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**Wednesday  
6<sup>th</sup> May, 2009**

**FEDERAL REPUBLIC OF NIGERIA**

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# **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, 6<sup>th</sup> May, 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, we have the Votes and Proceedings of Tuesday, 5<sup>th</sup> May, 2009 before us for approval: Pages 683, 684?

**Senator Adego Erhiawarie Eferekaya** (Delta Central): Mr. President, on Page 684 Item 7 seems to be a repeat of item 1 under Announcements.

**The President:** You are absolutely right, but that is the way the letter came. They just reproduced the letter. We cannot correct the letter, Senator Eferekaya.

We are on Pages 685 and 686.

**Senator Caleb Zagi** (Kaduna South): Mr. President, I rise to move for the approval of the Votes and Proceedings of Tuesday, 5<sup>th</sup> May, 2009.

**Senator Ramoni Olalekan Mustapha** (Ogun East): Mr. President, I rise to second the Motion that the Votes and Proceedings of Tuesday, 5<sup>th</sup> May 2009 be approved.

*Question put and agreed to.*

*Resolved:* That the Votes and Proceedings of Tuesday, 5<sup>th</sup> May, 2009, be approved.

**MESSAGES FROM MR. PRESIDENT**

**The President:** I have the following letters from Mr. President. The first one reads as follows:

*Senator David Mark,  
Senate President,  
National Assembly,  
Abuja.*

*Dear Brother,*

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***Request for the Confirmation of Appointment of a  
Member of the Federal Character Commission***

*The Federal Character Commission is one of the Federal Executive Bodies established under Section 153(1) of the 1999 Constitution of the Federal Republic of Nigeria. By the provision of Part I(c) of the Third Schedule of the 1999 Constitution, the Commission shall comprise a Chairman and one person to represent each of the States of the Federation and the Federal Capital Territory, Abuja.*

*In this connection, the tenure of Ondo State representative in the Federal Character Commission has expired and there is need to fill the vacant position. I have, therefore, in the exercise of the powers conferred on me by Section 154(1) of the 1999 Constitution, decided to appoint Mr. Abayomi Sheaba whose CV is attached thereto as a Member of the Federal Character Commission for a term of five years.*

*In accordance with Section 154(1) of the 1999 Constitution of the Federal Republic of Nigeria, which states that the appointment shall be subject to confirmation by the Senate I hereby present Mr. Abayomi Sheaba for the kind consideration of the Senate of the Federal Republic of Nigeria.*

*Yours sincerely,*

*(Signed)  
UMARU MUSA YAR'ADUA  
PRESIDENT*

*This is the second letter from Mr. President which reads:*

*Senator David Mark,  
Senate President,  
National Assembly,  
Abuja.*

*Dear Brother,*

***Request for the Confirmation of Appointment of a  
Member of the Federal Civil Service Commission***

*The Federal Civil Service Commission is one of the Executive Bodies established under Section 153(1) of the 1999 Constitution of the Federal Republic of Nigeria. By the provision of Part I(d) of the Third Schedule of the 1999 Constitution, the*

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*Commission shall comprise a Chairman and not more than 15 other Members. In this connection, there is a vacant position in the Commission following the death of Chief F. K. Adebolu, the former Member representing the cluster of Edo, Ekiti and Ondo States in the Commission.*

*I have, therefore, in the exercise of the powers conferred on me by Section 154(1) of the 1999 Constitution of the Federal Republic, decided to appoint Mr. Victor Olabintan whose CV is attached here as a Member of the Federal Civil Service Commission for a term of five years.*

*In accordance with Section 154(1) of the 1999 Constitution of the Federal Republic of Nigeria, which states that the appointment shall be subject to confirmation by the Senate, I hereby present the Nominee for the kind consideration of the Senate of the Federal Republic of Nigeria.*

*Yours sincerely,*

(Signed)  
UMARU MUSA YAR'ADUA  
PRESIDENT

#### ANNOUNCEMENTS

##### **Awareness Creating Event against Maternal Mortality**

I have some announcements. This announcement is from Senator Iyabo Obasanjo-Bello.

My distinguished Colleagues, I am inviting you to an Awareness Creating Event against Maternal Mortality to take place on Wednesday, 6<sup>th</sup> May, 2009 at the ThisDay Dome starting at 6.00 p.m.

It would be an evening of entertainment, speeches and testimonies on the maternal mortality as well as dinner.

Please attend with your spouses.

(Signed)  
SENATOR IYABO OBASANJO-BELLO

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##### **Birthday Wishes to Distinguished Senators Dahiru, Ewa-Henshaw and Akaagerger**

I would like to, on behalf of all of us, wish distinguished Senator Gasol Bako Dahiru distinguished Senator Bassey Ewa-Henshaw and distinguished Senator Joseph Iorshagher Akaagerger happy birthday. Their birthdays were on the 4<sup>th</sup> of May for Dahiru and Ewa-Henshaw and 5<sup>th</sup> of May for Akaagerger respectively.

We wish all of you happy birthday, long life and many more years.

##### **Quick Wins MDG Programmes under 2009 Appropriation Act**

This is from the Senate Ad-hoc Committee on Millennium Development Goals.

This is to inform distinguished Senators to please complete the Project Data Forms and return same to the Committee with the Red Jacket. The forms should be returned on or before Friday, 8<sup>th</sup> May, 2009 to enable the Committee collate the submission for onward transmission to the Office of the Senior Special Assistant to the President on MDGs.

Please accept the assurances of the Committee's highest consideration.

Yours sincerely,

(Signed)  
SENATOR MAHMUD KANTI BELLO  
CHAIRMAN

**Senator Kabiru Ibrahim Gaya** (Kano South):  
Point of Order, Mr. President.

**The President:** Point of Order, distinguished Senator Kabiru Gaya?

##### **Death of Former Senator Kura Mohammed**

**Senator Kabiru Gaya:** My order is Order 43 – Personal Explanation

**The President:** Read, please.

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**Senator Kabiru Gaya:** Order 43 reads:

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

I have discussed this issue with you this morning. The issue is on the death of Senator Kura Mohammed. He died yesterday night and I need your permission to talk on it.

**The President:** Well, you have come under Personal Explanation and I thought you should have come under Order 42. That is all right. Senator Kura Mohammed was here with us from 1999 to 2003. He is from Kano. We got the news this morning that he died yesterday evening after playing squash game. The burial is this afternoon.

What Senator Kabiru Gaya wants is to attend the burial. As it is the normal practice here, we would send a representation and observe our normal one-minute silence in honour of our departed Colleague and then allow those who would go for the burial to do so.

You know that the question cannot come from the Chair, Senator Kabiru Gaya? You should really put the question for us to observe one-minute silence.

**Senator Kabiru Ibrahim Gaya:** Yesterday at about 8.00 p.m. we lost Senator Kura after playing squash. He was quite healthy before playing but immediately after playing the game he packed his baggage to go home and on his way he collapsed and that was it.

Senator Kura was about 66 years old. He was a Senator. He served the Senate from 1999 to 2003. He was very humble and nice gentleman.

May his Soul rest in perfect peace?

I have two Prayers, the first one is to request the Senate to observe one-minute silence in honour of our deceased Colleague. The second Prayer is to send a delegation to Kano for the burial which is

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taking place this afternoon. Immediately after the observance of the one minute silence I will take my leave to go for the burial.

**Senator Adeleke Olorunnimbe Mamowora** (Lagos East): Mr. President, I rise to second the Motion as moved by distinguished Senator Kabiru Gaya in respect of our departed Colleague who past on last night as we have been told.

It is destined unto man to die at one time or the other. This is an opportunity again to remind our Colleagues of the need for us to, as much as possible, engage in medical screening. I am saying this because there have been cases of people dying after exercises particularly when such exercises are strenuous.

We do know that at times it is as a result of some latent medical situation that was not picked up when it should have been picked up. There have been so many cases of people dying in this manner and it is a pity that it happened particularly as we have told after playing a game of squash. As I said earlier on, death will come when it is bound to come but as much as possible, I am advising through this medium that we should try as much as possible to do medical screening particularly before engaging on certain strenuous exercises.

I believe that it is God's time to call him home and we thank God for his life particularly the services in the Senate whilst he was here. We can only pray that God will uphold his family, the State he came from. We also pray that his good works will live after him.

I second the Motion as moved by Senator Gaya and I align myself fully with the Prayers of that Motion.

**The President:** I am going to call on Senator Nuhu Aliyu and Abubakar Sodangi to speak but before I do that the real Motion is under Order 42 and that has to be corrected. The Motion should have been moved under Orders 42 and 52, there it is hereby changed in that manner. Having corrected the Order I will put the Question before the comments because the Motion has already been seconded.

*Question put and agreed to.*

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I will now allow Senator Nuhu Aliyu and Senator Abubakar Sodangi to make their comments and then we take the Prayers.

**Senator Nuhu Aliyu** (Niger North): Mr. President, the information as regards the death of late Senator Kura Mohammed was disclosed to me this morning by the mover of the Motion. Late Kura Mohammed was with us in the Senate, of course, as you know from 1999 to 2003. Senator Kura Mohammed was a very humble person as has been explained. His death, indeed, came as a shock.

As Senator Mamowora has disclosed death is inevitable no matter what we do, no matter what its exercise, one day will be one day but it is very important to be checking ones blood pressure, at least, once a week or twice weekly.

I know the family of late Mohammed will miss him a lot definitely because he was a very lovely family man. I wish his family my deepest condolence. May the Almighty Allah reward him with Aljanna and may his soul rest in perfect peace.

**Senator A. D. Sodangi** (Nasarawa West): Mr. Senate President, I rise to say one or two words in respect of this sudden information. I just heard about the death of our own brother, Senator Kura Mohammed when Senator Gaya announced it now.

Senator Kura Mohammed was with us as has been said from 1999 to 2003. I had a rare privilege of coming very close to him. We worked in one or two Committees with him at that time. I used to call him Baba Yaya and he called me *Benina* meaning my junior brother. We respected each other at that time and even up till this moment that I heard of his death.

To all of us Moslems and Christians, there is a saying in Islamic that; *Inna lilahi wa inna ilehi rajiuna* that means all of us came from God and all of us will go back to Him, what we do not know is when, where and how. God has left that one to Himself. There is another saying that every life must taste the agony of death, all of us, just as Senator Mamowora said, what is expected of us as true believers is to live to the expectations of people and over and above all, of the Almighty God, our Creator because we are going to account for our deeds to Him hereafter.

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Senator Kura Mohammed had come and gone and he has gone forever. May I use this opportunity on behalf of my Constituents to condole the family of late Senate Kura Mohammed and the entire people of Kano State.

The late Kura Mohammed was very vibrant during his life time. You could imagine the scenario that he went for a game of squash after which he collapsed and died. That is something for us to learn a lesson from particularly, we Leaders. It is something for us to know that we should live above board and know that whatever we are trying to get in this world will finish and go. Life is a transient. Senator Kura came, played his own part and today he has gone.

May his gentle soul rest in *Alujanna* and may the family have the fortitude to bear this great loss.

**The President:** We should take the Prayers now. Prayer (i) is that we observe one minute silence in honour of our departed Colleague.

*Question put and agreed to.*

Prayer (ii) is that we send a delegation to Kano for his burial today.

*Question put and agreed to.*

*Resolved:* That the Senate –

- (i) Observe one minute silence in honour of the departed Colleague,
- (ii) Send a delegation to Kano for his burial ceremonies.

*(One minute silence accordingly observed)*

**The President:** May the soul of our departed Colleague rest in perfect peace, Amen.

The Delegation to go to Kano will be led by distinguished Senator Abubakar Danso Sodangi. Others are; Senator Ida Mohammed, Senator Mohammed Alhaji Mohammed, Senator Julius Ali Ucha, Senator Felix Bajomo and Senator Dickson Effiong D. Bob.

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## PRESENTATION OF REPORTS

### **Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation, on the Screening of Mr. Useni Gangum, as a Commissioner in the Revenue Mobilisation, Allocation and Fiscal Commission (RMAFC).**

**Senator Teslim Kolawole Folarin** (Oyo Central): Mr. President, the first business of the day is the presentation of the Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation, on the Screening of Mr. Useni Gangum (Taraba State), as a Commissioner in the Revenue Mobilisation, Allocation and Fiscal Commission (RMAFC).

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 move that the Senate do receive the Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation, on the screening of Mr. Useni Gangum, Taraba State, as a Commissioner in the Revenue Mobilisation, Allocation and Fiscal Commission (RMAFC).

**Senator George Anthony Manzo** (Taraba 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 Mr. Useni Gangum, as Member in the Revenue Mobilisation, Allocation and Fiscal Commission.

*Question put and agreed to.*

*Resolved:* That the Senate do receive the Report of the Committee on National Planning, Economic Affairs and Poverty Alleviation, on the screening of Mr. Useni Gangum, as a Commissioner in the Revenue Mobilisation, Allocation and Fiscal Commission.

*(Report accordingly laid on the Table)*

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### **Report of the Committee on Police Affairs on the Screening of Justice Sunday Akinola Akintan (Rtd) as Member of the Police Service Commission**

**Senator Teslim Kolawole Folarin:** Mr. President, the second business of the day is the presentation of the Report of the Committee on Police Affairs, on the screening of Justice Sunday Akinola Akintan (Rtd), as a Member of the Police Service Commission.

You may invite Senator Gbenga Oggunniya or his Vice Chairman of the Committee to move the Motion for the Senate to receive the Report.

**The President:** Where is he? Senator Nuhu Aliyu, you may move the Motion

**Senator Nuhu Aliyu** (Niger North): Mr. President, I seek the permission of the Senate to lay the Report on the screening of Justice Sunday Akinola Akintan (Rtd) for confirmation as a Member of the Police Service Commission.

I so move.

**Senator Osita B. Izunaso** (Imo West): Mr. President, I rise to second the Motion ably moved by Senator Nuhu Aliyu that the Senate do receive the Report of the Committee on Police Affairs, on the screening of Justice Sunday Akinola Akintan (Rtd) as a Member of the Police Service Commission.

*Question put and agreed to.*

*Resolved:* That the Senate do receive the Report of the Committee on Police Affairs, on the Screening of Justice Sunday Akinola Akintan (Rtd), as a Member of the Police Service Commission.

*(Report accordingly laid on the Table)*

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**Report of the Committee on Interior on the Nigerian Congressional Medal of Honour Award Bill, 2009**

**Senator Teslim Kolawole Folarin:** Mr. President, the third business of the day is the presentation of the Report of the Committee on Interior on the Nigerian Congressional Medal of Honour Award Bill, 2009.

You may invite the Chairman of the Committee, Senator Ramoni Olalekan Mustapha, to move the Motion for the Senate to receive the Report.

**Senator Ramoni Olalekan Mustapha** (Ogun East): Mr. President, I move that the Senate do receive the Report of the Committee on Interior on the Nigerian Congressional Medal of Honour Award Bill, 2009.

**Senator Wilson Asinobi Ake** (Rivers West): Mr. President, I rise to second the Motion as moved by Senator Ramoni Olalekan Mustapha that the Senate do receive the Report of the Committee on Interior on the Nigerian Congressional Medal of Honour Award Bill, 2009.

*Question put and agreed to.*

*Resolved:* That the Senate do receive the Report of the Committee on Interior on the Nigerian Congressional Medal of Honour Award Bill, 2009.

*(Report accordingly laid on the Table)*

**The Report of the Committee on Finance, on Customs, Excise Tariff Etc (Consolidation) (Amendment) Bill, 2009**

**Senator Teslim Kolawole Folarin:** The fourth business of the day is the presentation of the Report of the Committee on Finance on the Customs, Excise Tariff Etc (Consolidation) (Amendment) Bill, 2009.

You may wish to invite distinguished Senator Ahmed Makarfi to move the Motion for the Senate to receive the Report.

**Senator Mohammed Makarfi** (Kaduna North): Mr. President, I rise to move the Motion that the Senate do receive the Report of the

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Committee on Finance on the Customs Excise Tariff Etc. (Consolidation) (Amendment) Bill, 2009.

**Senator Mohammed Alhaji Mohammed** (Bauchi Central): Mr. President, I rise to second the Motion that the Senate do receive the Report of the Committee on Finance on the Customs Excise Tariff, Etc. (Consolidation) (Amendment) Bill, 2009.

*Question put and agreed to.*

*Resolved:* That the Senate do receive the Report of the Committee on Finance on the Customs Excise Tariff, etc. (Consolidation) (Amendment) Bill, 2009.

*(Report accordingly laid on the Table)*

**ORDERS OF THE DAY**

**CONSIDRATION OF BILLS**

**Land Use Act (Amendment) Bill, 2009**

A Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 by Amending the Land Use Act, Cap L15 LFN 2004 and for Related Matters Therewith, 2009 (SB.251)

**Senator Teslim Kolawole Folarin:** Mr. President, the first Order of the Day is the Second Reading of the Land Use Act (Amendment) Bill, 2009. This is an Executive Bill which was read the First Time in this hallowed Chamber on Tuesday, 24<sup>th</sup> March, 2009.

With your kind permission, I would like to proceed with the lead debate.

**The President:** Proceed with the lead debate, please.

**Senator Teslim Kolawole Folarin:** Once again, I thank you, Mr. President, for the opportunity to lead the debate on the general principles on a Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 by Amending the Land Use Act L15 LFN 2004 and for Related Matters Therewith 2009. As I have earlier said, this Bill was read the First Time on Tuesday, 24<sup>th</sup> March, 2009.

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I am sure all of us are aware of the Seven Point Agenda of Mr. President, Alhaji Umaru Musa Yar'Adua, which forms and encapsulates the vision of his government. One of the Seven Points Agenda is the Land Reform. Accordingly, Mr. President, Commander-in-Chief, has forwarded to this distinguished Senate and, indeed, the National Assembly, the Land Use (Amendment) Act, 2009, for consideration by the Senate.

For Nigeria to develop as a country, we need to awaken the potential of land as a veritable resource for food, security, poverty reduction, capital accumulation, economic growth and national development. We must embark on the Amendment of the Land Use Act in order to bring it into conformity with current economic trends and realities.

The proposed Amendment to the Land Use Act will address the following issues –

- (i) Sections 5, 7, 15, 21, 22, 23 and 28 of the extant Act will be amended to restrict the Governor's consent in land transactions to assignments only. It will render such consent unnecessary for mortgages, sub-leases and other land transfers. This will make transactions in land less cumbersome and facilitate economic growth and development.
- (ii) To ensure that undue restrictions on land are relaxed, thereby making land readily available for both domestic and industrial use. It will also make land available for the purposes of food production, security, poverty reduction, capital accumulation, economic growth and development.
- (iii) To make land much more easily convertible asset that can be used with fewer hindrances to raise capital for ventures in other areas of the economy.
- (iv) To provide a platform for collaboration and technical assistance to States and Local Governments.
- (v) To determine possessory rights using best practices and most appropriate technology to determine the process of identification of locations and registrations of title holdings.

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(vi) To ensure that land cadastral boundaries and title holdings are demarcated in such a way that communities, hamlets, villages and towns will be easily recognisable; and lastly

(vii) To ensure that individuals, families and Communal ownership of land is respected, encouraged and protected.

It is important at this point to note that this Bill will immediately set in motion the process of amending the 1999 Constitution. For this reason, I am recommending that this Bill be committed to the Senate Committee on Constitution Amendment for further Legislative action.

I thank you, for your attention.

**Senator Maina Ma'aji Lawan (Borno North):**

Mr. President, I rise to support the Bill forwarded to this Senate by the Executive arm of Government for Amendment to the Land Use Act, which necessarily must entail an alteration or amendment of the provisions of the 1999 Constitution.

My support for the Bill may not be coming from the perspective of 7, or 8, or 9, Point Agenda, but I do recognise that it is a very fundamental Bill that touches on Land Reform which we all know is the bedrock of any serious developmental effort that any responsible government may wish to embark upon.

I am fully in support of this Amendment, whether you look at it from the perspective of agriculture, which engages over 80 *per cent* of Nigerians' livelihood both small and large scale farmers. We do know the contentious issues in land administration and management. (*Interruptions*)

**Senator Joseph Iorshagher Akaagerger (Benue North-East):** Point of Order, Mr. President.

**The President:** Point or Order, distinguished Senator Joseph Iorshagher Akaagerger.

**Senator Joseph Iorshagher Akaagerger:** Mr. President, I have a Constitutional Point of Order under Section 62(1) of the Constitution of the Federal Republic of Nigeria 1999 which reads:

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

I remember that this Senate had set up a Joint Constitution Review Committee (JCRC). The Senate has already estopped itself by setting up that Committee and this functions having been assigned to it, Senate cannot mid-way start discussing the same issues until and after the Committee brings back a Report to the Senate that this issue would be open for discussion.

**The President:** Has anybody referred the matter to you or to the Committee? Nobody has referred the matter to any Committee. The procedure in the Senate is that the matter would be referred to the Committee and we cannot refer a matter to the Committee until we have gone through the general principles. What we are doing now is going through the general principles thereafter it would be referred to the appropriate Committee. You are simply jumping the gun. You do not have any piece of paper before the Committee now you want to take over. So, even in the spirit of Benue, I rule you out of Order.

**Senator Ganiyu O. Solomon** (Lagos West): Point of Order, Mr. President.

**The President:** Point of Order, distinguished Senator Ganiyu Solomon.

**Senator Ganiyu O. Solomon:** Mr. President, I have a Constitutional Point of Order as well. It is Section 315(5) of the 1999 Constitution reads:

*Nothing in this Constitution shall invalidate the following enactments, that is to say- (a),(b)(c) and (d) the Land Use Act and the provisions of these enactments shall continue to apply and have full effect in accordance with their tenor and to the like extent as any other provisions forming part of this Constitution and shall not be altered or repealed except in accordance with the provisions of section 9(2) of this Constitution.*

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Section 9(2) says: *An Act of the National Assembly for the alteration of this Constitution, (which this Bill is deemed to be) not being an Act to which section 8 of this Constitution applies, shall not be passed in either House of the National Assembly unless the proposal is supported by the votes of not less than two-thirds majority of all the members of that House and approved by resolution of the Houses of Assembly of not less than two-thirds of all the states.*

**The President:** All right. Your Point of Order is sustained and that supports the debate that is going on now.

You may continue your debate, Senator Maina Ma'aji Lawan.

**Senator Maina Ma'aji Lawan:** As I was saying, this is a very fundamental thrust in kick starting the entire developmental processes, be it from the perspectives of agriculture, industry, security, *et cetera*. I fully support this Bill.

I do recognise that putting of the Land Use Act in the Constitution in the manner it has been, was in the first place, informed by certain very fundamental necessities at the time. In this process of looking at the impediments and some of the problems that have been observed since the operation of the Land Use Act as enshrined in the Constitution, we should not overlook the very purpose for which the Land Use Act came into being.

We know that we have different practices in different parts of the country and it was in an effort to streamline the administration of land, particularly, acquisition for public purposes that the Act itself came into being and it has harmonised and sanitised the management of the process. But in amending certain areas we should be careful, in particular, the role of the States in land administration is by this Amendment being reduced to only assignments. The role of the States and the Governors by extension should be a bit wider in the management of the processes of land in this country. Restricting it only to assignment, may be tightening the noose too much on the use of the land as it relates to the people who actually use it, that is, the States and the Local Governments.

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I hope that this Amendment is not going to end up with the administration of land being centralised. With this caveat, I fully support the reforms envisaged in the Bill and for it to be passed for further legislative action by the relevant Committee.

**Senator Adeleke Olorunnimbe Mamowora** (Lagos East): Mr. President, I do not have problems with the intension of Mr. President consistent with the reforms which his Administration is trying to put in place.

I also want us to appreciate that we have our own problem as an Institution, that is, the National Assembly. This is one Amendment that will require Amendment to the Constitution. Unfortunately, we cannot pretend that we have not been having problems in terms of taking off and taking off appropriately between the two Houses of the National Assembly.

What I am saying in essence is that this has further reinforced the need for us to put our acts together and get going in the interest of the people of this country. This is because for so long there are so many issues which ordinarily would cement or concretise our democratic process not just in terms of the Land Reform we are talking about now.

What I am trying to say at this point is to appeal to all our Colleagues particularly, in the House of Representatives to rise above partisanship, ego and whatever thing that is personal or selfish in nature and look at the best interest of this country. We do not have time on our hands. In fact, time is of essence as at this point in time. If we want to get through this reform process, not just on land, there is also the Electoral Reform which is the major one as far as I am concerned. We need to put in place these reforms if we have to put this country on a part of sustainable growth. Not just in terms of the economy but even in terms of our democratic values.

Much as I am in line with this, we also need to appreciate that we need to carry along the States because they are part and parcel of this process that would necessarily require the input of the State Houses of Assembly. We should start talking to the State Houses of Assembly right now. We should not wait until when we think we have done what we need to do at this level so that that rapport and

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understanding are put in place right from the word go.

So, I am appealing to not just our Colleagues here but also our Colleagues in the House of Representatives to see this as a very golden opportunity for us to catch on so that we can put this country on the part of sustainable growth, economically and politically.

**Senator Simon Ayogu Eze** (Enugu North): Mr. President, I rise to support the Motion that has been ably moved by the Leader in leading the debate on the proposal for the Amendment of this Act. In doing so, I want to thank him for actually drawing our attention in the conclusion of his presentation to the necessity for us to put our house in order as has been ably articulated by Senator Mamowora.

This is a wake up call for the country not just the Legislature but also everybody involved for us to understand that what was happening in the Constitution Amendment Committee of the National Assembly was tugging at the very political health of the nation. What has come before us now has advertised the necessity for everybody who was concerned to have risen up at that point in time to nip this matter in the bud. But we still have not lost that opportunity because there is no circumventing the fact that we need to work together as a people for the good of our people.

Land is such a crucial issue that even in the olden days when they were just trying to define the factors of production, the biggest factor of production has always been land and that is why there has been so much importance attached to it. If you look at all the reforms that the President has tried to initiate especially with regard to the 7-Points Agenda, in the final analysis all of them will end in the type of Land Administration that we have.

This is a very timely and well intentioned Bill on the part of Mr. President as part of his reforms and his determination to deepen democracy in our country and entrench rule of law and due process. But right now, we have run into a small hitch which makes the duly constituted Committee on the Amendment of the Constitution inoperable. We have to enable that Committee to take off and work. That is the only way we can get things through.

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There are seven Bills coming from Mr. President in addition to this one and some of them touch on the Amendment of the Constitution.

I will join Senator Mamowora in appealing to all of us Senators and Members of the House of Representatives alike that we must eschew our ego; bury whatever conceptions we have about ourselves in the interest of the people who elected us and brought us here. This is because if the National Assembly fails to function our democracy is doomed, but God forbid.

With this few words, I support this Bill and I urge that we do the right things first by ensuring that this Committee which is supposed to work on this Bill is put in place and performing.

**Senator Nuhu Labo Aliyu** (Niger North): Mr. President, no doubt this is a very good Bill brought in by Mr. President; but the most important thing that we will talk about here is for the National Assembly, the House of Representatives and the Senate to come together and proceed with the assignment given to the two Houses by members of the National Assembly. That is to say, the Amendment of the Constitution is very necessary and very important. As stated earlier, there is no way we can progress if we do not start the process of amending the Constitution.

The Land Use Act, as proposed by Mr. President will certainly give majority of us, especially those of us who have come from the Royal families; those of us who have been vested with the responsibility of mass portions of land, some of us are going to be very rich eventually and that is the more reason why I support this Bill very strongly and I urge my Colleagues to do the same.

**Senator Smart Adeyemi** (Kogi West): Mr. President, I want to commend the President, Umaru Musa Yar'Adua for kick-starting the proper implementation of the Seven Point Agenda.

Land is fundamental to socio-economic and political development of the people. I see the coming of these Bills as a subtle indictment of the National Assembly. I say this against the background of the fact that we do have a Committee in place to review the Constitution. I personally see myself in a kind of dilemma as to whether to totally support that we start the process of passing the Bill or we should resolve the

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fundamental issue at stake. What is the issue? Do we commence the Amendment of the Constitution by way of breaking them down into Bills? This is because the moment we resolve to pass the Bill to the Committee on the Review of the 1999 Constitution, we would still be confronted with the obstacle that we are trying to avoid.

We should resolve as to whether the Senate should start by reviewing the Constitution *vis-a-vis* presentation of Bills, either from the Executive or in-house Bill so that we know that we have commenced fully the process of the amendment of the Constitution. But I must say that this Bill is key to the Seven Point Agenda of Mr. President. It is gratifying to note that the Land Use Decree was promulgated when you were on the other side. I thank God that you are also here today to preside over the Senate to review those draconian laws that you people put in the Constitution. President Musa Yar'Adua deserves commendation, but we must resolve as to whether or not to amend the Constitution by way of taking care of these Bills and introducing new ones.

Finally, I will personally support the process of amending the Constitution by way of looking at various Laws and generate Bills because it will save cost. I feel that having a Joint Committee for the review of the Constitution, of course, is money consuming and this is not the time to put so much money into committee meetings. We can start the process if we all resolve here to amend the Constitution through presentation of Bills from either the Executive or the Senate.

**The President:** Senator Smart Adeyemi, I am making this comment in the light of the fact that I saw Senator Nuhu Aliyu and Senator Oduyemi shaking their heads when you were talking of draconian laws. If you recall that in the days of the military every pronouncement was always on behalf of the Armed Forces and the Police. So, Senator Nuhu and Senator Oduyemi I saw the way you were shaking your heads, and you were right.

**Senator Suleiman Adokwe** (Nasarawa South): Mr. President, I want to join my distinguished Colleagues in welcoming this Executive Bill which addresses the need for Land Reforms. The Bill is timely where land is given its proper economic perspective so that people who own land or speculate in land could have it as a serious economic asset.

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When we had the first debate during the process of constituting the Joint Constitution Review Committee, I was of the view that some of the less controversial aspects of the Constitution can be tackled by testing them first before going to more controversial issues and this Bill is one of the less controversial issues which we can properly test the due process of amending the Constitution.

I am also of the view that it affords us the opportunity of not waiting for a wholesale Amendment of the Constitution before knowing that we are making Amendment. In the spirit of the Constitution, any aspect can be amended by a Bill on its own without necessarily waiting for the Joint Committee to bring out every aspect that will be amended. It would be a great disservice if we insist that a major Bill such as this should only be addressed along with other intentions to amend the Constitution.

I would like to suggest that this Bill could be treated on its own merit by being addressed without necessarily waiting for the Committee to collate all intended Amendments. In fact, it gives us the opportunity as a pilot project to test the due process of constitutional Amendment since it is less controversial.

I am in full support of the Land Use Reform that has come by way of an Executive Bill. The sooner we are able to do it to give the people of this country the opportunity to use the lands that they have as economic assets to secure mortgages for any other pursuit of their economic interest. The suggested Amendments are even so far reaching that even with the possession of customary right you can secure a mortgage. In that regard, we should give the Bill accelerated hearing it deserves.

**Senator Abubakar Danso Sodangi** (Nasarawa West): Mr. President, let me start by joining my Colleagues to commend Mr. President, President Umaru Musa Yar'Adua for bringing this proposal before us which at the end of the day, we may send to the appropriate Committee which has already been constituted. I believe we are on the right channel.

Let me also join my Colleagues to commend the comment I heard from the other side of our Colleagues. It is a demonstration of patriotism and, of course, total commitment to national interest for them to collaborate and agree with what Mr.

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President has brought in good faith. We should commend them.

As a lawyer, I know it is not enough to say, I have a possessory right of land. What matters is how do you deal with that legal instrument? How do you assign it? How do you find mortgages and the rest of them?

This Bill is seeking to liberalise and modify our possessory right which should be welcome by all of us as true Nigerians. If you would recall, hitherto there was a serious disconnect between the land administration generally *vis-a-vis* the Federal Government involvement with the State. As has been said by the lead debater, if this Bill, at the end of the day, scales through it will not only liberalise the administration of land, it will also encourage food production.

There are many investors within and outside Nigeria who are willing to come and invest in the country but because of the legal inhibition and constraint they cannot get land. If at all they there are lots of encumbrances. In my State, Nasarawa State, we have lots of mineral resources and we welcome everybody to come and invest, but then there are constraints. Our State Governor or Local Government Chairmen cannot even control those mining on our land. We do not even know them. But this Bill will enable the States to collaborate with the Federal Government. As regards food production, many people are willing to come and invest. There is a product called *jetrofa* which provides diesel and other things. It is a very lucrative and economic venture in the food sector, but there is no land.

It is a very good development that we should all support. As has been said by distinguished Senators Momowora and Maina Ma'aji Lawan as well as others who have earlier spoken, this Bill should be allowed to go without minding the procedural problem, whether to debate here or send it to the Constitutional Review Committee. That is the only way we can fast-track the Bill. Let us finish what we are doing now and then send it to the Committee. At the end of the day, I believe they will deal with it and then bring it back to us for final legislative action.

As some distinguished Colleagues have said, let us take the Amendments in piecemeal and this is the beginning of it. When we have finished our part

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in this Bill of the Electoral Reform Bill then we send it to the Constitutional Review Committee to definitely do justice to it.

I am a farmer, I do not own land to be sold like my senior brother who is having surplus but I believe I have willing investors who are coming to Nasarawa either to invest in mineral resources sector or as farmers. I will urge my Colleagues to support this Bill.

**Senator Ibrahim Mohammed Ida** (Katsina Central): Mr. President, I want to join my Colleagues to commend those who really saw to the presentation of this Bill at this time.

From the beginning, I was disturbed that the trend of the debate in this Chamber on this particular issue was zeroing more on the technicality of Constitutional Review than really on the substance of the Bill itself and that is really the issue. The question is that some of us that have been in the financial sector at one time of our lives knew the hindrance that certain aspect of this law had really brought to the use of land as collateral for the generation of capital for investment. It was very cumbersome. You need the consent of a Governor to mortgage or to sell your property and so on with the result that the Governor Offices were beset by so many trivial issues that the real issues of the State were being relegated. I am sure that when you were a Governor at one time in your life you must have been subjected to this hardship.

Secondly, there are other ambiguities in it and I am happy that this Bill has sought to address this issue. But there is one thing we should also take note of. If you refer to Section 315(5) of the Constitution, you will see clearly that this law is just like the Constitution itself. But that particular Section also says that it is in effect a Federal Legislation. Section 9 also makes provision for how the Constitution could be amended.

Really when we think that this enactment alone is enough to alter the Constitution, we are wrong. This is because two Bills are required to get this through. First of all, this particular legislation will be passed then by the provision of Section 9 of the Constitution; you need a fresh Act to be able to amend the Constitution.

My concern is that there is already a Committee of this House that handles land issues

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and has the expertise. On the other hand, we have the Constitutional Review Committee whose exclusive mandate is to see to the implementation of the provision of Section 9 and I believe that we have to make this difference. If we now say that any Bill on any issue that has a Constitutional implication will go to the Constitutional Review Committee, we will have a problem because we are now expecting Electoral Reform Bill to be amended. We have a Committee here that handles the enactment of the law in the first instance. If we now take it away from them and give it to Constitutional Review Committee, before long you will find that the Constitutional Review Committee will now be more engaged in doing things that really address the provision of Section 9.

I have one or two suggestions here. Since we are to go into constitutional Amendment piecemeal, which is a very good thing, any Bill that seeks to amend the Constitution should be accompanied by another Bill that will see to the implementation of Section 9 of the Constitution. It is that particular Act that goes to the Constitutional Review Committee while the substantive Bill goes to the Committee to which the issue relates and by the time they finish their work then the two Committees can work together. That is one way.

Secondly, we can now see the merit of having a Joint Committee of the two Houses because we will have one Bill to be handled by the House and the Senate. The wisdom of having a Joint Committee was really a fine one because if we have had it, you will find out that the very Act that seeks to amend the Constitution will be handled by the Joint Committee. As it were now, you will find out that the House will have its Bill for the substantive issue and a Bill for the enactment of the Amendment of the Constitution while the Committee here will have the same thing.

We are in a vintage position to have this issue re-visited so that the two sides can come together to have a Joint Committee and I believe it is worthwhile. I support this Bill and I hope, subject to what I have said, there will be an accelerated hearing.

**The President:** It is only proper at this point to give the man who has been working so hard in Ekiti to ensure victory to the appropriate Party. *(Laughter)*

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**Senator Stephen Sola Akinyede** (Ekiti South): Mr. President, I would like to thank Mr. President and Members of the PDP family for making sure that Ekiti is back to PDP. *(Laughter)*

I do not think that anybody is against the proposed Amendment but the more fundamental issue is whether the Land Use Act should be enshrined in the Constitution in the first instance. A situation whereby a law has not been amended for 31 years leaves much to be desired and that is because of the constitutional provisions we have in our Constitution.

I will like to refer to Section 315(5) particularly the area that says ... *and the provisions of those enactments shall continue to apply and have full effect in accordance with their tenor and to the like extent as any other provision forming part of this Constitution.* I repeat, with your permission, to the like extent as any other provision forming part of this Constitution, which means that amending the Land Use Act is exactly the same way as amending the Constitution.

Consequently, my position is that since we have a Constitutional Review Committee that is supposed to amend the Constitution, should we be amending the Land Use Act and other Acts piecemeal? For instance, just as Senator Adeleke Mamowora said I believe that the Electoral Act is much more fundamental than the Land Use Act.

Mr. President has stated that he wishes that the Immunity Clause should be removed. This is also fundamental and my question is; are we going to get separate Bills from the Executive in respect of each of these Amendments? It is a waste of our energy, time and efforts for us to be taking these issues one by one. All these matters should be referred to the existing Constitutional Review Committee so that they will take the Amendments at the same time. This is very important because the provision for Constitutional Amendment is that it requires two-thirds majority of all the Members of the National Assembly and not Members sitting and voting. So, we cannot begin this process.

In addition to that two-thirds of the House of Assembly must pass the Resolution. Are we going to be passing the Amendment of the Electoral Act in the 24 Houses as required, thereafter, do the same thing with the Immunity Clause? It is a waste of our effort.

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Finally, we are debating the general principles of the Bill now but I believe that the House Committee would also debate those general principles later. It looks as if we are duplicating and wasting our energy by debating the general principles now and later, when the Committee brings its own proposal, we go back to debate the general principles of the Bill. My submission is that, this Bill should be referred to the Senate Committee which would be directed to handle the Land Reforms together with other Amendments that would come.

**The President:** Distinguished Colleagues, so that we do not derail and go off tract completely in this Second Reading, experience has shown that what Senator Akinyede suggested is really the pitfall in Constitutional Amendment and that was what happened the last time. All sorts of things were brought on board and the result was that everything was thrown out.

So, there is no point in putting everything together that would be a wrong strategy and it has failed before. There is no point in not learning lessons from the issue that led us to a dangerous pitfall the last time.

There is a Bill before us, whatever way we do, the procedure and the process we are doing now is the correct thing for any Bill whether at the end of the day that Bill would end up amending the Constitution or not, the Second Reading is the debate on the general principles of the Bill. We must do that and when we move it on to the Committee they would know what to do from there.

**Senator Osita Bonaventure Izunaso** (Imo West): Thank you very much Mr. President, for your guidance in this particular Second Reading. The Title of the Bill is not ambiguous. The Bill is seeking an amendment in the Constitution to enable us amend the Land Use Act. So, it is not ambiguous at all. All the stories about relevant Sections have been sorted out and it is important that we go straight to the general principles of the Bill which is what we are doing now. So, that when we finish we commit it to the appropriate Committee as recommended by the Leader in his lead debate on the Bill. So, I align myself with what you have said.

Let me now talk on the general principles of this Bill. There are certain aspects of the Land Use Act that are obsolete and moribund and can no

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longer stand the test of time. Those are what this Bill is seeking to amend. For example, the Governor's consent is still needed in mortgage transaction with ones property. That is time consuming. It does not augur well for us to use land as an investment organ, particularly, with the collapse of the Stock Market. Today, people are relying essentially on the real estate.

A situation whereby after I have bought a land I still have to get the consent of the Governor for me to mortgage my land is not good. You know that a Governor is so busy; that he would not even see the file to know that somebody somewhere is seeking for his consent to mortgage a property. That is one aspect of this Act that has to be amended.

For instance, I cannot buy shares at the Stock Market and whenever I want to dispose off my shares I have to go back again to the Nigerian Stock Exchange to get their consent to enable me dispose my shares. You can see that it is really cumbersome and clumsy and that aspect has to be amended.

I want to inform this hallowed Chamber that it is important for us to know that we do not have specific data of land in our country. We do not even have a proper Land Registry except in the FCT here that they had established AGIS (Abuja Geographic Information Service), which is commendable but a lot has to be done to improve on it. At the State level where the Governors are holding sway to this land, we do not have proper data. There are no Land Registries and that is one of the things this Bill is seeking to correct.

It is important that we know that we must be able to give account of the land that we have the federation. We must know the extent of land that is for residential, for commercial and for special purposes. All these data are not available.

The United Nations Charter is very clear on shelter as one of the major cardinal points in human existence. Today in our country, it is stated that we do not even have enough houses for our people. In fact, over 80 *per cent* of Nigerians do not have roofs over their heads. It is important that the Land Use Act is amended so that land can become easily available for the people that want to use land

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We have land speculators. We do not have genuine investors in land and real estate development. We only have speculators who use their personal relationship with those that allocate land to get land and sell to genuine developers, thereby making houses unaffordable to our people. So, I believe that the time has actually come for us to critically look at the Land Use Act that was promulgated over 31 years ago without any Amendment since then. Therefore, this Bill is one that we must give a very serious attention.

In the Land Use Act there is a provision for Land Use and Allocation Committee that is mandated with certain responsibilities on what to do with the land. That provision has been abused in some States. In some States they do not have the Land Use Allocation Committee as specified by that law. Somebody just sits in an office and makes a recommendation to the Governor who in turn gives approval and they begin to allocate the land. Thereby allocating land by preferential allotments. So, I believe that we must look very seriously into the aspects of the Land Use Act that require Amendment.

You can observe that land is losing value in our country. There are some places where land has remained the same for over 20 years. Families struggle for ownership of land to the detriment of putting the land into proper use. If the Land Use Act is amended all these would become a thing of the past and people would be able to know realistically, how to approach issues of land ownership in our country. They would also know how to make use of land for optimal benefit.

I believe my Colleagues should support this aspect of the Amendment of the Constitution. I do not want to align myself to the argument on whether or not what we are doing is right. If there are issues to be sorted out in the area of amending the Constitution, they are not issues for the Plenary. They are things that we can sort out in the Executive Session and then move forward. What the Executive has simply done is to remind us that the nation is waiting, everybody is waiting and we must move fast in all the aspects of the Constitution that require Amendment. I rest my case.

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**Senator Adegbo Erhiawarie Eferekaya:** Mr. President, I know you have asked us to address the issue on hand, but I think we are running away from the obvious. The population of this country was looking forward to a Review of the Constitution and its Amendment. We must know that there is a difference between Constitutional Amendment and Constitutional Review. Constitutional Amendment entails looking at certain parts of the Constitution, whereas Constitutional Review implies looking at the entire Constitution.

If you had sent out feelers, you would have discovered that Nigerians are feeling depressed that what they were looking forward to that the National Assembly was out to do, is now comatose. That is, the Constitutional Review.

By the series of Bills brought by the Executive, they are telling us that we have failed. The Executive cannot amend the Constitution. The only way they can come in is by way of Bills. These Amendments that are coming in would have been taken care of by the Joint Committee on Constitution Review. It is a shame and if you do not know, people are feeling very bad that there is disunity in the National Assembly. If a few people of 360 hon. Members and 109 distinguished Senators cannot come together (*Interruptions*)

**The President:** You want what you are saying to be recorded, and once I have stopped you, you do not need to continue speaking because you will not be recorded.

There is a Bill before us and we are discussing the general principles of that Bill. There is no need to give a national address because what you are doing amounts to that. How can you be shooting yourself on the feet and you are feeling comfortable about it. Are you not a Member of this Senate? You have not come by a Point of Order to raise the issue and you have every right to do so. Unless you want to address the general principles of the Bill, I will have no option but to cut you short. I do not know what you want to do. Do you want to carry on with the national address or with the general principles of the Bill?

**Senator Erhiawarie Eferekaya:** Mr. President, as I said, we are running away from the obvious but if Mr. President feels that is a national

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address, which I think is very important, I can sit down.

**Senator Mujitaba Mohammed** (Jigawa South-West): Mr. President, I want to begin by expressing my support to this fundamental and important Bill. In expressing this support, I commend Mr. President Musa Yar'Adua for initiating this fundamental land reform which will ultimately facilitate the economic development of the nation.

It is pertinent to note that land resources are very significant to the social, political and economic life of people across the world. Unfortunately, here in Nigeria, studies have shown that only three per cent of our land mass is titled. The remaining 97 per cent are not titled. This is seriously hindering land documentation and mortgage financing.

The Act in question, that is, the Land Used Act, which was enacted on 12<sup>th</sup> March 1978, has a lot of defects. In fact, this Amendment is long overdue.

I do not need to go into some of the salient features raised by the distinguished Senate Leader in his lead debate but those Sections that are meant to be amended by this Bill, particularly, Sections 5, 7, 21, 22 and 28 are very fundamental. We need to reform so as to further engender the development of the nation.

However, we have a lot of problems because the issue involves Constitutional Amendment and the procedure for amending the Constitution has been rightly stated. We have to secure two-thirds majority in the National Assembly, both in the Senate and in the House of Representatives. We also have to secure the two-thirds endorsement of the Members of the State Houses of Assembly. I want to seize this opportunity to appeal to all stakeholders that they should engage in dialogue with other relevant stakeholders so that we can realise this fundamental reform.

I must confess that I am not a ranking Senator, of course, I am just learning the ropes, but I am of the opinion that we can go ahead to discuss this Bill. What is disturbing us in this country is that our plans are always ambitious. Instead of engaging in the wholesale review of the Constitution, we can

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narrow it down to certain critical issues that are of national importance and attend to them within a time frame so as to move the nation forward.

As a Parliament, we must learn to respond to issues based on the exigencies of time. Along this line, I appeal to my Colleagues to give this Bill an accelerated hearing so that at the end of the day, we would have been able to attend to some Amendments that are crucial to democratic stability of the country.

**Senator Ramoni Olalekan Mustapha:** Mr. President, inasmuch as some of the Opposition People do not always like to hear that sweet words called, Seven Points Agenda of this Administration, but it is the major factor on which Mr. President hinged his faith for sending this Bill to the National Assembly for Amendment.

As good as the Bill is, one major thing that is very laudable is the Amendment; particularly as it affects the restriction of the powers of the Governors in granting consent. I know there are peculiarities from state to state, but if someone has the misfortune of coming from a place where the people in authority have penchant for grabbing lands then it will be very difficult for the person to get the Governor's consent when the person applies for one.

I am talking from experience. I have seen a case of somebody who applied for Governor's consent for a property that was sold to him by another person. While the application was pending in the Office of the Governor, the vendor told him that he was no longer selling the property. Apparently, something must have happened somewhere. Maybe, somebody was interested in the property and offered something higher. When there is no way to give out information on properties like this to those who have the penchant for grabbing land, people would be saved from losing properties which they have identified to purchase.

I also believe that the Amendment would also help our farmers to have easy access to funds from the banks because they would not have to go through the very long journey of getting consent before they can use their properties to raise funds. If the travel time is shortened, they would be able to access funds and in accessing funds, they would be able to maximise the use of their lands in producing

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crops on their farms and this would increase the output of what they would produce at the end of every planting season, thereby increasing the products available to various farmers to sell. It would also increase job opportunities because when you clear your farms, you would need more hands to help you in tilling the farms.

It is also important to know that for all the factors of production, apart from capital, land is the first major factor. If this land reform is adequately considered and taken care of, I am sure it would address a lot of issues in the country, particularly in establishing industries and other issues that has to do with land.

**Senator Felix Kolawole Bajomo** (Ogun West): Mr. President, I lend my support to some important aspects of the contributions to this very important debate. I admit that some of the technicalities involved in consideration of this debate to bring it to logical conclusion should be attended to, but it should not be a criterion for us not to discuss the substance of this very important Bill.

This Bill which is being amended was enacted way back in 1978; 31 years ago. In the consideration of a Bill, with all its legal implications that are affecting the economic life of the country is an Amendment that is very important and which must not be swept under the carpet.

As a matter of fact, Nigeria in terms of consideration for foreign direct investments has been put to test on several occasions and more often than not, Nigeria has always lagged far behind. Even recently, Ghana is beginning to become a cynosure of foreign investors. Some of the things that encourage foreign investment are these factors of production, not only accessibility to fund, but also accessibility to land. This important Amendment is such that should be attended to in a speedy manner so as to open up the need for economic well-being of our country.

We can talk of political implications, but the economic implications are also very important. It is not just the economy within the country, but also the extent that it would attract the correct investments to our country. This particular Bill has gone through the test. The hindrances, the shortcomings and all the implications have been

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identified. It is just right that such hindrances should now be removed.

I do not think the Executive is doing what is wrong. This Chamber has not failed in its responsibilities and we are doing what we need to do. I want to appeal that inasmuch as we attend to Executive Bills speedily, there are many Private Member Bills that have been passed and forwarded to the Executive for assent which have neither seen the light of day nor have they been returned. This aspect should be attended to so that this Chamber can be seen by the public to be doing what is right.

**Senator Nkechi Nwaogu** (Abia Central): Mr. President, I would like to associate myself with those who have commended Mr. President for timely presentation of this Amendment Bill on the Land Use Act.

So much have been canvassed on this such as the benefits we stand to derive by giving this Amendment speedy passage. We have all gone through in our various states and urban regions where we are subjected to the slowness in discharging the onerous responsibility of consenting to somebody's document for a land to be used for one reason or the other, especially as it affects using it as a legal mortgage. We all know in this country that land is a huge resource base, but because of the bottlenecks attendant to the Land Use Act of 1978 which vested the land exclusively to the Governors of various States, we found that though some people have land but they cannot turn it around for serious economic use. Therefore, the Amendment would reduce the dependence on the State Governors for the consent that is always being sought.

The other issue is the way land is being confiscated. Most Nigerians have been victims of their lands being taken away from them by either the Local or the State Government, simply because of this provision in the Land Use Act of 1978. It is something of joy that if we pass this Amendment as being sought by Mr. President, 100 *per cent* consent of land use by States and Local Governments will become a thing of the past. We would also derive the benefit of making land a convertible asset to be used as collateral.

It has been said before and I would like to buttress it that time has come when this nation should have a Land Registry Act. We do not have

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that at the moment. Everything has been shrouded in the same envelope of Governor's consent. Whereas, if we have a Land Registry Act we would be able to trace title documents as to where it has been used, what it has been used for; and there would no longer be fear of duplication or even having one land document being presented for financial use or any other thing in two or three places at the same time. Therefore, I support this Amendment.

On the issue of Constitutional implication as it affects Section 9(2) of the Constitution, I believe we must, as a Chamber, do what we are supposed to do. My opinion is that, this is a Bill that has been brought to us just like any other Bill we have been attending to in this Chamber. We must do our bit. It has been noted that we have tried the wholesale Constitutional Amendment and we have seen the pitfalls. If by doing piecemeal Amendments of items in the Constitution through individual Bills, I believe that Nigeria stands to kill two birds with one stone. It is in this light that I wholeheartedly support this Amendment Bill and hope that we will give it the speedy passage it deserves.

**Senator Enyinnaya H. Abaribe** (Abia South): Mr. President, I am in full support of this Bill and also in full support of the piecemeal Amendment of the Constitution. The reason for that has been ably stated here by the previous speakers.

On the matter of what to do, that is where we are, the real issue for today, which we may have to discuss either in an Executive Session most probably, is where do we go from here? Already, we have the JCCR and it is working. This Bill is going to JCCR, and of course, we know the difficulties that we are encountering. So, that is a matter you may have to take a good look at.

Secondly, the question of the Land Use Act, in 1978 when it was promulgated by Decree, those who promulgated it did not envisage that there will be a crop of Governors that will act capriciously using the Land Use Act against their people. When the Decree was made, we did not expect that these things could be used against our people. The time has now come to really confront this problem face to face.

Everyone in this Chamber should also realise that land is a wealth creation unit that can be used to enhance the economic possibilities in this

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country. The impediments we have through not having proper titles or knowing who has title and, of course, having to seek all kinds of consents before using the land, are things that must be removed if we have to get Nigerians to move beyond where we are today. So, in essence, I fully support that this Bill be passed and it should be expeditiously dealt with by the Constitutional Review Committee.

**Senator Joel Danlami** (Taraba South): Mr. President, I thank you for given me the opportunity to participate in making my input on the Second Reading of this Bill.

I understand the fears of the people and the fears expressed by the Governors. I am aware that about five or six former Governors are here. They now understand that anything which goes round comes around. I believe that they stand a better chance to tell their predecessors that the most important thing is Nigeria.

To amend the Constitution is very important and I want to add my voice that we should not express any fear. I believe that the whole powers have not been taken away from the Governors. The fear of the people, too, is that after setting up the Uwais Report which produced a very beautiful Report, but at the National Council of State, part of the Report especially dealing with States Independent Electoral Commissions was scrapped. The thinking of Nigerians was that the Governors prevailed on the National Council of State not to allow it to go. My fear is that after this Bill has passed through our process, the tendency is that the States Houses of Assembly may not allow the Amendment. I believe that Mr. President has made a lot of consultations with the Governors in respect of this.

One of the Seven Point Agenda of Mr. President is Land Reform. I do hope that nobody would sabotage Mr. President and Nigerians. We will play our part as National Assembly Members so that at the end of it all, everybody will have cause to rejoice.

During the administration of President Olusegun Obasanjo about ₦50 billion was set aside yet many of our peasant farmers could not afford collateral for bank loans. If a farmer is in the Opposition Party, there is no way a Governor will give you opportunity to get anything. It is part of

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political strategy. If that would be amended, we would be able to create ways for our people. This is a laudable proposal which we cannot toy with as the Representatives of the people. There is also need for us to educate our people in this regard.

I wholeheartedly support this Amendment and I call upon my Colleagues with different views to rescind them and give speedy passage to this Bill so that we can create wealth for our people.

**The President:** I have really got so many names here, if you keep your comments brief and direct to the point, it will help as many people as possible to make their comments. I believe that this Bill is important enough for anybody who wants to speak to make a comment on it because it is a historic step we are going to take. Any step that we take here that will dot the *ise* and cross the *tees* in the Constitution is really historic. It will be painstaking, tedious and will need a lot of patience. There is no running away from that. So, as many people as would like to speak would be given the opportunity to speak but please, let us not repeat ourselves. If we keep our statements brief and direct to the point, it will give opportunity for many more of our Colleagues to speak.

**Senator George Anthony Manzo** (Taraba North): Mr. President, I want to align myself with my Colleagues that have spoken before me in support of this very important Executive Bill. After all, the People's Democratic Party, the largest Party in Africa, one of the platforms on which we came to power was the Seven Point Agenda and Land Reform is an important one.

President Umaru Musa Yar'Adua is just doing what is right by fulfilling the promise that we made to Nigerians and this Bill, in my opinion, is the beginning of the process that, perhaps, has come too late but is better late than never.

I hope that it will not suffer the fate of one of the recommendations of the Uwais Committee to the effect that the States Independent Electoral Commissions should be eliminated only for the Executive to turn back at the National Council of State and reversed themselves. I hope also that our Colleagues in the State Houses of Assembly in consultation with the Governors will do their work so that these things can easily pass. In fact, if we carry these key stakeholders on board, we can easily amend this thing in less than a month.

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Perhaps, a better way of looking at this Amendment would easily be to remove the component of the Constitution that is Section 315 that has to do with Land Use Act. The use of land is very dynamic. As the economy of the world changes, so also is the use of land. It makes it cumbersome to tie the process of amending the Land Use Act with amending the Constitution. I only hope that when this goes to the Committee, the Committee would remove that component completely from that Section that says we will have to amend the Constitution before amending the Land Use Act.

Finally, this is a very good Amendment and I want us to support it so that we can support our President so that we make progress. He is a President that the largest Party in Africa has given this country.

**Senator Ike Ekweremadu (Enugu West):** Mr. President, I rise to contribute to this historical debate. Today, we embark on a major assignment of restructuring our Constitution and our land management system. I want to start by commending the PDP Government for keeping the electoral promises to the people of Nigeria. One of which is to embark on a land reform. Yesterday, we received a number of Bills, dealing with Electoral Reform which is part of the promise of the PDP Government.

Let me also do some historical participative leading to the point where we are today in respect of land administration. After the passage of the Land Use Act by Military Decree in 1978, the then government felt that in order to secure that landmark Decree, it was important to have it entrenched in the Constitution. Prior to 1978, we had a diversified system of land management in Nigeria which was as diversified as the country itself. The Northern, the Southern and the Eastern Regions of the country then had different land management systems. For the purposes of a uniform national development, there was need to have a uniform policy. That was what informed the Land Use Act of 1978.

They proceeded to make land available to people who needed it without necessarily passing through the difficult system of acquiring land from villagers, communities and individuals and so the government came up with the Land Use Act that enabled the Governors to own the land as trustees

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for the ordinary people of Nigeria and manage same on behalf of all of us. Unfortunately, this well intended Act had been abused.

For those who are Lawyers and those who have tried to do business in the past with banks would know the frustration of getting the consent of the Governor to mortgage so that they can have access to funds. What this Bill is now seeking to do, is to ensure that if you have a parcel of land, you have a property either in the village or anywhere, you can approach the bank and the bank can give you money on the understanding that there is a mortgage created using that land without necessarily going to receive the consent of either the Governor or the Local Government Chairman. That is the summary of all these.

But in spite of that you still need consent to assign, that is, if you have a Certificate of Occupancy for 99 years and you want to give out the remainder of that 99 years then you must need the consent of the Governor. But for the routine management of land, such as sub-lease and mortgage, all you need to do would be to have it registered and then you can collect money from the bank and do your business. This is the trend all over the world. People are beginning to reduce all these protocols and all the problems that have to do with land management so that people can have access to land.

We are talking about Vision 2020:20; we want to be one of the 20 most developed countries in the Year 2020:20. When you are assessing a developing country, one of the indices is the issue of how fast you can do business; how you can get approval when it is required; how soon do you have turn around in doing business and getting consent. So, it is part of the government's effort to achieve Vision 2020:20 for us to reduce this aspect of people having access to fund, using their own properties without necessarily seeking for consent. This is a good development.

When this Act was entrenched in the Constitution pursuant to Section 315(5), the intendment was that if you want to amend that aspect, you need to amend it in accordance with Section 9(2) which deals with the procedures for amending the Constitution. As we do this today, I also want to suggest that in amending this Land Use Act in accordance with Section 9(2), we also have to think possibly of removing the Land Use Act

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completely from the Constitution so that in future when we have need for further Amendment, we do not need to go through the same procedure of a Constitutional Amendment. All that would be needed to do would be to bring it to the National Assembly for routine Amendment. That will depend on what the people we represent, the ordinary people of Nigeria want us to do. But that is my humble suggestion.

I have also gone through the Bill itself and it appears to me that it has some inconsistencies and inaccuracies as well. If you take a look at Clause 8 of the Bill which seeks to amend Section 28 of the Principal Act, already the previous Clauses have talked about removing sub-lease from those dealing with land for which we need the consent of the Governor; but Clause 8 retained that. It is an area we need to look at. Sub-Clause (1) of that Clause 8 is worse than what it seeks to amend. Again, we need to look at it critically.

I support this move and I hope that we will have a date with history by the time we conclude debate on this Bill.

**Senator Mahmud Kanti Bello** (Katsina North): Mr. President, it is necessary to just make a little comment with regard to the excellent job that Mr. President is trying to do on behalf of this country. It is one of the noble objectives of this Government, to try to give something to the ordinary people of this country.

If we take a serious look into the Constitution, the Land Use Act says that you can only amend it like you are amending the Constitution via Section 9 of the Constitution. The Land Use Act came into force before the Constitution of 1999. This was done by the former Military Government, otherwise called the Supreme Military Council. They were patriotic and they did it in the best interest of the country, but in doing so they gave so much powers to the Governors, such that to me, is not in consonance with Section 43 of the Constitution which talks about the right to acquire and own immovable property anywhere in Nigeria. That Section says: *Subject to the provision of this Constitution, every citizen of Nigeria shall have the right to acquire and own immovable property anywhere in Nigeria.* But when you own it and you want to get some money out of it, you must get the consent of somebody before getting the money. That means that in reality, your right is being

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infringed upon. You are not totally the owner. For example, if I own a shirt, I should dispose of it anytime I like and do what I like with the money. It is not so with land. That to me, appears to be in contradiction with Section 43 of the Constitution.

Since that is the case, it is therefore, very important for us to amend the Land Use Act. My understanding in a very simple way as a simple Engineer, is that what the Amendment is seeking is not to look at Section 9, *per se*, but that we should pass the Bill by two-thirds majority. It is my honest view that this hallowed Chamber of the Senate, should do its own bit, pass it by 2/3 majority and let the House of Representatives pass their own. That is how it should be done. Then we send it to the States for concurrence.

**The President:** Distinguished Senator Simeon Oduoye. You have all been accusing former Governors, it is time they defend themselves now.

**Senator Simeon Olasunkanmi Oduoye** (Osun Central): Mr. President, I would want to associate myself with the submissions of my Colleagues supporting the consideration and passage of this Bill.

I would like to commend the initiative of Mr. President of the Federal Republic of Nigeria in tackling this problem. I would equally want to commend the Senate Leader, who actually took time off to compare the old Act to the new one and brought out all that the new Act has set out to achieve in paragraphs 1 to 7 of the lead debate.

Before I continue, I would like to make an observation of the old Act. The old Act was passed to correct some evils within the society and it has worked. If you could remember, many years back the Federal Government found it very difficult to get land for use for developmental purposes principally, talking of building of low cost houses all over the country; and even development of industrial centers. Now that we seem to be in agreement to remove the aspect of consent and amend the Section that makes the Federal Government the sole owner of all the lands within the State of Nigeria, we have to be very careful so that we do not over do it.

I would like to add that this Amendment would go a long way to assisting us in respect of food security. In some States of this country the

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ownership of land is premised on individuals, local governments and communities where you have only reserved areas where the State Governments exercise control. With the passage of this Bill into an Act we would take care of all these otherwise, the perennial land clashes among communities will continue.

At the State level, we still have some States that after many years of their creation are still fighting over boundaries issues. The new Act will equally reduce the friction that usually arises in the demarcation of boundaries between States as well as the Local Governments.

I am very sure that the heavy burden of the Amendment of the Constitution will be reduced if we accept in principle, the issue of picking all the hard knots one after the other and treating them separately. Some of the hard knots are the Land Use Act and the Electoral Act. I seem to agree with the attachment to Mr. President's request, that is, paragraph 9, where he recommended a Short Title of *The Constitution, First Amendment Act, 2009*.

**Senator Ahmed Mohammed Makarfi** (Kaduna North): Mr. President, the principles of the Amendment are sound and would promote economic development in Nigeria. But the problem is how we should proceed. That is where I really have my concern. We cannot give this any expeditious action. *(Interruptions)*

**The President:** I am sorry, Senate Ahmed. Please, Senator Gada, could you read our Standing Rule, Order 56(3) for me?

**Senator Gada:** Order 56(3) says: *Every Senator, when he or she comes into the Chamber, shall take his or her seat, and shall not at any time stand in any of the passages or gangways.*

**The President:** Since your absence so many things have changed in the Senate including getting up to talk not to talk of sitting to talk. Distinguished Senators, it is important that we listen to our Colleagues in this particular debate. Senator Makarfi, you may continue, please.

**Senator Ahmed Mohammed Makarfi:** In my opinion, you cannot pass this Bill and send it to State Houses of Assembly because it is not really a Constitution Amendment Bill.

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This Bill raises question on Section 315(5) whether all those Bills ought to have been stated there as part and parcel of the Constitution. But what it means is that anytime you come to review any aspect of those Acts, automatically you are reviewing the Constitution. So, it is my candid opinion that even this Bill should not go to the Joint Constitution Review but the Joint Constitution Review need to take note.

Probably, what ought to happen, in my opinion, is that we need to expunge those Acts from that Section and in matters to do with land, if it is put under Concurrent List, it makes legislation by the Federal Government superior to legislation by the State. After that would have been passed as Constitutional Amendment then you can amend that Act. You are amending an Act of the National Assembly. But the way as it is, all right, we pass it, it is not a Constitutional Amendment, but an Amendment of an Act and you cannot take that Act in particular to States. The only thing you can take to States is an Act amending the Constitution.

**Senator Kanti Bello:** Mr. President, Point of Order.

**The President:** Yes, Senator Kanti Bello.

**Senator Kanti Bello:** With all due respect to my Friend and a very good Accountant, please, kindly take a look at Section 315 of the Constitution which talks about existing law. From there you go to the Section 315(5) which says that:

*Nothing in this Constitution shall invalidate the following enactments that is to say –*

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

*(b) the Public Complaints Commission Act;*

*(c) the National Security Agencies Act; and*

*(d) the Land Use Act.*

*and the provisions of those enactments shall continue to apply and have full effect in accordance with their tenor and to the like extent as any other provisions forming part of this Constitution and shall not be altered or repealed except in accordance with the provisions of section 9(2) of this Constitution.*

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If you go back to Section 9(2) it says that we should have two-thirds and the States should have two-thirds and it is very clear. This is how it should be and that is how it should be taken.

**The President:** You have interpreted the Constitution correctly. We cannot alter anything in the Land Use Act. That is what Section 315 is saying in effect. We cannot just take it out and begin to alter it. In any case, that one just came as a mere comment on his contribution. Your Point of Order is sustained. Your interpretation is correct except that you do not need to come by way of Point of Order because that is his own opinion on the Constitution.

Senator Maikarfi, you may continue please. Senator Kanti Bello is right. We cannot alter anything on the Land Use Act. Once you do, you are amending the Constitution. That is what Section 315 is saying.

**Senator Ahmed Mohammed Makarfi:** Well, I believe you have concluded my debate because by passing the Amendment we would be altering the Land Use Act except we amend the Constitution and that is what I wanted to submit.

**Senator Eme Ekaette Ufot** (Akwa Ibom South): Mr. President, a lot has been said. Land is an integral part of everybody's life. What we have experienced over the period is that we have not been able to use the land properly because of the laws that exist on the management of land in this country. A situation where in the urban areas that you spend so much money chasing a few square metres of land and you have many hectares in the villages which we cannot put into use because it does not have value. To that extent, I believe that the amendment being sought is very useful. It would help the peasant people at home to use their land as collateral and it would help to improve their income and their way of life.

I believe that the process itself to amend the Land Use Act as enunciated in the Constitution and read by the Chief Whip makes it a bit difficult for us to ignore the starting of that Committee that has been set up to review or look into the Constitution.

There are so many pressing issues that we need to look at but we can choose a few of them and address them and not to do a wholesale review of

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the Constitution. I believe that the Amendment sought after is something that we should look at.

**Senator Uche Chukwumerije** (Abia North): Mr. President, before I go on to make my very brief point because I am always brief, more so that this debate has been on for two hours now and for those two hours all I am hearing here is a PDP platform punctuated with PDP euphoria, happiness, praise singing and all that. I do not quarrel with that. I am only concerned with the danger of allowing this august dignifying Institution to slip down to a partisan organisation. I will very much pray, that in future we cut off reference to any party in this hallowed Chambers that is what the Senate is supposed to be. It is a House of mature Statesmen guided by non-partisanship and objectivity. On that note, I go to the point I want to make on this.

I want to associate myself with all the speakers on the positive aspects of this Bill especially on the efforts the Bill is making to cut down on the areas of Executive arbitrariness and on speeding up the process of land acquisition. But I am worried about one aspect of this Bill. Put together, the Bill in my own opinion, primarily expresses the corporate voice of Nigerians. It is true that the Bill is geared to the direction to open up the country for commercial and industrial development but in the course of doing that the Bill does not argue with the same clarity and vigour the rights of the small land owners, the peasants and the *talakawas* as it does the one of the big prospective businessmen which it is canvassing for. I am, therefore, saying that when this Bill goes to the Committee stage the Committee must pay a little more attention to the rights of these little landowners before we end up with the social consequences of land robbery that took place in Latin America and in more recent case in South Africa. In my own opinion, there are four areas I would like attention to be given to at the Committee stage.

One is on the area of the time limit for a proposed period that a land being granted any prospector is to stay. It is necessary to have this kind of time limit in order to make sure that we check the activities of speculators.

The second is the area of the future of ownership of the land itself. The Bill should have a specific Clause making any land non transferable. This is a way of helping us to check the activities of speculators.

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The third one is the Sections on the use of land that is, the use of which the land is being applied for is very vague. It refers to what it calls agricultural, housing *et cetera*. At the Committee stage this section should be further clarified.

Then the last one is the rights of the small landowners. Just as we are accelerating the Bill in order to get land to the big landowners, we should accelerate the process of making sure that the peasants get their rights before the actual effective transfer of the land.

The Bill vaguely refers to two areas, resettlement and compensation. There should be a time limit to settlement of these two issues, resettlement and compensation before the actual transfer of land to the new prospective owners.

With these few Amendments, I support the Bill fully.

**Senator Jibril M. Aminu** (Adamawa Central):  
Mr. President, thank you very much for giving me the opportunity to speak.

Let me start by declaring my assets and liabilities. I am a very loyal member of the party and I support the President, Commander-in-Chief in his Seven Point Agenda programme. I also support the move to amend the Constitution and call for cooperation among all concerned.

There is no question about trying to alter this Land Use Act is to alter the Constitution, therefore, we should approach it with that in mind. In my humble opinion, we should do our job and when we finish in whatever Committee no matter who is the Chairman or Co-Chairman that would be charged with this, we hand him over the product of our action.

Land is the most important resource. The Head of State who promulgated the Act made an everlasting point. Nobody can claim that his grandfather contributed to the creation of any portion of the surface of the earth. Land belongs to the people. A distinguished Senator said, only three *per cent* of the Nigerian land is titled. I humbly disagree because under the Land Use Act the Nigerian land is 100 *per cent* titled given to the people. The land is given to the people and ownership of land is the ultimate in loyalty and patriotism and words are just a fake or successful

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by the way land exchanged hands. So, land is very fundamental, and I urge the Senators to approach it with that in mind.

The Land Use Act is one of the most important social justice regulations ever made, taking land from the hands of a few people and giving it to everybody and giving it to a State Government. When they said Governor, it is just a legal language, I am not a Lawyer but it means the State, the Ministry of Land, the Commissioner for Land, his staff and everybody, it is not always the Governor, so do not always read it that it is the Governor. They said it is the Governor, it is the State Government of a particular State.

When this Land Use Act as decree was going to be promulgated, a lot of resistance was building underground from land speculators, the elites who used to have large portions of undeveloped land and go to banks to get capital out of it whilst the poor men could never do anything like that. While people said land belonged to their grandfather or their ancestors and they did whatever they like with it and the ordinary people never did. Now, we are all land users in this country and that is the essence of the Land Use Act. There are no more landowners in this country and this concept should not be changed.

The next point is that if you look at this Amendment, with all respect, it only leaves the State Governors or the State Governments with assignment in which case, let us call it, Land Assignment Act but the whole essence of controlling the use of land is what is the heritage of everybody. You can not really say this cannot be; you do not need the permission of the Governor or the State to do this and that, I do not think that is right.

Besides, if you give part of your lease to somebody then the only thing you do is to change the Certificate of Occupancy (C of O) and that is asking for the permission of the State Government. It is not difficult in changing the C of O. All you need is to go to the Governor and nobody says it would be difficult. I think we should not overdo issues.

I honestly think that this Act is good. It should be left as this except for some, maybe, minor Amendments just to satisfy certain requirements. Like, people should be free to mortgage the

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development they have made. Mortgaging a development you have made is different from mortgaging the land. Mortgaging a house you have built, is different from mortgaging the land. I think these are matters for lawyers to sort out. It is not really for us.

I also appreciate the point made about political obstruction by State Governors. I remember a Governor in the old Oyo State in the Second Republic that said they should demolish houses built by President Shagari in Oyo State because that was politics. These things do happen but eventually, it was sorted out. I do not think these are issues we should go into because the Federal Government still get land to build barracks, universities, roads and whatever. I have not heard anywhere where the Federal Government wanted to engage in a meaningful development and could not get land because the State Government refused to give them. That is an important point to note.

In my humble opinion, and as a simple doctor, I would have liked to be shown in what way the Land Use Act has obstructed the Seven Point Agenda. The Executive should have helped us a lot to show us in what way the Land Use Act has obstructed the Seven Point Agenda. As a loyal member of PDP, I cannot see that right away. Therefore, I will urge that we should be very careful about this.

A country has to stand for something. The country stood for something in making sure that the NYSC survives and remains and see what it is doing for the country. The country stood in to ensure that the Public Complaints Commission survives; that Public Office holders should not have bank accounts overseas survives; that the National Security Organisation survives, and that the Land Use Act survives. These are things that show our sense of value as a people in this country. We should not easily change it simply because we are in a position to do so.

I honestly believe that this is a good Bill and we should do what we can to help, but if we are really going to be left with a Land Use Act instead of a Land Assignment Act, we should be very careful about it. No matter what Committee this is referred to they should please, bear this essence in mind that the intendment is to bring social justice, shore value to our land, and our patriotism in this country.

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I will like to say that the only changes that can be made if you want to assign a property you have developed, you should be able to assign it and just get a change of C of O. But for us to stop State Governments from controlling land use by saying that you can sale the land, give it to any foreigner, do whatever you like and the authorities do not have to know, then I do not think we are controlling land use. We are allowing another free for all fight. This is a social justice legislation which has been left. It should survive and I urge the Senate to sincerely do so.

**The President:** That was the comments of a simple doctor and since we are going to get more comments, may we get the comments of a simple officer and gentleman.

**Senator Mohammed Mana** (Adamawa North): Mr. President, a lot of comments have been made on the Amendment of the Land Use Act. The Land Use Act or the Land Use Decree was promulgated by the Head of State and his colleagues in 1978. At that time, it was found necessary because development was inhibited. You could not construct a road, build a school or do anything meaningful, without any portion of the land being claimed by one family or the other. At that time the Decree was very necessary and it has served its useful purpose. Thirty-one years after, we are being presented with a request for the Amendment to the Land Use Act. I think that thirty-one years is a long time. Only yesterday, we had a Bill here on the Grazing Reserves and Cattle Routes and we made it very clear that unless the Land Use Act is amended, it is not possible to create that Commission because the Commission will not be able to function.

So, I want to commend Mr. President for bringing this Land Use Act Amendment Bill and for saying that 31 years after there is need to amend, perhaps, portions of the Act. There is no gainsaying the fact that the points raised by my senior Brother here are valid. There is need to look at the Land Use Act and seek to amend it in line with the aspirations and requirements of this country.

I, therefore, commend Mr. President for bringing this Land Use Act Amendment Bill, perhaps, when we refer it to the Committee some portions of the Land Use Act, not the way it is proposed here, because as has been said, land is a

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very precious commodity that should belong to all Nigerians. Therefore, from time to time, there may be need to legislate on it. I, therefore, agree completely with people who are saying that we should remove the Land Use Act from the Constitution so that from time to time, we can amend it for the good of the country and the people.

**Senator Anyim Ude** (Ebonyi South): Mr. President, the issue of land use has its own peculiarities in different parts of the country and that was why I was excited when the lead debate says on page 2 that this Amendment will address the following issues and the issue that interested me was No. 6 which is to ensure that land cadastral boundaries and title holdings are demarcated in such a way that communities, hamlets, villages and towns will be easily recognisable.

In our part of the country, there is so much land dispute between towns and villages leading to unnecessary loss of lives. I am hoping that this Amendment will address such issue. One way I think it will do that is by means of demarcation. In Ebonyi State in particular, we have lost so many lives in the past three months because people are struggling over land.

The second point I want to make is the issue of passing on this Amendment Bill to the Committee on the Review of the Constitution. I align myself with what you said earlier on this matter. If we go on with holistic approach, we may not take off. Already, we have a log-jam and there is a saying in my own part of the world that when a bird is dancing on a road the drummers must be somewhere in the bush.

I suspect that this log-jam is being influenced from outside the hallowed Chambers. I may be wrong, otherwise I do not see why we should have lost about six months in putting our house together to allow that Committee take off. Anything that we send to it will be cut up in the log-jam. We would rather be taking these issues one after the other and I hope that someday, too, we shall have a Bill on the state creation.

**Senator Joseph Iorshagher Akaagerger** (Benue North-East): Mr. President, I join my Colleagues to commend the singular and spectacular effort of Mr. President, Leader of the People's Democratic Party for bringing this very

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innovative structure to the Constitution with particular respect to the Land Use Act.

Let me take a step backwards to commend the authorities of yesteryears who produced the Land Use Act. I would like to say that beyond this we should look at the beneficent potentialities of the Land Use Act as it stands with particular respect to the issue of the destruction of feudalism with respect to land ownership in Nigeria. At this time with the reasons adduced by my Colleagues, I urge each and every one of us to support this Amendment.

Let me at this point stress a point that has already been demonstrated before the Senate here and that is the issue of Constitutional Amendment. It does appear from the provisions of Section 315(5) and 9(2) of the Constitution as if the issues have been cast and cannot be explored. I stand by Senator Kanti Bello to say that this is a test case for us to begin to look at those areas such as the Land Use Act to begin to pass them here in the Senate and have the same thing done by the House of the Representatives which will then be sent to the State Houses of Assembly for ratification. I believe that we do not need to go back to the Joint Committee on Constitutional Review to do this. We can kick start it by passing it by two-thirds majority and then initiating the process under Section 9(2) of the Constitution. By doing that, we would have jump started and hurried up efforts of taking Nigeria where we want to be by 2020.

**The President:** The last few names I have left are Senators Idris Audu, Annie Okonkwo, Naomi Akwashiki, Ahmad Lawan and Oturu Ohize. This is a Constitutional issue and once you raise your hand I will give you a chance to speak but do not over emphasise the point already made by somebody. If you make your own point direct and brief, then we will make progress.

**Senator Audu Idris Umar** (Gombe Central): Mr. President, let me join my Colleagues in commending the bold initiative of Mr. President in bringing the Bill seeking to alter the provisions of the Land Use Act of 1978.

Land administration, land management, land control are highly controversial issues. It is highly controversial and volatile in the sense that anything that will touch on land administration must be done

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with utmost caution. It is against this background that Mr. President has thought it wise to present this Bill seeking to amend the Land Use Act in piecemeal touching on a very less controversial but important area. I am sure in the course of time, we may have to go further to make some substantial Amendments to the Land Use Act.

However, because of the highly volatile and tempestuous nature of land control and land use, we need to limit ourselves to those that are less volatile and tempestuous for the moment. I am sure that as democracy grows Nigerians and, indeed, legislators will realise the need to look at some of these legislations and, indeed, the provisions of the Constitution.

Senator Kanti Bello raised a very fundamental issue when he referred us to Sections 43 and 44 of the Constitution which give every Nigerian the right to acquire land. He raised the question as to the contradiction of the Land Use Act against the provisions of the Constitution itself. It was in consideration and realisation of this obvious conflict that the drafters of the Constitution deliberately inserted the Land Use Act under Section 315 in such a way that you cannot just wake up one day and seek to amend it. Indeed, it would have created a lot of problems in our judicial process. Therefore, I see the introduction of this Bill as a major step towards further reformation of our land use and land administration.

Essentially, this Bill is seeking to achieve one major thing and that is to remove the cumbersome procedure of land transaction especially as it affects mortgages, transfer of possession and sublease. These are the three things that the Bill is seeking to do. It wants to remove the requirement of obtaining Governor's consent before one can create a legal mortgage or effect transfer of possession or to create a sublease. But in area of assignment, that is land transfer, if you want to sell land you still have to obtain Governor's consent. That is the spirit of this Bill.

In addition to that, the mere fact that this Bill is seeking to take off the requirement of obtaining consent to create legal mortgage does not obliterate or take away the requirement of stamping any legal mortgage, sublease or transfer of possession and then getting it registered at the Land Registry for purposes of notice. This point should be made very clear that the essence of this Bill is to take away the

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rigorous of applying for consent of the Governor to create a legal mortgage. In that way you will have easy access to loan in the bank either for commercial or agricultural purposes or any other purposes if you so wish. Hitherto, it has been very difficult and sometimes impossible to obtain Governor's consent. Banking and financial transactions are quite often than not frustrated because of the various attitudes of the various land administrators in granting consent.

Let me look at the arguments some distinguished Senators have made on the desirability or otherwise of referring this Bill to the Joint Constitution Review Committee of the National Assembly. The Leader of Senate in his lead debate recommended that this Bill should be committed to the Senate Committee on Constitution Review for further legislative action. I wish to say that it might not be very necessary. It might be necessary because we have relevant Standing Committees of this Senate that have to do with land administration. The Housing Committee and the Committee on Judiciary can very adequately handle this.

I am saying this because there seems to be some allusion that the Constitution Review Committee of the Senate will still have to wait for the Joint Constitution Review Committee of the National Assembly in order to carry out the exercise. If we look at the spirit of Section 9 of the Constitution it never contemplated that there has to be a Joint Committee of the National Assembly before either the Constitution or any legislation contained in Section 315 of the Constitution is amended. With your permission, let me read Section 9 which says: *The National Assembly may subject to the provisions of this Section alter any of the provisions of this Constitution.*

Then Sub-Section (2) says:

*An Act of the National Assembly for the alternation of this Constitution not being an Act to which Section 8 of this Constitution applies, shall not be passed in either House of the National Assembly unless the proposal is supported by the votes of not less than two-thirds majority of all the members of that House and approved by resolution of the Houses of Assembly of not less than two-thirds of all the States of the Federation.*

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To that extent what the law simply says is that we should commit this Bill to the relevant Committee or Committees. The Committee or Committees would work and report back to the Senate, then we would resolve into the Committee of Whole to consider the Bill Clause by Clause just like any other Bill. But in passing any Clause it must be supported by two-thirds of the total number of Senators and not the total number of the quorum. Therefore, this is not very cumbersome as it is being anticipated because we do not need to refer it to any Joint Constitutional Review Committee.

In any case, even if the Joint Constitutional Review Committee is doing its work, nothing precludes the President from bringing Bills seeking to amend any Section of the Constitution. So, it is right that we take these Amendments in piecemeal. The President or any Senator or any Member of the National Assembly can propose a Bill for the Amendment of any Section of the Constitution. It does not have to be through the Joint Constitutional Review Committee. We only felt that a Joint Constitutional Review Committee would have lessened the rigours of these Amendments and, perhaps, collate inputs from individuals.

But somehow, since the Joint Constitutional Review Committee has been hedged we may not have to continue to wait. I did not see the problem as being fundamental. We can proceed with what we have before us. If any Senator wishes to propose any Bill to amend any Section of the Constitution, he can do so and Mr. President can also do so. For that reason, I suggest and it is my very strong opinion that this Bill should be referred to the Joint Committee of Housing and Judiciary for appropriate legislative action after the Second Reading.

**Senator Ibrahim Ahmad Lawan (Yobe North):** Mr. President, I have the mandate of my people to support every good piece of legislation that is brought before this Senate. That by implication, means that I have also the mandate of my people to oppose any piece of legislation that would work against our collective interest. This Bill, in my opinion, is very elitist. It is in my view that the Bill is completely characterised by corporate interest, rather than the interest of the very peasant farmers and the masses that we represent in this Chamber.

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Under normal circumstances, a Governor is elected by the people. Under the normal circumstances that should prevail, a Governor personifies the aspirations and collective interests of the people of the state. Therefore, any reference to the Governor in the Land Use Act, in my view, is equal a to reference to the people of the State. The land belongs to the people and the people are represented or personified by the Governor. The Amendments being sought for in Sections 5, 15, 21 and 22, in my view, would rob the people of what is rightfully theirs.

Nobody should believe that once you possess a land then you have the right to mortgage it without reference to the Governor or to the people. Or that you can transfer it without reference to the people through the Governor something is fundamentally wrong with this kind of opinion because the people own the land.

Let us assume that the people do not want a particular land or property to be transferred because of certain reasons or they do not want the mortgage because at the end, the consequences of the mortgage would be adverse to their collective interests and aspirations, are we saying that their interests in this respect do not matter, therefore, the person in possession of the title should go ahead to transfer or mortgage the land without recourse to the people?

However, I believe that the Amendment sought for Section 7 is timely and genuine. It does not have to be 21 years because someone of 18 years of age is an adult, therefore, we could go ahead to consider that. But I believe that the people, especially the ordinary people of Nigeria should have the right to possess their land. I am not standing in for the Governors because they are only standing in for the people in their States. We are not talking of Military Governors or Military Administrators. We are talking of Governors elected by their people.

I oppose the Amendments being sought for Sections 5, 15, 21 and 22 and I want my people to continue to own land that belongs to them and so should the rest of Nigerians.

1545

**The President:** Senator Lawan, I am not too sure that I followed the central point of your debate because what you said precisely is what the Amendment is seeking? Anyway, there is no problem. You have made your points. Is there any other opposing view?

**Senator Patricia Naomi Akwashiki:** Mr. President, anything that seeks to give land to the people if it is going to make it possible for them to own land and to take part in everything that would make their lives better, I am for it. Reading Clauses 5, 7, 15, 21, 22, 23 and 28 I fail to understand the purpose for this Bill. If a Governor would assign land but you do not need his consent when you want to mortgage, I fail to understand that aspect. There is a little bit of gap for me. This is because it is at the point of consent that you would know the status of a land; to know if it has been revoked and if the person who has a Certificate is still holding on to the land. Or whether the land has been transferred or it is still with the original owner. I am not opposed to the Bill but there is a little gap.

When you are assigning land, let us take FCT as an instance; when you go for an assignment or a mortgage it is the Deed Officer that will sign. It does not really have to be the Minister or the Governor. I do not know if it is different in the States because I have never sent in a land for mortgage at the State level but I know about FCT. The Deed Officer is always sitting in and there is always no problem in ascertaining whether you are still the legal owner of the land or the title has changed hand. The Deed Officer would stamp and sign it.

If what this Bill is saying is that you do not need consent to mortgage, I fail to understand what it will achieve. Even our Financial Institutions will find it difficult to deal with owners of land if there is no consent and if nobody would tell them that you really have the title to the property. I do not know who will perform the function of verifying that? It is at the point of consent that you verify the real status of the land. That is my problem with this Bill otherwise I have no problem with it.

**Senator Chris N. D. Anyanwu** (Imo East): Mr. President, I have a Point of Order!

**The President:** Point of Order, Senator Christ Anyanwu.

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**Senator Anyanwu:** My Point of Order is Order 13(3) which says:

*Fifteen minutes before the time appointed for the termination of a sitting, the President of the Senate shall interrupt the business under discussion and unless the closure is moved, its resumption shall be appointed for such day as the Senator in charge of such business shall name, and if the Senate shall be in Committee at that time, the Chairman shall interrupt the business and unless the closure is moved shall leave the Chair forthwith to report progress to the Senate.*

I do not think I should read the rest.

**The President:** So, what are you requesting for now?

**Senator Anyanwu:** We have not conformed to the Rule. Fifteen minutes have passed and we have almost three minutes to go.

**The President:** You are absolutely right. I have not extended the time. Once it is 2.00 o'clock, we close. I sustain your Point of Order. She is right and once it is 2.00 o'clock the debate stops. First of all, it is late for me to extend the time. The Leader of Senate has not asked for it and once it is 2.00 o'clock, that will be the end and we will just close.

We have got only few minutes to go and the few minutes that we have can only be sufficient for the Senate Leader to carry out the procedure of closing for the day today.

**Senator Teslim Kolawole Folarin:** Mr. President, for time constraint, I want to move that we suspend debate on this all important Bill till the next legislative day.

**Senator Adeleke Olorunnimbe Mamowora:** Mr. President, I rise to second the Motion as moved by the Senate Leader.

*Question put and agreed to.*

**Resolved:** That the Senate do suspend debate on the Bill till the next legislative day.

**Senator Teslim Kolawole Folarin:** Mr. President, I move that we step down the last item on the Order Paper to another legislative day.

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**Senator Mamowora:** Mr. President, I rise to second the Motion that the next item on the Order Paper be stood down to another legislative day.

*Question put and agreed to.*

*Resolved:* That the Senate do stand down the last item on the Order Paper to another legislative day.

#### ADJOURNMENT

**Senator Teslim Kolawole Folarin:** Mr. President, I now move that this Senate do adjourn till tomorrow, Thursday, 7<sup>th</sup> May, 2009 at 10.00 a.m. prompt.

**Senator Mamowora:** Mr. President, I rise to second the Motion as moved by the Leader of the Senate.

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#### ANNOUNCEMENT

##### Closed Session

**The President:** Before I put the Question there will be a Closed Session tomorrow, starting 10.15 a.m. I will urge all of you to be present because important issues would be raised before we start our Session. We will finish with the Closed Session before we actually go into our proper Session.

As you can see, already issues that involve Constitutional Amendment are very important and it is only proper that everybody is given a fair chance. If you raise your hand and I did not call you today, I have your name down; I will definitely call you tomorrow to speak.

*Question put and agreed to.*

*Resolved:* That the Senate do adjourn till Thursday, 7<sup>th</sup> May, 2009 at 10.00 a.m.

*The Senate adjourned accordingly at 2.00 p.m.*