus of any government's mining regulatory policy for developing its minerals resources, while taking into account the national and strategic considerations for ensuring adequate supply of specific minerals for their best use and keeping in view their present needs and future requirements.

Worthy of mention about the Mining Cadastre System is the application of modern technological processes for evaluating the topographic framework of a country. For example:

- a. Giving information and data on the scales and types of cartographic maps to be used to enable the perfection of modern mining methods;
- b. Providing continuous evaluation of the status of mineral titles, licenses, etc awarded from time to time as well as cadastre inventory and assessment of all minerals titles granted;
- c. Providing international comparisons, case studies and examples of best practices;
- d. Formulating options for improving efficiency, sector competitiveness and management.

The Mining Cadastre Office would be equated to the DPRO in the oil sector.

With the exception of geological potential which obtained from the Geological Survey Agency virtually all the other critical used to decide to invest in a country by foreign international mining companies are vested in a strong and reliable mining cadastre physical regime. I will invite my Colleagues to read pages 5 and 6.

The Mining Cadastre System is a procedure that has been implored favourably in several countries of the world for managing and controlling their mineral resources. For example

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of the application of this system of taking inventory and protecting the exploitation, extraction and processing of minerals resource are evident in countries like Malaysia, Brazil, India, South Korea just to mention but a few.

Prior to the enactment of the Mining Act 2007, the procedure applied for the exploitation, extraction and processing of mineral resources were largely uncoordinated, and therefore, totally flawed. Also, the system employed for the issuance of mining rights, licenses, permits, etc. were largely uncoordinated, thus resulting in colossal loss of revenue to the country.

Presently, the nation does not have a reliable inventory and assessment of our vast mineral resources especially those that have been given on grants or leases. The most harrowing aspect of our mining industry is that mining of several minerals, including radioactive elements, goes on without any serious check or control. This situation must not be allowed to continue.

Another disheartening aspect of our deficiencies and lapses in the mining industry is the unchecked adverse effects on our forestry, environment and ecology. Most mining operations are conducted without due regard to the safety and health of miners while most of the equipment, appliances, gadgets, etc used for mining processes are obsolete and dangerous.

It is anticipated that these anomalies and defects in our mining system will be adequately addressed with the coming into operation of the Mining Cadastre Office which this Bill seeks to establish.

We are all aware of the mono-product nature of our economy today which is a dangerous trend for the continued existence of this country. There is an urgent need to diversify our economy from too much reliance on oil resources which proceeds are now becoming unpredictable and unreliable as the price of crude oil continues to be unstable.

In conclusion, while one needs not over emphasise the importance of the development of the Solid Mineral Sector, it is important to intimate the distinguished Senators that sustainable development of the Solid Mineral Sector is dependent on the development of the following infrastructures and legal framework of the sector, namely:

1. Strong metals/minerals policy and legal framework: This has been provided by the Nigerian Minerals and Mining Act 2007.
2. Geological potentials, availability and location: This has been provided by the Nigerian Geological Survey Agency Act, 2004 and the establishment of the Nigerian Geological Survey Agency Office.
3. Mining Cadastre Office: This shall be provided by the establishment of the Mining Cadastre Office, for which this Bill is, therefore, before this hallowed Chamber.

Your total support for the passage of this Bill will help to kick-start the processes that would strengthen and develop the mining sector as a dependable source of revenue generation for our country.

Mr. President, while appreciating you on the several giant strides the Senate has taken in this Chamber, I sincerely invite you and my distinguished Colleagues to support the passage of this Bill, so that it would be assented into law without further delays.

Thank you very much. I so moved.

Senator Ayogu Eze (Enugu North): Mr. President, I have a Point of Order.

The President: Point of Order, Senator Simon Cyprian Ayogu Eze.

Senator Ayogu Eze: Mr. President, Order 53(6) and it 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 substantive motion for rescission.*

I must admit like Senator George Anthony Manzo admitted a while ago that I am not a ranking Senator. I was furiously searching through my documents to give me something that would empower me to move this Point of Order appropriately.

If you look at the Nigerian Minerals and Mining Bill, 2007 which finally became a law, setting up the office and which our Colleague is quoting from, Section 5 of that the Law says that: *There shall be established within six months of the coming into effect of this Act, a Mining*

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Cadastre Office with the responsibility for the administration on Mineral Titles and the maintenance of the Cadastre Registers.

The point I want to add is that the Senate had already passed the law, the law has established this Cadastre Office and has gone ahead to give it responsibilities, elaborate enough from Sections 5, 7, 9, and 10. In fact, this has already been fully elaborated upon within the law setting up the office. What is left is an Executive action to set up the office because we had already made a law. Even though, the Point of Order I am raising says, current Session that is why it does not cover me but, I must admit that I was in a hurry to move it so that the Senate does not indulge in surplusage, trying to re-enact something that exist. There is a law which he has quoted from himself and this law has already established the offices which the Bill is seeking to establish. The rest is an Executive action which does not require a law unless we are going to repeal this law or amend it.

The President: Hon. Ayogu Eze, can I get a copy of the Act. The one you have is my own. The Act you are reading from, you took it from me here.

Senator Ayogu Eze: I admit that I stole it. I did not just take it, I stole it from you.

The President: Please, let me have it so that I can read what you are saying. *(A copy of the Act passed to the President)*

Senator Audu Idris Umar (Gombe Central): Mr. President, I thought I should make a little contribution on the Point of Order just raised by distinguished Senator Ayogu Eze. Although, I could not find the Order referred to as being very relevant in this circumstance, the point that has been canvassed by Senator Ayogu Eze is very germane and valid. Valid because even from the lead debate, Item 1.02 the sponsor of the Bill clearly acknowledged the fact that the 2007 Minerals and Mining Act has made provision for the establishment of the Mining Cadastre Office as a body corporate and that should be done within six months upon the promulgation of the Act that has already been passed into law by this National Assembly.

To now bring a Bill seeking to establish that Office would amount to a duplication of that Act. It is, indeed, an unnecessary surplusage. Rather than allow this distinguished Senate to be dragged into the debate on this Bill, and

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perhaps, for my friend's Bill to suffer unnecessary defeat, I would like to counsel my most distinguished friend, Senator Sekibo, to have a rethink on going ahead with this Bill. This is more so, when you look at Item 1.04 in his lead debate where he said:

One would ask a very fundamental question why do we not amend the 2007 Act? Our country has gone through a very unstable mining regime for over four decades until the enactment of the 2007 Minerals and Mining Act. This has given a lot of hope and instils confidence in prospective investors. Any attempt of the amendment of the Act would send wrong signals and pose discouragement to prospective investors and those already operating in the field.

He went further in subsequent page to say that this Bill has made all other necessary provisions that were hitherto not included in the Minerals and Mining Act of 2007.

I am saying that there is no wrong signal that would be sent if we seek to amend an Act that was passed last week. After all, you have just put the Act into practice and you have discovered certain imperfections, what is wrong with that? That is an international best practice. You can always amend an Act. Therefore, if there are things that are left out in the original Act passed in 2007, I dare say that what my Colleague and Members of that Committee should do is to propose an Amendment to that Act. Really, there is no question of sending wrong signal to pass a law establishing that office, would amount to duplication. As I said before, it will be an unnecessary surplusage.

Senator Ike Ekweremadu (Enugu West): Mr. President, I just want to contribute to the debate and in doing so, let me admit that the procedure upon which my very distinguished Colleagues are predicating the objection seems to be unavailable because the Rule is talking about a decision that is reached at the current Senate. But the point that is being made seems to me to be quite valid. That is why I seek to make contribution in respect of that.

Let me also point out clearly that there is absolute need for us to have a regulator in this very important sector of our economy, especially at a time when we have fluctuations in the oil price. So, we need to put in place a legal framework that would help us to drive our

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alternative revenue base namely agriculture and solid mineral sector.

Also, if you look at the provisions of the 2007 Act, as enunciated by my Colleagues who spoke earlier, the law is quite clear, all that needs to be done is for the Ministry to take full advantage of the provisions of the Companies and Allied Matters Act, to set up this Agency, so that it could be a body corporate and have its own independent existence. There is also the need to have such an Agency separate from government itself so that it can regulate both the government and the private sector.

I believe that the point that needs to be made is that the Committee needs to impress upon the Ministry to ensure that this Agency is set up. There is no doubt that there is a valid reason for it to be set up and put in place to allow for proper regulation of the sector.

Another defect of the Bill to me, appears to be the non inclusion of the cost implication of this Agency for which we have been asked to legislate upon.

The sponsor of this Bill needs to have another look at it with the possibility of taking advantage of the provision of the Act itself, to implement the provision through the application of the Companies and Allied Matters Act so that this Regulatory Agency can be put in place so that we can operate like the rest of the world in terms of regulating this very important sector.

Senator Kanti Bello (Katsina North): Mr. President, when I looked at what our Colleague was trying to do, I felt very disturbed. I want to share the opinions of my other distinguished Colleagues who spoke earlier. The problem in this economic meltdown of the present day Nigeria, I believe it is superfluous to just start creating ministries which can adequately be taken care of by the present Act.

If we look at item 2.03 in his lead debate he said that: *It should be responsible for the mineral title management administration* (that is one of the responsibilities of the Cadastre Office) *and it is considered to be the cornerstone for a secured mineral rights system. A strong, reliable and the modern Mining Cadastre system is seen as a key priority and a pre-requisite for a private investment-driven mining sector.*

The Committee is claiming that by having this particular parastatal or regulator within the

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ministry, it is afraid to amend the law because it feels that by just simple Amendment that investors would be afraid. But it is willing to go ahead and even have a new thing which would, in fact, scare away investors the more. So, to me, this particular Bill is unnecessary.

Again, he goes further to say that: *When established, it shall provide the database that will give details of mining licenses and their status, locations, fees and other relevant information linked to topographical/geographical plan that will show the location and extent of any concessions.* All these are supposed to be done by the Geographical Survey Department. These are functions of the geographical Survey Department and it is clearly spelt out in the Bill. So, I would advise the mover of this particular Bill to kindly and graciously remove it for more homework within the original Act that has been passed by this hallowed Chamber in 2007.

Senator Thompson Sekibo: Mr. President, Point of Order!

The President: No, there is a Point of Order, which I have not ruled on yet. So, no other Point of Order can come now. Senator Ayogu Eze came through a Point of Order and I have not ruled on it. I am just taking contributions on Senator Ayogu Eze's Point of Order.

Senator Umaru Dahiru (Sokoto South): Mr. President, in fact, let me thank Senator Ayogu Eze by raising the Point of Order but I thought he would rather go through Section 88 of the Constitution. It is more appropriate, probably, if we go by that Section rather than going by our own Rules. With your kind permission I would like to read Section 88 of the Constitution which says: *Subject to the provisions of this Constitution, each House of the National Assembly shall have power by resolution published in its journal or in the Official Gazette of the Government of the Federation to direct or cause to be directed an investigation into:*

- (a) *any matter or thing with respect to which it has power to make laws; and*
- (b) *the conduct of affairs of any person, authority, ministry or government department charged, or intended to be charged, with the duty of or responsibility for*
 -
 - (i) *executing or administering laws enacted by the National Assembly.*

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By virtue of this provision, the Mining Act of 2007 was passed into law and within the content of that Mining Act, there is a provision to create what we are trying to do now, the Mining Cadastre Office and within the context of the information made by the lead debate, he went on to say that there was a kind of bureaucratic bottleneck that was associated with the establishment of this office. For heaven's sake, one can ask a question why? He has the capacity being the Chairman of the Committee to look into the law, go through Section 88 and find out why. We have every power under Section 1(b) of the Constitution to make sure that the laws we have passed are actually implemented. Here we are, rather than seeing to the implementation of our laws, we want to enact a new law establishing that office. I think it would be duplication. There is no need for it; we are just wasting our time and I feel that it is unnecessary. So, I concur entirely by what has been said by Senator Audu, and of course, Senator Eze. I would strongly advise that we should not waste our time in deliberating this issue.

Senator Abubakar Danso Sodangi (Nasarawa West): Mr. President, I was waiting to hear what my Colleagues would say. Definitely, I am in a dilemma. First, the point raised by my learned Senior is also very important and germane for us to consider. That we have enacted a law, implementation of that is with the Executive and they have failed woefully to implement. Does it amount that we should create another law to force them to implement the earlier one? The answer is, no. Through our own machinery and mechanism, the Committee is competent to follow that channel.

The second dilemma that I found myself, yes, here we are, we want to open a Cadastre Office. I agree with the concern of the Committee and the Chairman that we must have an enabling law to open up the opportunities in the mining sector that have not been tapped all these years. In my State, for instance, we can give you all the mineral resources you want in this country but because of the bottlenecks and the laws restraining the State from tapping the resources for the Federal Government. Even at the Federal Government level there is problem. Unfortunately, every Minister would come and issue licences and later withdraw them and we go back to square one. Maybe, this one would help but at the same time, establishing this agency is not our responsibility and with due respect, it does not mean that we should create another law like this bill is saying. I pray that all of us should

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appeal to the Chairman of this Committee to have a second thought on this agency he wants us to duplicate.

Lastly, let us be mindful of the fact that we have another Bill before us that have to do with the Land Use Act. Have we given a second thought to the Land Use Act before us that would liberalise the use of land generally in Nigeria? That is another area.

So, pray that my Friend, distinguished Senator Sekibo should be given a time to say one or two things.

The President: Senator Ayogu Eze came through a Point of Order and his Point of Order is that 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. Now, the Senate has not come to a conclusion on what is before us. I rule Senator Ayogu Eze out of Order.

Senator George Thompson Sekibo: Mr. President, Point of Order? Order 89 and with your permission, I will read.

The President: Please, read?

Senator Sekibo: I am trying to come through this Order because of the opinions of my Colleagues particularly the Chairman, Committee on Judiciary. I respect his opinion. As the Chairman of the Committee something has compelled ten Members, intelligent Senators who are in that Committee to come out with this Bill. It means that there is a problem, however, let me come to the Order.

The President: If you are not convinced about the Order then do not go to it.

Senator Sekibo: Order 89 reads: *The Senator in charge of a bill may make a motion without notice for its withdrawal either before the commencement of public business or on the order of the day for any stage of the bill being read.*

Having heard the opinions and re-actions from my Colleagues I want the Senate to stand down the Bill for further works on it before it is brought forward to you.

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The President: Senator Sekibo, what do you really want? Do you think that if you represent this Bill at any other time it would go through? It will be difficult. Having listened to your Point of Order because it says it can be withdrawn at any stage, we are at the stage where you can still withdraw it, your Point of Order is sustained. The Bill is, therefore, withdrawn.

(Bill by leave of Senate withdrawn)

ADJOURNMENT

Senator Teslim Kolawole Folarin: Mr. President, I move that this Senate do now adjourn till tomorrow Thursday, 23rd April, 2009 at 10.00 a.m.

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Senator Maina Ma'aji Lawan: Mr. President, I rise to second the Motion that this Senate do adjourn till tomorrow Thursday, 23rd April, 2009 at 10.00 a.m.

Question put and agreed to.

Resolved: That the Senate do stand adjourned till Thursday, 23rd April, 2009 at 10.00 a.m.

The Senate adjourned accordingly at 1.05 p.m.