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**Tuesday
5th May, 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**

Tuesday, 5th May, 2009

The Senate met at 10.25 a.m.

PRAYERS

(The President in the Chair)

VOTES AND PROCEEDINGS

The President: Distinguished Senators, the Senate is called to order. We have the Votes and Proceedings of Thursday, 30th April, 2009 before us for approval: Pages 679, 680 and 681.

Senator Patricia N. Akwashiki (Nasarawa North): Mr. President, I rise to move that the Votes and Proceedings of Thursday, 30th April, 2009, be approved.

Senator Bukar Abba Ibrahim (Yobe East): Mr. President, I rise to second the Motion.

Question put and agreed to.

Resolved: That the Votes and Proceedings of Thursday, 30th April, 2009 be approved.

ANNOUNCEMENTS

**Conferment of Fellowship of Chartered
Institute of Management**

The President: My distinguished Bosses and Colleagues, immediately after today's sitting, the Nigerian Chartered Institute of Management has kindly accepted to confer on me, the Nigerian Chartered Institute of Management's Fellowship, in Room 301, at the New Senate Building.

I would kindly appreciate it if those who are not having Committee meetings to attend.

**An Awareness Creating Event against
Maternal Mortality**

My distinguished Colleagues, I am inviting you to an Awareness Creating Event against Maternal Mortality to take place on Wednesday, 6th

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May, 2009 at the ThisDay's Dome, starting at 6.00 p.m. It would be an evening of entertainment, speeches and testimonies on maternal mortality as well as dinner.

Please attend with your spouses.

Yours sincerely,

(Signed)

SENATOR IYABO OLUSHOLA
OBASANJO-BELLO

PRESENTATION OF A REPORT

**Report of the Committee on National Planning,
Economic Affairs and Poverty Alleviation**

Senator Teslim Kolawole Folarin (Oyo Central): Mr. President, the first business of the day is the presentation of a Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation on the screening of Dr. Casmir I. Anyanwu (Imo State) as a Commissioner in the Revenue Mobilisation, Allocation and Fiscal Commission.

You may invite Senator Zaynab A. Kure to move the Motion for the Senate to receive the Report.

Senator Zaynab A. Kure (Niger South): Mr. President, I rise to move the Motion that the Senate do receive the Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation on the screening of Dr. Casmir I. Anyanwu (Imo State) as a Commissioner in the Revenue Mobilisation, Allocation and Fiscal Commission.

Senator Bode Olajumoke (Ondo North): Mr. President, I rise to second the Motion ably moved by Senator Zaynab Kure that the Senate do receive the Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation on the screening of Dr. Casmir I. Anyanwu (Imo State) as a Commissioner in the Revenue Mobilisation, Allocation and Fiscal Commission.

Question put and agreed to.

(Report accordingly laid on the Table)

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ORDERS OF THE DAY

MOTION

Non-Implementation of the Principle of Federal Character in Government Establishments at Various Levels in Nigeria

Senator Teslim Folarin: Mr. President, the first item on the Order Paper is the Motion standing in the name of Senator Smart A. Adeyemi (Kogi West) on the non-Implementation of the Principle of Federal Character in Government Establishments at Various Levels in Nigeria.

I move that we step down the Motion to another legislative day because the sponsor of the Motion is unable to make it to the Senate Chamber this morning.

Senator Maina Ma'aji Lawan (Borno North): Mr. President, I rise to second the Motion.

Question put and agreed to.

Motion by leave of the Senate stood down

CONSIDERATION OF BILLS

National Grazing Reserve Establishment and Development Bill, 2009

A Bill for an Act to Provide for the Establishment, Preservation and Control of National Grazing Reserve and Stock Routes and the Creation of the National Grazing Reserve Commission and for Purposes Connected Therewith, 2009 (SB.114)

Ordered for Second Reading

Senator Teslim Folarin: The second Order of the day is the Second Reading of the National Grazing Reserve (Establishment and Development) Bill, 2009. This Bill was read for the First Time on Tuesday, 8th July, 2008.

You may wish to invite Senator Zaynab A. Kure to move the Motion for the Bill to be read the Second Time.

Question proposed.

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Senator Zaynab A. Kure: Mr. President, I am not unmindful of the honour that you have given

me to stand in this hallowed Chamber to lead the debate for the Second Reading of a Bill for an Act to Provide for the Establishment of a National Grazing Reserve and Stock Routes and the Creation of the National Grazing Reserve Commission and for Purposes Connected Therewith, 2009 following its First Reading which was taken on Tuesday, 8th July 2008. I am most appreciative.

Land both in the past and at present, has always been a precious commodity. Among all the properties in the world except ones life, land is one of the most precious valuable and useful of all. Land is capital, wealth, power, independence and liberty. It is because of its value that individuals, groups, pastoralists, farmers or even nations fight, kill and die.

In Nigeria, land is a major source of dispute today. It can unite as well as destroy people. Therefore, for Nigeria to achieve a meaningful progress in the areas of Economic, Social and Cultural (ECOSCOC) rights, there is the need for carefully planned policies on land and land Rights.

I will not take too much of your time going through all the details here, but I would crave your indulgence to pick some of them.

Grazing Reserves and Stock Routes are territorial lands and delineated paths specially set aside by the government for the purposes of stock holding and grazing as well as movement of stocks from one location to another. The practice of having Grazing Reserves and Stock Routes is not absolutely new in Nigeria. There were efforts in semblance of Grazing Reserves since the period preceding the attainment of independence in the country. Even as contemporarily constituted, the existence of the first set of grazing reserves in the country, with definite legislative framework, has spanned decades; coming to frame just few years after Independence. Likewise, the existence of stock routes is well known since the period preceding Independence.

However, what remains of these facilities in Nigeria today has made it imperative for them to be revisited and to learn from the accrued experiences

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in order to trail a more laudable course. It pays to re-examine our prevailing realities. Also, it serves to recognise the entire scope of our potentials as a nation and then make efforts to tap from the possibilities in order to contribute in propelling our collective quest for national prosperity.

I am sure Mr. President and my Distinguished Colleagues will be in accord with me in the popular assertion that, as a nation, we have a lost legacy of a prosperous agricultural culture. Of course, the indicators to sustain this assertion are well documented as much as they are obvious.

These foregoing expositions explain my ignited passion to bring this Bill before the Senate for consideration. It is preceded, of course, by an explicit identification, through tact and thorough engagement of stakeholders, of the tremendous merit contained therein for the nation.

When established, the Commission will among other things be empowered to control, manage, acquire and establish new Grazing Reserving and Stock Routes.

We will now go to page six because I do not want to take too much of your time. I want you to have time to go through it so that when it is committed to the Committee, you will be able to contribute meaningfully.

Statement of the Problem

Hitherto, cattle routes were protected by Emirs, Chiefs, Obis and Obas at their convenience. These arrangements were gradually eroded due to lack of formal legislation and the growing activities of crop farmers and those interested in land speculation.

On 29th March, 1978, the Land Use Act came into existence as a national legislation and completely changed the land tenure system of this country. The Land Use Act prescribed the mode of acquisition, disposal and enjoyment of land in both urban and non-urban areas of the country. The Federal Government has been given powers under Section 28(2) of the Act to issue notice to any State Governor, indicating the intention of the Federal Government to acquire any land for public purposes, which includes requirement of land for the purpose of establishing National Grazing Reserves and Stock Routes. The Governor must revoke any existing interest in the land in favour of

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the Federal Government.

The Land Use Act provides for a statutory body to handle disputes arising from compensation. These bodies are the Land Use and Allocation Committee in Urban areas and Land Allocation Advisory Committee in non-urban areas. This is not to say that the Land Use Act does not have its shortcomings. Also, as it is important to note that there is no existing legislation passed by the National Assembly on the subject matter.

Problems in the Existing Legislation

The existing laws governing Grazing Reserves have over time been rendered obsolete. The Grazing Reserve Laws are incompatible with the general scheme of the Land Use Act. The mode and procedure of acquisition, payment of compensation and tenure of land under the Grazing Reserves laws are inconsistent with what the Land Use Act provides. One significant area that is lacking, as a matter of fact, is the presence of a national legislation on Grazing Reserves. Also, even though Stock Routes have existed they are rarely gazetted.

There are a lot of other socio-political problems associated with pastoral activities in the country. Livestock production is an integral part of agriculture. But some of the problems associated with the sub-sector are peculiar. Some of these problems as identified below are largely induced by ignorance, negligence and the Land Question which is very vital. Some of the problems are;

- i. There is an inadequate recognition of the roles and contributions of the pastoralists to the nation's economic growth compared to other agriculturists who cultivate certain crops such as cassava, palm oil, cocoa, groundnut, wheat, *et cetera*. Some of these agriculturists enjoy what is now referred to as *Presidential Initiatives ad Palliatives*.
- ii. There are also perennial and incessant conflicts, clashes rancour and social frictions between pastoralists and farmers or landowners. This brings the issue of land Question. For example, the Zango Katag crises, though prima-facie religious, it was subastrenously originated from land conflict. Other examples abound between herdsmen and farmers across the length and breadth of this country. We have witnessed this kind of crisis

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in Katsina, Taraba, Benue and Adamawa States just to mention but a few.

- iii. The adequacy of grazing land, stock routes and water points make pastoralists to move from one part of the country to the other (North, South, East and West) and even beyond in large numbers with women and children who are vulnerable groups because of lack of fodder banks, dams for water and other facilities. This unique practice also involves moving and controlling a large number of livestock manually and on foot day and night across a lot of farmlands, fadama, rivers, streams and dangerous forest zones. All of this, is in order to keep providing that essential part if human diet, meat and milk in sufficient quantity
- iv. Though they are mostly traditionally fashioned, the existing Stock Routes have been suffering from encroachments due to many factors ranging from population explosion and government policies like the fadama projects.

The Synopsis of the Bill

There will be a legislation of the National Assembly of the Federal Republic of Nigeria (i.e. an Act) establishing National Grazing Reserves and Stock Routes throughout the country. The legislation constituting grazing reserves, in addition to establishing the National Grazing Reserves Commission, will draw up clear guidelines for the users and beneficiaries of the grazing reserves and impose stiff penalties for all violators of the legislation.

Governments at all levels, through traditional rulers and other appropriate authorities will do everything possible to create a sustainable relationship between pastoralists and other communities to facilitate cross-cultural understanding.

There would be adequate incentives for experts and professionals that will be posted to work in the proposed National Grazing Reserve. In view of the importance of the land to the establishment and development of grazing reserves, negotiation and persuasion vide consultative process as against compulsory acquisition will be to acquire land and where government is forced to acquire the land compulsorily, adequate and prompt payment of

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compensation will be made to forestall unnecessary conflict, estrangement and apathy.

The Bill – Aims and Objectives

Mr. President, my distinguished Colleagues, may I crave your indulgence by viewing along with me, the aims of this Bill through the spectacle of nationalism. Its aims are literarily objective and aggregated with the most nationalistic intent.

The Bill seeks to facilitate a general platform for the improvement of the socio-economic life of millions of Nigerians. When established, the law will among other things, provide a legal protection to the pastoralists, the crop farmers and land owners. This in itself is a potent conflict prevention and management mechanism, in view of the constant and incessant clashes we have witnessed between pastoralists and crop farmers and landowners which appear to have defied all previous efforts aimed at resolving them. These unfortunate clashes usually lead to loss of lives and destruction of properties as well as physical and mental trauma.

The optimal attainment of basic education by all children of school age is one target that is very dear to our hearts; taking cognizance of the challenging requirements of the Millennium Development Goals (MDGs). This Bill which envisages an organised and scientific herd management and pastoralism will be a tool for the establishment of good environment for the consolidation of the Nomadic Education Programmes. In addition, this will go a long way in facilitating adherence to the child rights.

The establishment of grazing reserves will create an ample avenue of Private/Public Partnership (PPP) and all the attendant multiplier effects. This initiative is widely acclaimed to be an effective poverty reduction mechanism. More so, the expected available facilities within the reserves will be aimed at increasing productivity in the area of provision of sustainable meat and milk requirement in Nigeria and for export.

The establishment of grazing reserves presents a multiple facets of gains in environmental front. The issue of environmental sustainability as one of the components of the MDGs is critical to the consideration of this Bill. In view of the increasing

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vulnerability of dry lands areas to environmental degradation, the question as to how pastoralists can be stabilised is pertinent. More so, preservation and protection of the environment by restricting felling of trees, deforestation, bush burning, *et cetera*, within the Grazing Reserves is in line with all the International Conventions on environment binding on Nigeria. For example –

- (a) UN Convention on Biological and Bio-diversity
- (b) Convention on Climate Change and Desertification
- (c) Vienna Convention for the Protection of the Ozone Layer
- (d) Convention on World Cultural and Natural Heritage
- (e) Convention on Conservation of Living Resources
- (f) International Convention on Economic Social and Cultural Right

The Cost

The cost of establishing the Commission, stipulated by the Bill, is estimated at the average maintenance cost of a Commission and that is between N50 to N70 billion.

Funding

This would be in accordance with the sharing formula agreed to by the National Council of States as follows –

Federal Government	-	70%
State Government	-	20%
Local Government	-	10%

In addition, donor agencies like the United States Agency for International Development, USAID, the Department of International Development, DFID, the African Development Bank, ADB and World Bank could be other sources of funds.

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Conclusion

Mr. President, my distinguished Colleagues, I urge you to demonstrate total support to this Bill which in summary is aimed at achieving among other things, the following –

- A harmonized unified legal framework for the constitution, preservation and control of Grazing Reserves in all the States of the Federation by an Act of the National Assembly
- Providing for a sustainable meat requirement in Nigeria and general growth in agriculture
- Prevention of constant and incessant clashes or rancor between pastoralists and farmers or landowners leading to loss of lives and limbs
- Encourage an organised scientific herd management and pastoralism in view of the loss of child labour especially with the coming into force of the Universal Basic Education Scheme and Child Rights Act.
- Provide legal protection to the pastoralists and crop farmers.

I crave your indulgence to give me this Bill. Thank you very much.

Senator Jibril Mohammed Aminu (Adamawa Central): Mr. President, I rise to humbly and most seriously support the Bill moved by distinguished Senator Zaynab Kure. This may yet be one of the important Bills passed by the Senate in terms of solving economic, social and security problems of long standing.

With your permission, I would like to congratulate Senator Zaynab Kure on her effort. I have studied the Report thoroughly which she kindly submitted to me. I must say I was extremely impressed by the amount of work and care she put into the preparation of the Bill which I believe deserves the support of the Senate and all government and people of this country.

The Bill deals with the very important part of our livelihood which is our livestock. The economic logic behind this Bill is unassailable. We

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could see how much destruction is occurring in the environment and how expansion of the population is restricting the amount of food particularly protein available. The livestock sector is responsible for what I can call the protein sector on fishing and it depends largely on these herdsmen, many of whom are nomads and trans-human.

If you have a grazing reserve which is available and is looking after these people and they are confined within that legal area, you would be able to do a lot more things; you would be able to improve the production of the livestock by the development of technology by available inputs and the promotion of knowledge. If only for that, then we need to keep these people in some reserves where they can be accessible to developmental initiatives.

Secondly, most of the livestock really is controlled by migrant herdsmen, people they called nomads, they move from place to place and they are not settled, but we know that ultimately, they would all need to be settled. Every Fulani man you see here and elsewhere was a nomad at one time or the other. Eventually, they got settled down for different reasons and with different results. We should be able to attend to this problem of this nomadic people and their miserable existence if we have grazing reserves whereby they can be confined in a given area and would be given whatever support they require.

Thirdly is security. As distinguished Senator Zaynab Kure amply indicated in her Motion for the Bill. This is the most frequent cause of problem between the farmers and the nomads; where is a place where I can graze and where I cannot graze. I have heard these rules for centuries but as development occurs, they get overtaken. I passed here last year with my cattle, this year I find a house, or a farm or a school. They will argue that they have been using the land before and they would be told, no, you can no longer use it any more and then fight will ensue and in most cases these fights are very bloody as it results into a lot of deaths of both people and cattle. So, if there is a Grazing Reserve where these people are then you are going to restrict between the farmers and the herdsmen.

On the environment, there are areas where sometimes you have overgrazing. This is one of the

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problems they normally experience on the Mambilla Plateau because of the large number of cattle and poorly maintained and no technologically developed grazing areas. So, the environment gets ravaged. Like I flew from Yola to come here, you can see how much the environment is being ravaged and one of the reasons is grazing and overgrazing by both the large and the small animals in addition to any other forms of human activities. If there is a Grazing Reserve in any area, you can control it and make the grazing area lasts longer and protect the environment.

In this country, this problem has been discussed over and over again. The Federal Government in the 80s set up a Commission on Nomadic Education to help the nomads settle down but everybody knows that in the end you also need to have other forms of inputs into their livelihood particularly a grazing reserve, settlement and healthcare and every other thing. Grazing Reserve is one area of doing it.

I cannot remember whether there was any particular legislation on this matter but one thing is clear, it is not working. Not many State Governments addressed themselves to this and if you have a Commission, which is very good and can talk with State Governments because this land according to the Land Use Act belongs to the State Governments. This Commission is going to be very good and will be able to talk to the State Governments and get things done. I am sure they will be represented on the Commission itself.

The task is very enormous. N50 to N70 billion will do it but it will continue to earn more. On the other hand, if you improve your livestock and relations then you are going reap a lot more than N50 or N70 billion or whatever is spent on it. These are very viable for the economy of this country and for the developing nature of our society and also for the supply of foodstuffs and for bringing about peace and security within our borders.

I support this Bill and I will urge all the Senators to kindly support the Bill for us to expedite its passage. Once more, I congratulate Senator Zaynab Kure on this excellent achievement on her part.

The President: Is there any other Fulani man?

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Senator Mohammed Mana (Adamawa North): Mr. President, I rise to support this Bill. I want to use this occasion to congratulate our Colleague, Senator Zaynab Kure for bringing up the plight of the nomadic herdsmen.

Nigeria is due to have up to one billion cattle, sheep and goats but I want to tell you that this one billion is not adequate to feed 150 million Nigerians. We have to supplement this with imports from our neighbouring countries particularly, Cameroon, Chad and Benin Republic.

The issue of the plight of the nomadic herdsmen has been discussed over and over. I believe this Bill seeks to solve this problem once and for all. I will, therefore, urge my Colleagues to support this Bill because if this Bill is passed, there will be no problem of supply of meat and protein generally to every home will be solved. There is no day any home in Nigeria does not feed on either meat from cows, goats or sheep. So, this Bill touches every life in Nigeria. But unfortunately, over the years, the developments of the herdsmen who are the main producers of these products have been neglected. They move daily from one place to the other; they fight with their neighbours, the farmers despite the facts that all of them are the source of food supply to our homes.

I want to tell you that this movement of the cattle from one place to the other does not allow them to produce the maximum meat allowable to them. They move from one place to the other and in such a situation, the government would not be able to provide the necessary facilities for them; such as; markets, banks, and even to educate the children of these nomads. But, if we are able to provide them a grazing reserve not like Indian Reserve in America, you will be able to provide these facilities to them so that they can educate their children; they can market their products and can even settle and also farm to supplement their earnings.

On the sharing of the burden of this Bill, I fully support Senator Zaynab Kure. The burden should be shared proportionately among the Federal Government, the State Governments and the Local Governments.

Senator Kabiru Ibrahim Gaya (Kano Central): Mr. President, I am 100 *per cent* Fulani. We have Fulanis in Kano State.

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I want to commend Senator Zaynab Kure on her Bill on the National Grazing Reserve. I do not know if she is a Fulani Lady but, at least, it is a welcome Bill and well deserved.

Our major problem is not really setting up the grazing reserves but certainly, defining locations, otherwise, within no time, we would be losing animals that we transport from Chad to Maiduguri or from Maiduguri to Chad to Lagos and other parts of the country.

I know in some other countries, they dedicate specific locations for farming. Like in India, they have a State called Punjab which mainly produces wheat. They have another State which mainly produces milk because they require milk in that area. I believe that such State have grazing areas. Here in Nigeria, States where cows are available in large number, such as Adamawa State, we do not have grazing areas. When you have grazing reserves, there should be facilities at those grazing reserves such as schools, health centres so that you can stop nomadic movement. This is because during their movement they create insecurity in some States. I remember the issue of Zango Kataf. It did not start really as a religious problem. It started mainly between grazers and farmland owners before the religious aspect was imputed into it. We need to look at these areas.

I support the Bill raised by Senator Zaynab Kure and it deserves our total support.

Senator Mujitaba Mohammed (Jigawa South-West): Mr. President, I want to begin by expressing my support to the Bill as presented by my Colleague, most distinguished Senator Zaynab Kure.

To begin with, the grazing reserve is just a piece of land that is acquired and developed by government and eventually handed over to pastoralists. The history of grazing reserve in Nigeria started during the pre-colonial era, when the Fulani conquered and ruled Northern Nigeria. But formal grazing reserve started in 1954 and by 1964 government had developed more than 6.5 million hectares of grazing reserves in Nigeria.

It was in 1965 when the then Northern Nigerian Government enacted the Grazing Reserve Law of Northern Nigeria. By 1980 with the

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assistance of the United States Agency for International Development; the government was able to establish 2.3 million hectares of grazing reserves.

The acute scarcity of grazing land faced by the nomads is posing serious challenge to the economic development of not only Nigeria but also the entire West African Sub-region.

It is interesting to note that by 1960, according to Multimoor and Wilson, farmers in Northern Nigeria cultivated more than 83.5 *per cent* of the total land. So, we can appreciate the scarcity of grazing land faced by the nomads.

Indeed, the persistent conflicts between Nomads and Pastoralists cannot be resolved without having a competent body with legal mandate to protect and develop grazing land and stock routes. That is why the issue of conflict between Nomads and Pastoralists has become a serious agenda on security not only in Nigeria but even within the Africa Sub-region as a whole.

I do not need to go further because of the very rich lead debate presented by Senator Zaynab Kure but I will want to conclude by urging my Colleagues to give a very good support to this Bill because the Bill would go a long way in ensuring the much needed economic development of the nation and also help the promotion of security and stability in the country.

Senator Iyabo Olusola Obasanjo-Bello (Ogun Central): Thank you, Mr. President, for giving me the opportunity as the first non-Fulani person to contribute to this Bill.

The lack of understanding of the contribution of nomadic cattle herdsman to the food chain in Nigeria is one of the major problems inhibiting the development of the nomadic cattle herdsman. The people that actually eat the meat that the Fulani cattle herdsman provide fight them on a daily and regular basis because they see the nomads as miscreants roaming the streets. Some people go to markets to buy meat which was provided by the people they regard as nobodies on the streets. Who raises cattle in Nigeria for consumption as meat? It is the nomadic cattle herdsman.

So, if we do not solve this problem the protein intake of our people would continue to diminish.

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The cattle herdsman are the main providers of meat protein to the population and as Senator Mujitaba Mohammed said, not only in Nigeria but also to the whole of the West African Sub-region.

The problem of conflict between the settlers and the farmers is a constant one and it is not limited to any region of the country, it is all over the South West as well. It is a constant problem because the nomadic cattle herdsman move during the dry season all the way to even Lagos before going back. So, it is not something that is limited to any part of the country. Therefore, grazing land must be established across the regions of the country.

I am a little bit concerned about the implementation but I leave that to the Committee to decide how it would be done. I believe that there lies the problem. It is going to be a very difficult issue at the implementation stage but it is something that we must face sometime in our development. If we could develop grazing areas, then the conflict we have talked about would, of course, be resolved. But practically how it could be done is really going to be a problem.

I know that in South West Nigeria, there are people we call Settled Fulanis but they settled on their own without any instigation by anybody. They communicate and live side by side with the people of the area. So, it can be done, but we need to manage it. When they are settled they should not become like urban people wanting other forms of livelihood, but they should continue to raise cattle. If we settle them and they stop raising cattle we would find that in a few years, we would be importing as much beef as we are importing rice now. So, we have to find a way to settle these people while making sure that they continue to raise cattle for human consumption.

This is my little contribution. I am really impressed by the details and I think this is a good Bill to send to the Committee for review.

Senator Wilson Asinobi Ake (Rivers West): The President of the Senate, I believe that this is a well intentioned Bill aimed at bringing some order and the control of the environment.

A lot of damage has been done over the years by free grazing on our lands and I believe that if

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this is checked it is going to save the farmers from the damages they suffer yearly.

My concern is on funding. From what we saw here we have ₦50 to ₦70 billion maintenance cost. Is this annually or once for all thing? The Federal Government is to pay 70 *per cent*, the State Governments to pay 20 *per cent* and the Local Governments to pay 10 *per cent*. Which are these States? Is it the 36 States of the Federation that would be paying 20 *per cent*? Is it the 774 Local Governments that would be paying 10 *per cent*? I do not know how we can force the states from this enactment to pay this money. Which are the states that are going to pay this money? Is it the states that have comparative advantage in stock grazing because what we are talking about is livestock business? Let us understand exactly those to be involved in this before we pass something that would be difficult to implement. This is just an area I want the mover of this Bill to explain.

Again, if you look at Clause 77(3) it talks about compendium. I do not know if this brief is what we have been talking about in terms of compendium. Compendium itself is not included in this Bill. We need to know more of this before we rush into approving it.

The President: So, where do you stand now? Are you in support or you are against?

Senator Wilson Asinobi Ake: My position is that sufficient information has not been given to us. She has to give us more information on the Bill before we can pass it to the relevant Committee for further legislative action.

A Distinguished Senator: Indirectly, you are opposing the Bill.

Senator Wilson Asinobi Ake: Yes.

The President: What question did you answer yes to? (*Laughter*)

Senator Wilson Asinobi Ake: Mr. President, I am sure that everybody wants to know this. All the Senators want to have this information before they can pass the Second Reading of the Bill. The sponsor still has the opportunity to explain some of these areas that are in doubt because she is supposed to talk after everybody has made contributions. She has the freedom to do that.

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Senator Ikehukwu John Obiorah (Anambra South): Mr. President, let me perhaps, start by clarifying some of the questions raised. I am in possession of the lead debate and that entitles me to offer my comments.

I see that the cost is an estimated cost. Ultimately, during appropriation, every money that would be spent by this Commission would go through the process of appropriation by the National Assembly. The distribution of responsibility as to the funding as I read here, is subject to agreement by the National Council of States. It is not cast in stone.

As a matter of fact, I will like to congratulate Senator Zaynab Kure for an in-depth analysis of this problem and the way she has presented it in an intellectually gifted manner. The food crisis Nigeria is facing currently is as a result of our non investment in agricultural resources. We have tended to rely only on oil and gas and look at what is happening. The country is not self-sufficient in food production. We cannot feed ourselves. It is our ardent responsibility to ensure that we diversify, and go back to that era of Nigerian experience when we had stacks of pyramids of groundnut, when we could graze cattle and animal and feed ourselves. No nation has national security if it is not self-sufficient in food production.

What is more, any grazing reserve which has been proclaimed by the Commission and accepted by the Government, automatically, is environmentally accepted in today's world. The emission of carbon monoxide which is depleting the ozone layer has necessitated that we have to give much more land, much more resources for replenishing our natural bases in order that we do not go extinct in this world because of our industrial production. So, any particular reserve which has been established by the Commission will go to assuage our environmental needs because we do not have enough forests reserved in line with the demands of environmental protection of the day.

The greatest problem facing us today is poverty apart from sickness, diseases and such likes. It is poverty. We are very poor. Will this grazing provides sources of employment especially for the nomads? We have to encourage that. We have to create the reserves and diffuse the tension that comes up when we see cattle in the market places and on the roads. Just as Senator Iyabo

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Obasanjo-Bello has said, we tend to look down on cattle herdsmen but at the end of the day we go to the markets to buy meat. If we provide the reserves where the cattle can be breed and reared, we would be diffusing cultural tension between the urban dwellers and the dwellers of the hinterlands.

So, I support this Bill because I believe it is important. It will sign-post our determination to the match to glory in self-sufficiency in food production and poverty alleviation.

Senator Nuhu Labo Aliyu (Niger North): Mr. President, I am not a Fulani man but I have very long standing relationship with them.

The Bill as presented by my distinguished Colleague, Senator Zaynab Kure is a very good one. It is a Bill that has been waiting for a very long time. This is one of the Bills that are very important for the development of our great nation in terms of food production.

My only fear is that no matter how good the Bill is, no matter how we deliberate and debate on it and eventually pass it into Law, only God knows when it will be signed into Law. This is because all the previous Bills we have passed to Mr. President, including the ones we passed during Obasanjo's Administration, Mr. President you are very much aware of this, they have all been returned and they are still pending with the Senate. Similarly, other Bills that we have passed except those initiated by the Executive, they have not been signed into Law. It is unfortunate.

This particular one that Senator Zaynab Kure has brought about, which is for the Establishment of Grazing Reserve for the cattle rearers and the establishment of stock routes, because the people of this country, both from the North and the south is very much aware that every year the Fulanis move from the North to the South and from the South to the North. The Fulani man knows no boundary. During the dry season the Fulanis from Niger, Chad, and Cameroon move to the North and then down South and as soon the rains begin to come they go up North again and there is a lot of security risks involved. This is because you cannot stop a Fulani man from grazing. He can stake his life for his animals to feed and drink water.

The Northern Nigerian Government knew this. It was a very serious issue and as a result grazing

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reserves were created. I want to talk about the ones I know in Niger State. Mr. President, you were once a Governor of Niger State and you know what I am talking about. We have what is called Mokwa Games Reserve. You also know Funa Funa Game Reserve which is within my Constituency. In each of these Reserves dams have been built for the animals to take water after grazing. The Federal Government had taken over some of them but you need to see what they are today; completely abandoned and non-functional.

Also, about stock routes, if you go into Northern Nigerian Laws you will find the stock routes clearly marked from the North to the South. Anybody who ventured into those routes was prosecuted. But what is there today? Since states were created all these routes have been neglected, abandoned and farms, even homes have sprang up on them.

This Bill has a very serious challenge and I believe by the time it goes to the Committee, the Committee will have a lot of work to do and they will have a lot of documents to look into. If the Committee Members check the achieve in Kaduna or wherever they would find the Laws and get information. It is a very good initiative by Senator Zaynab Kure and we should all support it because Nigeria is getting smaller and smaller in terms of land. This is because population is increasing and people have to have homes and farms. If we do not create these routes, time will come when there would be serious threat to security, law and order. Therefore, I strongly support the Bill and I urge my Colleagues to give it a thought.

Senator Kanti Bello (Katsina North): Mr. President, I really appreciate and support this Bill. The Bill should be supported. But there is a lot of work on it. Honestly, if it is going to be a Commission I do not know if that Commission is going to be effectively functional. This is because there is a conflict which we have to take into cognizance as regards the Constitution of this country as well as the Land Use Act.

Let me refer you to Section 315(5) of the 1999 Constitution where it clears says: *Nothing in this Constitution shall invalidate the following enactments, that is to say:*

(a) *the National Youth Service Corps Decree 1993;*

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- (b) *the Public Complaints Commission Act;*
- (c) *the National Security Agency Act, and*
- (d) *the Land Use Act.*

On the Land Use Act, I tried to look at it and see what our powers are. If you go into the Land Use Act, it is stated even in the first Chapter that all lands comprise in the territory of each State except land vested in the Federal Government or its Agency solely in the Governor of the State who will hold such land in trust for the people and they will henceforth be responsible for the allocation of lands in all urban areas to individuals and organisations to invest in agriculture.

Let me also bring this Senate to the powers of the Local Governments in relation to land not in urban areas because the powers for land administration are solely with the Governor and the Local Governments as enshrine in the Land Use Act.

For the avoidance of doubt, we cannot even amend that Land Use Act unless we go back to Section 9 of the Constitution which clearly states that we need two-thirds of our Members here and at state levels to agree to it.

So, if you look at the powers of the local governments, it states in Sub-section 6 of the Act that:

- (1) *it shall be lawful for Local Government in respect of land not in the urban area to –*
- (b) *grant customary right of occupancy to any person or organisation for use of land for grazing purposes and for such other purposes solely for agricultural purposes as may be customary in the Local Government Area concerned. No single customary right shall be granted on the part of the area of land in excess of 500,000 hectares if granted for agricultural purposes or 5,000 hectares if granted for grazing purposes except with the consent of the Governor.*

What I am trying to say is that we have this organisation but we have to ensure that when this Bill is referred to a Committee the Committee must be mindful of all these provisions and we have to be very careful. They are very good things. There is

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a lot of problems each time farmers come from our neighbouring countries and sometimes you find that they eat the farm products of the farmers in the local areas. This results into fighting, therefore, we need stock routes.

This Commission when eventually established should work with the Local Governments and the State Governments because that is where the powers stand. There should be harmonisation between the Commission and the State Houses of Assembly because it is a very dicey issue.

Senator Uche Chukwumerije (Abia North): Mr. President, permit me to lend my voice to all those who have commended the qualities of this Bill; the quality of research and the dept of analysis. I am highly impressed by the comprehensive approach in research by the author of this Bill.

I want to say that my interest in this Bill is very local. If this Bill is passed through as a salvation to my local government in particular and I hope my friend Senator Jibril Aminu is listening, it will help to prevent the continuous damage done to our farmlands. In the last few years, the farmlands in my area are daily ruined by Senator Jibril's brothers. The streets in my area are daily polluted by Senator Jibril's brothers with their cattle resulting in incessant but avoidable conflicts. I think that the Commission stipulated by this Bill will go a long way in providing a permanent solution, especially with the stipulation of routes meant for the cattle and the even spread of the grazing areas.

The general but very fundamental issue of meat requirement for the country in the context of addressing the issue of national food sufficiency, I fully support and that has been very well argued by many of my Colleagues.

As I said my only interest here is local and I am very happy that this Bill is coming to save my Local Government in particular from the hands of Senator Jibril and his brothers on what they are doing to us.

Senator Ahmad Ibrahim Lawan (Yobe North): Mr. President, I represent an area that typifies the annual conflict between the nomadic Fulanis and the sedentary farmers in that part of the country. This is more so because ours is a marginal

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land with a combination of desert land and isolated but very important oasis or water points.

Annually, we lose lives because of these conflicts. So, this Bill is timely. Let me quickly add that it has in addition to the agricultural dimension, it also has environmental and security dimensions. I am happy we are talking about the marginalised peasant farmers who, over the years, lost their lands to infertility and encroached on the cattle grazing reserves and stock routes. Maybe, by way of digression, I would like to add here that instead of using the ₦200 billion for commercial farming, we should cater for those who have kept Nigeria going.

After going through the Bill, I support it *in toto*. But I have my fears because over the years, most cattle routes which the then Northern Region demarcated, had either disappeared or narrowed. Now it is going to be a new beginning because the sedentary farmers, who possessed the land, would not easily let go and that means that there will be a lot of compensation for the people that would lose their lands when we have to redefine the fresh routes. We are here at this point to request that we need subsidiary legislation as was pointed out by Senator Kanti Bello.

The Commission which will be established by an Act of the National Assembly would not be enough, so, there have to be some subsidiary legislation by State Houses of Assembly and maybe, the Local Government Councils would also come up with some legislation or administrative arrangements. This is because, at the end of the day, we would have the main arteries of the routes which we all know, have national and international dimensions. But the main arteries will only be important and relevant to serve the purpose for which the Commission will be existing when we have internally reticulated routes that will fit this. Of course, we cannot, in my opinion, use only ₦50 or ₦70 billion to have what we want. I believe that this estimate is very low and given the fact that the State Houses of Assembly would also have some legislation, we need to improve on the contributions of the State Governments. This is because unless we have the support of the State Governments, this Commission would be incapacitated when it is established.

Finally, I want to add that, maybe, ₦50,000 for an infraction is quite big because we are talking of peasant people. I want to see an arrangement

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where infractions would be properly minimised and that is to say that administration and management arrangements must be foolproof so that there is little room for people to be forced. This is because most of the time, people were forced to encroach. So, we need to minimise encroachment and infractions of the law, otherwise, we would end up having so many people in prison because so many would rather be jailed instead of not getting food for their animals.

In Section 3(1)(b), we need to have an additional Ministry of Environment because this has environment angle and even Ministry of Justice because at the end of day, they will have to be aggregating on some of these issues.

Senator Bukar Ibrahim Abba (Yobe East): Mr. President, I rise to totally support this Bill. Almost every important aspect that touches on the pastoralists, not just the Fulani cattle rearers but pastoralists generally in Nigeria because we do have the Kwayams and the Shuwas and the Bodiese of this world who are also pastoralists and who are not Fulanis. If we are talking about pastoralists, there are a lot more than just the Fulanis. I happen to have sides, the Fulani and the Kwayam sides of the pastoralists. So, I am an ex-pastoralist. I know about 20 Senators who have one thing or the other to do with pastoralists. We were very great conquerors before Nigeria became Independence and who are all over the country but whose interests are hardly ever directly tackled by the Nigerian nation.

Today is a great day for the pastoralists or the cattle rearers because a Bill is being considered which directly affects them, whether they are Fulanis or not; they are pastoralists indeed.

Most of my Colleagues have touched on almost all the important aspects of this Bill but there is an area which appears to be totally neglected. Going through the lead debate, I discovered a short paragraph on pages 5 and 6 which with our permission I will read. It says: *Later in the 1990s, the Petroleum Trust Fund under its Pastoralists Development Programme identified and recommended 22 Grazing Reserves for the rehabilitation eight of which are Borno and Yobe. However, this plan could not go beyond the initial mobilisation phase following the abrupt end to the Fund in 1999, of course, this Bill would solve all the problems, but in the most recent past, the*

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Presidential Committee on Livestock in 2003 which presented recommendations to the then President after carrying out a detailed assessment of the livestock industry. But the most important two sentences follow: No action was taken on it anyway. Recently also, the 2007 Ministerial Committee on pastoralists/crops farmers conflict resolution was set up by the National Council on Agriculture. The last most important sentence says: This Committee later produced a new initiative and prototype document on grazing reserves/stock routes development and permanent settlement of pastoralists in grazing reserves.

Of recent, a lot of people have been thinking along this last paragraph of *permanently resettlement of the pastoralists*. There is no country which can call itself a developing country today where people roam about with animals as pastoralists or as cattle, sheep or goat rearers or whatsoever.

In the final analysis, the solution to most of these problems is to permanently, resettle them. These pastoralists are not poor people by Nigerian standards. They are much richer than the small communities where they stay in and are always fighting. They are not poor people. It is just that they are not organised. They need government and legal backing to resettle, stay with their cattle just like in any other developed part of the world. One Fulani man that looks like a very poor person might own a hundred herds of cattle and that runs into millions of Naira. He is not a poor man, but he needs government assistance to get settled. The country, the society and the communities stand to get richer and better for it if they are resettled. Resettlement today, is the main thing that people talk about.

We have brought this matter at the ECOWAS Parliament level and something is being done but obviously, it will take a long time. It is not just a Nigerian situation, but a West African problem because in the North Africa, countries like Tunisia, Egypt, Libya and Morocco hardly have pastoralists moving about freely, left, right and centre all over the country. They are almost resettled in very big Games Reserve or Cattle Reserve with their families, tractors and pick-ups, televisions in their houses with their cattle living in the farm and they do not fight with anybody because they hardly ever get out of whatever land that is designated and given to them.

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My worry is that when it comes to the main Bill under Section 6; Functions of the Commission; this issue of resettlement has been totally left out even though the points I read to you earlier was submitted to government in the year 2007 and it is receiving attention. The actual Bill does not allow, even in the near future, for any resettlement to take place. That is my worry and there is need for the Committee to look at the issue of permanent settlement for pastoralists whether in the Games Reserve or near the Games Reserves. That is the aspect I am very much worried about.

The President: A lot of people have contributed and unless there is anybody who has something that has not been said actually, because we have said so much.

Senator Ike Ekweremadu (Enugu West): Mr. Senate President, let me start by joining the rest of us in commending Senator Zaynab Kure for the very brilliant presentation she made this morning. It is more of a confirmation of what most of us had thought about her as a hard working Parliamentarian. After eight years as a First Lady, she had continued to work hard in the Public Service as exemplified by the product of her Lead Debate this morning.

I support this Bill for two reasons. As a member of the PDP, it is one of our 7-Point Agenda to support agriculture and whatever we need to do to improve food production, including meat, needs the support of this Senate.

Secondly and most importantly as well, the need to have a body that will settle disputes between our cattle rearers and our farmers. I come from a farming society and I represent a farming Constituency. During my days as a Local Government Chairman, I spent almost half of it settling disputes between cattle rearers and our farmers. So, if we have a Commission that will have the capacity to settle these problems, it will be most appreciated. If we have stock routes so that these cattle would have definite routes in which they will take without necessarily interfering with our farms, I am sure, that would help to solve the whole lot of problems and diffuse tensions in most places.

I again share the concern of some of my Colleagues, which I believe the Committee will need to take seriously and advice this Senate when

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it is sent to the Committee. One of such issues is the Land Tenure System. In the 1960s, particularly, 1960 and 1963 Constitutions, the issue of livestock was neither in the Exclusive List nor in the Concurrent List. It was a residual matter for the Regions at the time and that was why it was necessary for the Northern Region Government to have a Law in 1965 setting Grazing Reserves and Grazing Routes. It was also possible at the time because of the Land Tenure System in the North, which was quite different from the rest of the country.

As at time, lands were vested in the Government of Northern Region. That was not the case in the Eastern and Western Regions. At the time, lands were owned by families and communities, so it was impossible as at that time to have legislation such as we had in the North because it would be difficult to acquire those lands because at that time, those lands were vested in various families and Communities.

But in 1978, with the coming into effect of the Land Use Act, as stated by Senator Kanti Bello, all lands were vested in the Governors and Local Government Chairmen respectively. Lands that were acquired by the Federal Government prior to that Act, still remained in the hands of the Federal Government. Every effort by the Federal Government thereafter to acquire land in most states met with much difficulty. We recall Lagos State Government and Federal Government going to court severally in respect of compulsory acquisition of land by the Federal Government in that State.

That remained the situation until 1999 Constitution which now entrenched the Land Use Act in the Constitution and makes it almost impossible for that Act to be amended without amending the Constitution. Some of the challenges that this Bill will have is how to acquire land for grazing and stock routes in most States.

In addition to that, the government of the day is also coming up with Land Reform part of which is to take away ownership of land, at least, to a limited level from the Governors to families again, so that they can use some of these lands and properties to have access to funds from the Bank. If that happens, it will frustrate the intendment of this Bill. So, I believe that all these technical, legal and constitutional issues need to be taken into

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cognisance by the Committee and advice us appropriately.

I support the Bill and I believe that with diligent work by the Committee, this Senate will be guided better to take a final resolution of this matter.

The President: Is there any other issue not raised?

Senator Maina Ma'aji Lawan (Borno North): Mr. President, I have a brief remark to make on the Bill that is being considered for Second Reading. Let me first of all declare my interest in this Bill.

I am a cattle rearer. I have a family history of over a thousand years of cattle rearing and I am currently very active. I have over a thousand herds of cattle in the Chad Basin. It is not in the modern mode of farming but in the typical Fulani rearing cattle. Therefore, I have a personal touch and emotion when it comes to making things easier between farming and cattle rearing communities. The obvious security, socio-economic aspect of it has been fully captured.

I would also like to point out that having come from a community where there is a very close intimate interface between the two aspects, the farmers and cattle rearers I can say that it is possible that those Laws that were enacted by the Northern Regional Government, to a very large extent are being applied, but the application has to be done with a close relationship between the traditional institutions at the lowest level of government, the law enforcement agencies and directly interested parties.

I am aware of the larger national efforts that are been made. But whatever larger national effort we make, it has to translate to the nitty gritty of relating it to the community for the purposes of operation. The only voice I want to lend to this legislation is by way of appeal to our Colleagues who are raising the technicalities of it. As a matter of fact, the Land Reform that Mr. President is envisaging in his Seven-Point-Agenda should be looked into and taking advantage of in trying to integrate it to this very important Bill because here is a window to look at it in a more holistic way.

I call upon my Colleagues to support the Bill so that it will be forwarded to the relevant

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Committee where the nitty gritty of what we are talking about from the perspectives of technicalities could be sorted out. It is a worthy Bill that deserves the support of all Nigerians because of its obvious socio-economic, social aspects and security implications.

I lend my voice in support and call on all my Colleagues to support us. As a full fledged member of the Miyeti-Allah (Cattle Breeders), I proudly stand by this Bill.

The President: Minority Leader, you have just raised an issue. There are obvious technical problems which we cannot run away from. The Land Used Act as it stands now does not favour this Bill. I am sure that when it gets to the Committee, they would be able to find a way round it. Indeed, as it stands now the State Governors and Local Government Chairmen have to be involved. That Commission should know that they cannot go with a sledge hammer to acquire land. It must be through serious negotiation and consensus with all the parties involved.

Senator Zaynab Kure, I hope these points are noted because they are really important that we cannot just wish them away. They truly do exist and they pose a problem. On the whole, it is an excellent Bill. As my Colleagues have said, it is worthy of maximum support from all of us. I can now put the Question on the Second Reading of the Bill.

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Senate Committee on Agriculture to report back in four weeks.

MESSAGE FROM MR. PRESIDENT

We have a letter from Mr. President which reads:

*Distinguished Senator, David Mark,
National Assembly Complex,
Three Arms Zone,*

Dear Brother,

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RE-POLITICAL REFORM BILLS

I forward herewith for kind consideration and passage by the Senate of the Federal Republic of Nigeria, the under-listed Bills.

- 1. A Bill for an Act to Amend the Independent National Electoral Commission Act, Cap 15 LFN 2004 and Other Matters Connected Thereto.*
- 2. A Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 and for Other Matters Connected Thereto.*
- 3. A Bill for an Act to Establish the Electoral Offences Commission and for Other Matters Connected Thereto.*
- 4. A Bill for an Act to Establish the Center for Democratic Studies and Other Related Matters.*
- 5. A Bill for an Act to Further Amend the Police Act, 1967, Cap P19 2004, Laws of the Federation and for Matters Connected Therewith.*
- 6. A Bill for an Act to Establish the Political Parties Registration and Regulatory Commission and for Other Matters Connected Thereto.*
- 7. A Bill for an Act to Amend the Independent National Electoral Commission Act Cap 15 LFN 2004 and for Other Matters Connected Thereto.*

Distinguished President of the Senate, these Bills are critical to the actualisation of the Electoral Reform and the consolidation of our democratic process. It is in the light of their vital importance and in the larger national interest that I request that they be treated distinctly from the more holistic on-going constitutional re-view process. This would enable us effect critical elements of the Electoral Reform process in the shortest possible time. It is my hope that in the usual tradition of the Senate of the Federal Republic of Nigeria, these Bills will receive expeditious consideration.

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

Yours sincerely,

(Signed)

*UMARU MUSA YAR 'ADUA
PRESIDENT*

**National Unity and Pace Corps Establishment
Bill, 2009**

Senator Teslim Kolawole Folarin: Mr. President, I want to move that we step down the last item on the Order Paper for another legislative day because the sponsor of the Bill, I understand, is not ready.

Senator Maina Ma'aji Lawan: Mr. President, I rise to second the Motion that the last item on the Order Paper be stood down for the fact that the sponsor of the Bill is not in the Chamber.

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Question put and agreed to.

By the leave of the Senate, the last item on the Order Paper stood down to another legislative day.

ADJOURNMENT

Senator Teslim Folarin: Mr President, I move that this Senate do adjourn till tomorrow, Wednesday, 6th May, 2009 at 10.00 a.m. prompt.

Senator Maina Ma'aji Lawan: Mr. President, I rise to second the Motion that the Senate do now adjourn till tomorrow, Wednesday, 6th May, 2009 at 10.00 a.m. prompt.

Question put and agreed to.

Resolved: That the Senate do adjourn till tomorrow, Wednesday, 6th May, 2009 at 10.00 a.m. prompt.

The Senate adjourned accordingly at 12.25 p.m.